

PART III - ZONES	
Clause 3.2 Zoning Table	
<i>Proposed Modification</i>	<i>Justification</i>
1. Reconfiguring the zoning table such that the 'City Centre' zone appears after the 'Mixed Business' zone and before the 'Strategic Industry'.	Clause 3.1 of the Scheme outlines the land use categories within which zones exist. Broadly speaking, the zones are categorised into four general land uses types: Residential, Commercial, Industrial and Rural. The 'City Centre' zone appropriately sits within the Commercial land use category, however does not appear in the same order within the zoning table. This amendment will bring the zoning table into consistency with the order and categories outlined in section 3.1.
2. Change the use class of 'Home Business' within the Residential zone from an 'AA' use to 'SA'.	As outlined in clause 3.2.2 of the Scheme, an 'AA' use means the use is not permitted unless Council grants approval while 'SA' use means that the use is not permitted unless Council grants approval after giving notice under clause 4.3. Ultimately, this proposed amendment means that a "Home Business" is only permitted after Council has granted approval and mandates that consultation with owners and occupiers likely to be affected by the proposed "Home Business". This provision ensures that "Home Business" applications are referred to nearby residents for comment.
3. Insert 'SA' into the blank cell in the Residential zone for the land use class of "Home Occupation".	The cell has been erroneously left blank. Including "SA", as discussed above, permits "Home Occupations" once Council has granted approval and only after undertaking consultation.
4. Insert "Home Office" as a use class into the zoning table in position number 8 (directly above 'Hotel') and allocate it as a 'P' use in the 'Residential' zone, an 'AA' use in the 'Town Centre', 'Commercial', 'City Centre', 'Tourist' 'Rural' and 'Rural	To recognise "Home Office" as a Use Class in the Zoning Table, not just Local Planning Policy DP4 – Home Occupation, and to assign appropriate level of discretion (level of permissibility) to zones.

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	Residential' zones and an 'X' use in the 'Industry', Strategic Industry', 'Mixed Business' and 'Transient Workforce Accommodation' zones.	
5.	Renumber Use Classes 'Hotel' to 'Transient Workforce Accommodation' inclusive from '8' to '17' to '9' to '18'	This is a formatting change to accommodate the 'Home Office' inclusion into the land use table.
6.	Insert "Driver's Accommodation" as a use class in position number 19 directly following 'Transient Workforce Accommodation' and designating it as an 'IP' use in the 'Industry' and Strategic Industry' zones and an 'X' use in all other zones.	'Driver's Accommodation' is a defined use within the Scheme however does not appear in the Zoning Table. The proposed amendment allows for the approval by Council of the use in the 'Industry' and 'Strategic Industry' zones, only provided the use is incidental to the predominant use of the site. By definition, the predominant use of the site would be required to be a road freight terminal. Clause 6.16 specifies the development standards for such a use.
7.	Change the use class of 'Consulting Rooms' within 'Precinct 4' of the City Centre zone from an 'X' use to 'SA'.	The 'X' annotation for consulting rooms in the zoning table appears to be an anomaly. While the objectives for Precinct 4 endeavour to encourage a range of short stay accommodation options including hotels, serviced apartments and resorts, planning officers are generally of the view that the inclusion of consulting rooms as a discretionary use will not be out of kilter with the general character and objectives for Precinct 4 of the City Centre zone.
8.	Renumber Use Classes 'Abattoir' up to and including 'Tavern' from '18' up to and including '75' to '20' up to '77'.	This is a formatting change to accommodate the 'Driver's Accommodation' inclusion into the land use table.
9.	Remove the hyphen between the words 'the' and 'use' in clause 3.2.6.	This proposed amendment is to rectify a typographical error.

PART IV – USE AND DEVELOPMENT OF LAND

<i>Proposed Modification</i>	<i>Justification</i>
10. Insert 'Home Office' into section 4.1.3 of the Scheme , immediately following 'Family Day Care' and in position '(u)'.	The inclusion of 'Home Office' as a defined use class, given the minor and passive nature of such a land use, provides the appropriate exemption from

	requiring a planning approval. That is, provided the 'Home Office' operates in a manner consistent with the abovementioned definition and occurs in the zone where it is a 'P' use; there is no requirement to apply for approval to do so.
11. Re-alphabetise 'u' up to and including 'z' of clause 4.1.3 to 'v' up to 'za'.	This proposed change is to accommodate the insertion of 'Home Office' as a land use into section 4.1.3.
12. Renumber the sub-clauses within clause 4.8 – APPROVAL SUBJECT TO LATER APPROVALS, from '4.8.1, 4.8.1 and 4.8.2' to '4.8.1, 4.8.2 and 4.8.3'	This proposed amendment is to remove a duplication of the same sub clause number (4.8.1) which is duplicated erroneously.

PART V - DEVELOPMENT OBJECTIVES AND LAND USE PLANNING POLICY	
<i>Proposed Modification</i>	<i>Justification</i>
<p>13. Replace the wording in the final paragraph of clause 5.1.2 of the Scheme with:</p> <p><i>“Note: Where a Local Planning Policy modifies Deemed to Comply provisions of the Residential Design Codes to the extent permissible in accordance with Part 5 and 6 of the Residential Design Codes, the Local Planning Policy shall prevail.”</i></p>	<p>In August 2013, The Residential Design Codes (State Planning Policy 3.1) was gazetted with a number of changes. One of the fundamental changes to the R-codes was a change in terminology from “Acceptable Development” to “Deemed to Comply” for design elements which proposals are measured against and from “Performance Criteria” to “Design Principles” for guidance in assessing design elements where discretionary decisions are required.</p> <p>In addition, the relevant sections of the R-codes were changed such that single and grouped dwellings previously assessed against section 6 are now assessed under section 5, while multiple dwellings which were assessed against section 7 are now subject of section 6. The rewording of the clause brings the Scheme into consistency with the updated terminology and clause numbers of the R-codes.</p>

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14. Realign clause 5.1.3 so that it is justified in alignment with clause 5.1.2 and renumber the sub-clauses within clause 5.1 – LOCAL LAND USE PLANNING POLICIES, such that the duplication of 5.1.3 is replaced in numerical order such that Clause 5.1 begins with subclause 5.1.1 and ends in 5.1.6	This is a formatting rectification and results in the clauses appearing with similar hierarchical value. It also removes an erroneously duplicated subclause and thereafter appropriately renumbers the subsequent clauses.
15. Under Clause 5.2.1, add the City Centre zone to the list of zones that may require the preparation of a Development Plan prior to considering subdivision or development proposals as follows: “(f) City Centre zone”	The addition of the City Centre zone under this clause will, in addition to the other zones and precincts (a – e), allow Council the flexibility to request the preparation of a Development Plan prior to considering subdivision or development proposals for the City Centre Zone.
16. Renumber the subclauses within clause 5.6 of the Scheme so that the final point is allocated (iv).	This amendment is to rectify a typographical error in which sub clause (iii) is duplicated.

PART VI - DEVELOPMENT REQUIREMENTS	
<i>Proposed Modification</i>	<i>Justification</i>
17. Add the words “AND DEVELOPMENT CONTRIBUTION AREAS” to Part VI such that it now reads: “PART VI DEVELOPMENT REQUIREMENTS AND DEVELOPMENT CONTRIBUTION AREAS”	In order to require the contribution to community infrastructure from developers, it is required to have the necessary powers inserted into the Town Planning Scheme. Such Developer Contributions allow Council to seek financial or other contributions from developers generally undertaking significant development. Generally speaking, a Council cannot seek financial contributions unless they can be attributed to a specified project or infrastructure. An example of this could be a developer undertaking development which results in the addition of 100 dwellings in an area, contributing financially to the upgrade of an existing library. The insertion of this wording simply recognises the insertion of a clause relating to Developer Contribution areas.

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<p>18. Delete Clause 6.3.2 of the Scheme and renumber part 6.3 such that what is currently 6.3.3 becomes 6.3.2.</p>	<p>The deletion of this clause is warranted as the zoning table provides the sufficient statutory power and provides sufficient guidance as to land use permissibility in the 'Residential' zone. The renumbering is required for appropriate formatting and numbering of the Scheme.</p>
<p>19. Insert the following text as Clause 6.5.1 of the Scheme and renumber current clause '6.5.1' to '6.5.2', current clause '6.5.2' to '6.5.3' and current clause '6.5.3' to 6.5.4':</p> <p><i>"6.5.1 Transient Workforce Accommodation is a temporary response to housing need which is related to major projects. The dwellings under this definition are to be viewed as temporary accommodation for non-resident workers. All approvals under this definition shall be granted with time-limited approvals."</i></p>	<p>The purpose of the amendments 17, 18 and 19 is to remove ambiguous and poorly drafted text relating to Transient Workforce Accommodation (TWA) developments. The insertion of additional clauses also provide greater clarity of the expectations and requirements in regard to the intent of TWA developments to how they are dealt with on an ongoing basis to ultimate removal.</p>
<p>20. Replace current clause 6.5.4., (which will represent as clause 6.5.5') with the following text:</p> <p><i>"6.5.5 Planning applications for transient workforce accommodation shall be accompanied by information and plans indicating how and when the development will be removed and the site rehabilitated or developed for a different use intended for the zone."</i></p>	
<p>21. Insert the following text as clause 6.5.6:</p> <p><i>"6.5.6 Six months prior to the expiry date of an existing approval, a planning application, in accordance with clause 4.2 of the Scheme, must be made for extension to any existing approval. Council shall determine such an application for an extension in accordance with clause 4.5 of the Scheme."</i></p>	
<p>22. Replace the words "Acceptable Development" with the words "Deemed to Comply" in clause 6.6A.4 of the Scheme.</p>	<p>This updates the terminology used when considering residential development as discussed under point '12'.</p>
<p>23. Replace Clause 6.11 CONTROL OF ADVERTISEMENTS in its entirety with the following:</p> <p>"6.11 CONTROL OF ADVERTISEMENTS</p> <p>6.11.1 Power to Control Advertisements</p>	<p>Currently signage in the Shire of Roebourne is controlled solely based on provisions of Council's Signs, Hoardings and Bill Posting By-Laws. Ultimately, advertising devices amount to development and should be assessed as part of the development approval process. It is consistent with</p>

<p>6.11.1.(a) <i>For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Planning approval is required in addition to any licence pursuant to Council's Signs, Hoarding and Bill Posting By-Laws.</i></p> <p>6.11.1.(b) <i>Applications for Council's planning approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 4.3 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 5 giving details of the advertisement(s) to be erected, placed or displayed on the land.</i></p> <p>6.11.2 Existing Advertisements</p> <p>6.11.2. (a) <i>Advertisements which:</i></p> <ul style="list-style-type: none"> (i) <i>were lawfully erected, placed or displayed prior to the approval of this Scheme; or</i> (ii) <i>may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme:</i> <p><i>hereinafter in this Clause referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or to be erected and displayed in accordance with the licence or approval as appropriate.</i></p> <p>6.11.3 Consideration of Applications</p> <p><i>Without limiting the generality of the matters which may be taken into account when making a decision upon an application for planning approval to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or</i></p>	<p>State wide planning processes that advertising devices are considered under the provisions of the Scheme, not just the Local Laws.</p> <p>Amending the Scheme to control advertisements under the Scheme and remove reference to the Local Law will allow for Council to prepare and approve a Local Planning Policy that will detail the development standards for advertising devices under the provisions of Part V of the Scheme and amend its Signs, Hoardings and Bill Posting By-Laws. Controlling advertisements in this way is consistent with the standard approach in Western Australia.</p>
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landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

6.11.4 Exemptions from the Requirement to Obtain Planning Approval

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of sub-clause 6.11.1.1, the Council's prior planning approval is not required in respect of those advertisements listed in Appendix 9 which for the purpose of this Clause are referred to as 'exempted advertisements'. The exemptions listed in Schedule 1 do not apply to land, buildings, objects, structures and places included on the Heritage List or within a heritage precinct established or designated under Clause 6.1 of the Scheme.

6.11.5 Discontinuance

Notwithstanding the Scheme objectives and sub-clause 6.11.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this Clause, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

6.11.6 Derelict or Poorly Maintained Signs

Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to:

- (i) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or*
- (ii) remove the advertisement.*

6.11.7 Notices

<p>6.11.7.(a) <i>'The advertiser' shall be interpreted as any one person or any group comprised of the landowner, occupier, licensee or other person having an interest in or drawing benefit from the display of the advertisement concerned.</i></p> <p>6.11.7. (b) <i>Any notice served in exceptional circumstances pursuant to sub-clause 6.2.5 or 6.2.6 shall be served upon the advertiser and shall specify:</i></p> <ul style="list-style-type: none"> <i>(i) the advertisement(s) the subject of the notice;</i> <i>(ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;</i> <i>(iii) the period, being not less than 60 days, within which the action specified shall be completed by the advertiser.</i> <p>6.11.7.(c) <i>Any person upon whom a notice is served pursuant to this Clause may within a period of 60 days from the date of the notice appeal to the Hon Minister for Planning or the State Administrative Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.</i></p> <p>6.11.8 Scheme to Prevail</p> <p><i>Where the provisions of this Clause are found to be at variance with provisions of the Council's Signs, Hoardings and Bill Posting By-Laws, the provisions of the Scheme shall prevail."</i></p>	
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PART VII – SPECIAL CONTROL AREAS	
<i>Proposed Modification</i>	<i>Justification</i>
24. Add the word "AND DEVELOPMENT CONTROL AREAS to Part VII such that it reads:	As discussed under point '17' above, in order to require the contribution to community infrastructure

<p>“SPECIAL CONTROL AREAS AND DEVELOPMENT CONTRIBUTION AREAS”</p>	<p>from developers, the necessary powers need to be inserted into the Town Planning Scheme. Such Developer Contributions allow Council to seek financial or other inputs from developers generally undertaking significant development and thereby requiring significant infrastructure or community facilities. The insertion of this wording simply recognises the insertion of a clause relating to Developer Contribution areas.</p>
<p>25. Delete the text “(a) to (i)” from clause 7.2.3.3 i) of the Scheme.</p>	<p>This amendment seeks to rectify an anomaly within the Scheme as the (a) to (i) do not exist within the clause (7.2.5.1) to which this clause refers.</p>
<p>26. Make the following amendments to section 7.4 Roebourne Flood Management Area:</p> <p>a) Insert the following text as clause 7.4.1:</p> <p><i>“7.4.1 When considering applications for planning approval, Council shall have regard to information about the predicted flood levels in the Harding River during 1 in 100 year average recurrence interval flood events and may permit with or without conditions, or refuse proposals at its discretion.”</i></p> <p>b) Renumber current clause “7.4.1” to “7.4.2” and replacing current clause 7.4.1 a) with the following:</p> <p><i>“7.4.2 (a) development categorised under Residential, Commerce or Health, Welfare and Community categories has a minimum finished floor level no less than 0.5m above the predicted 100-year ARI flood level associated with flooding in the Harding River.”</i></p> <p>c) Replace current clause 7.4.1(c) with the following:</p> <p><i>“7.4.2 (c) No development is to increase the risk of flooding to adjacent land.”</i></p> <p>d) Renumber clause 7.4.2 to 7.4.3 and add “and/or on adjacent land”</p>	<p>The proposed amendments to clause 7.4 reflect the findings of recent modelling and investigations of the risk of flooding of the Harding River on the Roebourne town site.</p>

<p>e) Amend the Scheme Map to reflect the revised boundary of the special control area as depicted in Attachment 3.</p>	
<p>27. Insert the following Section, relating to Developer Contributions into the Scheme in its entirety:</p> <p><i>“7.9 DEVELOPMENT CONTRIBUTION AREAS</i></p> <p><i>7.9.1 Purpose of Development Contribution Areas</i></p> <p><i>The purpose of having development contribution areas is to:</i></p> <ul style="list-style-type: none"> <i>(a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;</i> <i>(b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and</i> <i>(c) coordinate the timely provision of infrastructure.</i> <p><i>7.9.2 Requirements and Operation of a Development Contribution Plan</i></p> <ul style="list-style-type: none"> <i>(a) A Development Contribution Plan is required to be prepared for each Development Contribution Area.</i> <i>(b) A Development Contribution Plan does not have effect until it has been incorporated in Appendix 11 of the Scheme.</i> <i>(c) Where a Development Contribution Plan is in effect, Council is not to recommend support for a subdivision to the Commission, or approve development within a Development Contribution Area until:</i> <p><i>a development contribution plan is in effect; or</i></p>	<p>The addition of this section to the Scheme provides the necessary statutory power that allows for the Shire to approve developer contribution plans. As discussed previously, such provisions allow for the Shire to seek contributions from developers in order to provide community infrastructure in a more equitable cost sharing arrangement.</p>

<p><i>the owner who has applied for subdivision or approval under the Scheme has made arrangements in accordance with clause 7.9.7 for the payment of the owner's cost contribution.</i></p> <p>(d) <i>Where a Development Contribution Plan is not in effect, the Council may recommend support for a subdivision to the Commission, or approve development where the owner has made other arrangements satisfactory to the Council with respect to the owner's contribution towards the provision of infrastructure and administrative costs in the development contribution area.</i></p> <p>7.9.3 Content of Development Contribution Plans</p> <p>(a) <i>A Development Contribution Plan shall be prepared in accordance with the guiding principles of the relevant State Planning Policy or guidelines of the Commission and shall specify:</i></p> <ul style="list-style-type: none"> <i>(i) the Development Contribution Area to which the Development Contribution Plan applies;</i> <i>(ii) the infrastructure and administrative costs to be funded through the Development Contribution Plan;</i> <i>(iii) the method of determining the cost contribution of each owner;</i> <i>(iv) the priority and timing for the provision of infrastructure; and</i> <i>(v) the time period during which the Development Contribution Plan is to operate.</i> <p>(b) <i>In calculating both the area of an owner's land and the total area of land in a Development Contribution Area, the following areas of land within the Development Contribution Area shall be excluded from the Development Contribution Plan:</i></p>	
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<p>(i) <i>existing public open space;</i></p> <p>(ii) <i>government primary and secondary schools; and</i></p> <p>(iii) <i>such other land as is set out in the development contribution plan.</i></p> <p>(c) <i>Within 90 days of the commencement of operation of the Development Contribution Plan, the Council is to make available a Cost Apportionment Schedule to all owners in the Development Contribution Area, which shall set out in detail the calculation of the cost contribution for each owner in the Development Contribution Area.</i></p> <p>7.9.4 Cost Contributions Based on Estimates</p> <p>(a) <i>The value of infrastructure and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the Council.</i></p> <p>(b) <i>Where a Cost Apportionment Schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the Council:</i></p> <p>(i) <i>in the case of land to be acquired, in accordance with Clause 7.9.5;</i></p> <p>(ii) <i>in all other cases, in accordance with the best and latest information available to the Council; or</i></p> <p>(iii) <i>until the expenditure on the relevant item of infrastructure or administrative costs has occurred.</i></p> <p>(c) <i>The Council is to have such estimated costs independently certified by an appropriate qualified person and must provide such independent certification to an owner where requested to do so.</i></p> <p>(d) <i>Where any cost contribution has been calculated on the basis of an estimated cost, the Council:</i></p>	
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- (i) *is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and*
- (ii) *may accept a cost contribution, based on estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.*
- (e) *Where an owner's cost contribution is adjusted, the Council, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.*

7.9.5 Valuation

- (a) *Clause 7.9.5 applies in order to determine the value of land to be acquired for the purpose of providing infrastructure.*
- (b) *In clause 7.9.5:*

'Value' means fair net expectation value which is to be calculated by:

- (i) *determining the highest and best use of the land in its englobed state, either on its own or with other land ripe for subdivision; and*
- (ii) *adding the margin for profit foregone had the land been able to be subdivided in its optimum form including allowances for all usual costs and expenses attributed to that land required to carry out such an exercise, but not including an allowance for risk as might otherwise have been made.*

'Profit' is to be 10 per cent calculated by the difference between:

- (i) *the gross realisation of the lots or part lots yielded from the subject land less the advertising and legal expenses so required to sell the lots; and*

<p>(ii) <i>the amount of (a) divided by 1.1.</i></p> <p><i>‘Valuer’ means a licensed valuer agreed by the Council and the owner, or where the Council and the owner are unable to reach agreement, a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.</i></p> <p>(c) <i>If an owner objects to a valuation made by the valuer, the owner may give notice to the Council requesting a review of the amount of the value, at the owner’s expense, within 28 days after being informed of the value.</i></p> <p>(d) <i>If the valuer does not change the value of the land to a figure acceptable to the owner, the value is to be determined:</i></p> <p style="padding-left: 40px;">(i) <i>by any method agreed between the Council and the owner; or</i> (ii) <i>if the Council and the owner cannot agree, by arbitration in accordance with the Commercial Arbitration Act 1985.</i></p> <p>7.9.6 Liability for Cost Contributions</p> <p>(a) <i>An owner is required to make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 7.9.</i></p> <p>(b) <i>An owner’s liability to pay the owner’s cost contribution to the Council arises on the earlier of:</i></p> <p style="padding-left: 40px;">(i) <i>the Commission endorsing its approval on the Deposited Plan of the subdivision of the owner’s land within the development contribution area;</i></p> <p style="padding-left: 40px;">(ii) <i>the commencement of any development or commencing any new or extended use on the owner’s land within the development contribution area;</i></p>	
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<p>(iii) <i>the time of applying to the Council or Commission for approval of any development or new or extended use, on the owner's land within the development contribution area; or</i></p> <p>(iv) <i>at the expiry of the development contribution plan in accordance with clause 7.9.2.</i></p> <p>(c) <i>Notwithstanding clause 7.9.6, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided since the gazettal of the development contribution plan.</i></p> <p>7.9.7 Payment of Cost Contribution</p> <p>(a) <i>The owner, with the agreement of the Council, is to pay the owner's cost contribution by:</i></p> <p>(i) <i>cheque or cash;</i></p> <p>(ii) <i>transferring to the Council or a public authority land in satisfaction of the cost contribution;</i></p> <p>(iii) <i>some other method acceptable to the Council; or</i></p> <p>(iv) <i>any combination of these methods.</i></p> <p>(b) <i>The owner, with the agreement of the Council, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the Council.</i></p> <p>(c) <i>Payment by an owner of the cost contribution, including a cost contribution based on estimated costs, constitutes full and final discharge of the owner's liability under the development contribution plan.</i></p>	
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7.9.8 Charge on Land

- (a) *The amount of any cost contribution for which an owner is liable under clause 7.9.6, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the Council may lodge a caveat, at the owner's expense, against the owner's title to that land.*
- (b) *The Council, at the owner's expense and subject to such other conditions as the Council thinks fit, is to withdraw a caveat lodged under clause (a) to permit a dealing and may then re-lodge the caveat to prevent further dealings.*
- (c) *If the cost contribution is paid in full, and if requested to do so by the owner, the Council, at the expense of the owner, is to withdraw any caveat lodged under clause (a).*

7.9.9 Administration of Funds

- (a) *The Council is to establish and maintain a reserve account in accordance with the Local Government Act 1995 for each Development Contribution Area into which cost contributions for that Development Contribution Area will be credited and from which all payments for the cost of infrastructure and administrative costs within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.*
- (b) *Interest earned on cost contributions credited to a reserve account in accordance with clause (a) is to be applied in the Development Contribution Area to which the reserve account relates.*
- (c) *The Council is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.*

7.9.10 Shortfall or Excess in Cost Contributions

(a) *If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular Development Contribution Area, the Council may:*

- (i) make good the shortfall;*
- (ii) enter into agreements with owners to fund the shortfall; or*
- (iii) raise loans or borrow from a financial institution,*

but nothing in this clause restricts the right or power of the Council to impose a differential rate to a specified development contribution area in that regard.

(b) *If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular Development Contribution Area, the Council is to apply the excess funds for the provision of additional facilities or improvements in that Development Contribution Area.*

7.9.11 Powers of the Council

The Council in implementing the development contribution plan has the power to:

- (a) acquire any land or buildings within the scheme area under the provisions of the Act; and*
- (b) deal with or dispose of any land which it has acquired under the provisions of the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.*

7.9.12 Arbitration

Subject to clause 7.9.5 any dispute between an owner and the Council in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985.”

PART VIII – NON-CONFORMING USES	
<i>Proposed Modification</i>	<i>Justification</i>
28. Delete clause 8.1 (c) of the Scheme.	The provisions of this clause became redundant with the inclusion of clause 6.11.2 which sufficiently deals with existing signage.
PART IX - ADMINISTRATION	
<i>Modification</i>	<i>Justification</i>
29. Within clause 9.3.2 of the Scheme, replace the words “Part 13” with the words “section 10”	This wording refers to the correct section of the Planning and Development Act prescribing penalties.
APPENDICES	
<i>Proposed Modification</i>	<i>Justification</i>
30. Insert the following definition of “Home Office” into Appendix 1 part 2 – Land Use Definitions, after ‘Home Occupation’ and before ‘Hospital’; <i>“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 —</i> <i>(a) Entail clients or customers travelling to and from the dwelling;</i> <i>(b) Involve any advertising signs on the premises; or</i> <i>(c) Require any external change to the appearance of the dwelling”</i>	To recognise the land use of “Home Office” and appropriately define it in accordance with the Model Scheme Text. Such a land use permits people to undertake office tasks as part of their business from their dwelling but it is at such a scale which does not impact adjoining owners or occupiers. Examples of ‘Home Office’ would be a mobile tradesperson who undertakes general office tasks from an area in their home or a freelance bookkeeping person.
31. Within Appendix 1 part 2 – Land Use Definitions, replace the current definition of “Transient Worker Accommodation” with the following text: <i>“transient workforce accommodation - dwellings intended for the temporary accommodation of non-resident workers and may be designed to allow transition to another use and includes a contractor’s camp and dongas.”</i>	This wording change removes any ambiguity with the term ‘transient workers’ and removes ambiguity with relation to the permanency of Transient Workforce Accommodation within certain zones within the Scheme.
32. Add the following subclause (c) to Appendix 2 under the heading “Accompanying material”:	This makes it a requirement that a recent certificate of title is provided with an application for planning

<p>“(c) a copy of the relevant Certificate of Title(s) less than 90 days old;”</p> <p>and</p> <p>Re-alphabetise existing subclauses (c) and (d) to (d) and (e) respectively.</p>	<p>approval. This is common practise within local authorities to provide proof of ownership which is requisite in obtaining planning approval.</p>
<p>33. Replace the existing paragraph under the heading “Additional material for residential development” in Appendix 2 with the following text:</p> <p><i>“In the case of residential development that relies on a deemed-to-comply requirement of the Residential Design Codes, a written submission demonstrating how the design principles have been satisfied, or why the corresponding deemed-to-comply requirement cannot be met or is irrelevant must be provided. Clause 3.2 contained within Part 3 of the Residential Design Codes ‘Information Requirements’ provides further guidance as to what additional information may be required for residential development.”</i></p>	<p>This terminology reflects the terminology used in the R-codes since its gazettal in August 2013.</p>
<p>34. Insert an additional Appendix (Appendix 9) to the Scheme (attachment 2 refers) outlining specific signage which is exempt from the requirement of seeking Planning approval.</p>	<p>The proposed insertion of Appendix 9 (attachment 2) provides a list of sign types and parameters that are considered to be exempt from requiring planning approval. Such signage is considered to be either minor in nature, temporary or in the public interest.</p>
<p>35. Insert “APPENDIX 10 – ADDITIONAL INFORMATION FOR ADVERTISEMENTS” into the Scheme.</p>	<p>This addition allows for the provision of a form to cite details for signage proposals in addition to the form for ‘Applications for Planning Approval’.</p>
<p>36. Insert “APPENDIX 11 – DEVELOPMENT CONTRIBUTION PLANS” into the Scheme.</p>	<p>This addition provides for the insertion of a schedule for development contribution areas relating to clause 7.9 of the Scheme.</p>

SCHEME MAPS

Proposed Modification	Justification
<p>37. Amend Scheme Map 13 – ‘Wickham Townsite’, to reflect the updated boundaries of Carse Street and Primary School Reserves in accordance with Council Resolution No. 152458 (April 2013, Item 11.2).</p>	<p>This updates the Scheme Maps to reflect the new boundaries relating to the Carse Street extension and Primary School Reserve excision previously resolved by Council in April 2013.</p>

