

GO TO CONTENTS PAGE

SHIRE OF COCOS (KEELING) ISLANDS

LOCAL PLANNING SCHEME NO. 1

DISTRICT ZONING SCHEME

Updated to include AMD 3 GG 15/02/19



Department of
Planning

Prepared by the
Department of Planning

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Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

Please advise the Department of Planning of any errors or omissions in this document.

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Preamble

This Local Planning Scheme of the Shire of Cocos (Keeling) Islands consists of this Scheme Text, the deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)(CKI)* (hereinafter referred to as the deemed provisions), the supplemental provisions contained in Schedule A (hereinafter referred to as the supplemental provisions) and the Scheme Maps.

The Scheme divides the local government district into zones and local reserves to identify areas for particular uses and development allowed in different zones and local reserves. There are particular controls included for special control areas. The Scheme also sets out the requirements for development approval, enforcement of the Scheme provisions and non-conforming uses.

SHIRE OF COCOS (KEELING) ISLANDS LPS 1 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
1	05/02/16	10/02/16	RO	<ul style="list-style-type: none"> • Reclassifying portion Lots 206 and 100 Sydney Highway, West Island, from 'Public Purposes - Cemetery' local scheme reserve, 'General Rural' and 'Special Use - Transmission Site' zone to 'Special Use - Tourist Resort' zone, 'Parks and Recreation' local scheme reserve and no zone by adding a new Special Use in Schedule 2. • Rezoning portion of Crown Lot 328 Sydney Highway, West Island, from 'Special Use - Antennae Site' zone to 'Public Purposes - Cemetery' local scheme reserve. • Rezoning portion of Reserve 47378 Buffet Close, West Island, from 'General Rural' zone to 'Special Use - Residential' zone; 'Site 9 – Portion of Reserve 47378, Buffet Close, West Island (Resid) – residential purposes. Development and subdivision is subject to approval of a Structure Plan. • Reclassifying Crown Lot 336, William Keeling Crescent, West Island, from 'Public Purposes - GP' local scheme reserve to 'Commercial' zone. • Reclassifying portions of Lot 100 Sydney Highway, West Island, from 'General Rural' and 'Special Use - Tourist Resort and incidental facilities' zone to 'Parks and Recreation' local scheme reserve and 'Special Use' zone by replacing the Special Use Site 7 in Schedule 2. • Reclassifying portions of Lot 100 Sydney Highway, West Island, from 'General Rural' zone, 'Special Use - Tourist Resort' zone and 'Public Purpose - Waste Water Disposal' local scheme reserve to 'No Zone'. • Reclassifying portion Lot 100 Sydney Highway from 'General Rural' zone to 'Public Purpose - Waste Water Disposal' local scheme reserve. • Reclassifying portion of Lot 100, Airforce Road, West Island, from 'General Rural' zone to 'Parks and Recreation' and 'Public Purpose - Communications' local scheme reserves; and as more clearly shown on the Scheme Amendment Map. • Updating 'Schedule 1 - Definitions' to 'Schedule 1 – Dictionary of defined words and expressions' updating and inserting definitions. • Deleting Part 2 of 'Schedule 2 - Special Uses' and inserting 'Special Conditions'. • Inserting new clause 5.14 – Structure Plans. • Deleting clause' 5.12 – Foreshore Protection' and replacing with clause '5.12 – Coastal Development'.
2	28/04/17	02/05/17	GM	<p>Preamble amended. Deleted references to the following terms and replaced them with the corresponding term throughout the Scheme:</p> <ul style="list-style-type: none"> • '<i>Planning and Development Act, 2005</i>' replaced with '<i>Planning and Development Act 2005 (WA(CKI))</i>'. • 'Town Planning Scheme' replace with 'Local Planning Scheme'. • 'planning application' replaced with 'development approval application'. • 'planning approval' replace with 'development approval'. • 'Council' replaced with 'local government'. • 'Residential Design Codes' replaced with 'R-Codes'; and • 'Scheme reserves' replaced with 'local reserves'. <p>Amended sub-clause 1.2.1.</p>

				<p>Amended clause 1.4. Amended sub-clause 1.5(f). Amended sub-clause 1.5(h). Amended sub-clause 1.7.1. Amended sub-clause 1.7.2(b). Deleted clauses 2.1 - 2.6, 5.14, 7.2 - 7.5, 8.1, 8.3, 8.4, 9.1 - 9.4, 10.1 -10.10 and 11.1 - 11.6, sub-clauses 5.2.1, 5.6.2, 5.7.2, 5.8.2, 8.2(a), 8.2(b)(i) and 8.2(b)(ii) and Schedules 6, 7 and 8 from the Scheme Text, as they have been superseded by the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2. Amended sub-clause 3.1.2. Removed sub-clause 8.2(b)(iii) and inserted into Schedule A – Supplemental Provisions. Amended sub- clauses 4.3.2(a), 4.4.2(b), 5.4.2(a), 5.4.3(a) and clause 4.7 by removing the cross reference to the clause deleted by the amendment and replaced them with cross reference to the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2. Modified the Zoning Table to make 'Ancillary Accommodation' a 'P' use class in the 'Residential' zone. Amended clause 7.1. Inserted a new Schedule A – Supplemental Provisions. Deleted definitions Act, Amenity, Owner, Substantially commenced and Zone from Schedule 1 as they have been superseded by the definitions in the deemed provisions set out in the <i>Planning and Development (Local Planning Scheme) Regulations 2015</i> Schedule 2. Amended the definitions of Commission and hotel in Schedule 1. Amended Part 2 of Schedule 2. Renumbered scheme provisions and schedules. Updated any cross referencing to the new clause numbers and deemed provisions as required.</p>
3	15/2/19	15/2/19	HB	<p>Rezoned Lot 163 Beacon Heights, West Island, from 'Residential R15' zone to 'Commercial'.</p>

SHIRE OF COCOS (KEELING) ISLANDS LOCAL PLANNING SCHEME NO. 1

DISTRICT ZONING SCHEME

The Shire of Cocos (Keeling) Islands under and by the virtue of the power conferred on it in that behalf by the Western Australian *Planning and Development Act 2005 (WA)(CKI)* (as amended), hereinafter referred to as “the Act”, hereby makes the following Local Planning Scheme for the purpose laid down by the Act.

TABLE OF CONTENTS

PRELIMINARY	8
1.1 Citation	8
1.2 Responsible Authority	8
1.3 Scheme Area	8
1.4 Contents of Scheme.....	8
1.5 Purpose of Scheme.....	8
1.6 The Aims of the Scheme.....	9
1.7 Definitions	9
1.8 Relationship with Other Laws	9
RESERVES.....	10
2.1 Local reserves	10
ZONES AND USE OF LAND.....	11
3.1 Classification	11
3.2 Objectives of the Zones	11
3.3 Zoning Table	12
3.4 Interpretation of the Zoning Table.....	12
3.5 Special Use Zone.....	13
3.6 Non-Conforming Use Rights	13
3.7 Extension of Non-Conforming Use	13
3.8 Change of Non-Conforming Use.....	13
3.9 Discontinuance of Non-Conforming Use.....	13
3.10 Termination of Non-Conforming Use	14
3.11 Destruction of Non-Conforming Use	14
Table 1 – Zoning Table	15
GENERAL DEVELOPMENT REQUIREMENTS.....	17
4.1 Compliance with Development Standard and Requirements	17
4.2 R-Codes	17
4.3 Special Application of R-Codes	17
4.4 Variations to Site and Development Requirements	17
4.5 Environmental Conditions	18
4.6 Commercial Zone.....	18
4.7 Industrial Zone	19
4.8 General Rural.....	20
4.9 Development in Vicinity of the Airport	20
4.10 Vehicle Parking	20
4.11 Water Licensing	21
4.12 Coastal Development.....	21
4.13 Building Height Restriction	21
SPECIAL CONTROL AREAS	22
5.1 Operation of Special Control Areas	22
HERITAGE PROTECTION.....	23
6.1 Places Affected by the Australian Heritage Commission Act 1975	23
SCHEDULES	24
Schedule A - Supplemental provisions	25
Schedule 1 – Dictionary of Defined Words and Expressions	26
Schedule 2 – Special Uses	32
Schedule 3 – Environmental Conditions	33

Schedule 4 - Car Parking Layouts	34
Schedule 5 - Places Affected by the Australian Heritage Commission Act 1975	35

PRELIMINARY

1.1 CITATION

This Local Planning Scheme may be cited as the Shire of Cocos (Keeling) Islands Local Planning Scheme No. 1 (hereinafter called “the Scheme”) and shall come into operation on the publication of the notice of the approval of the Minister for Local Government, Territories and Roads, in the Commonwealth Gazette and in the Gazette of the Territory.

1.2 RESPONSIBLE AUTHORITY

1.2.1 The Shire of Cocos (Keeling) Islands 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.

1.2.2 Where land covered by the Scheme is owned by the Commonwealth (hereinafter called “Commonwealth land”) and in respect of waterways, the Commonwealth shall have regard to the provisions of the Scheme in the conduct of its affairs.

1.3 SCHEME AREA

The Scheme applies to the whole local government area of the Cocos (Keeling) Islands, as identified and contained within the inner edge of the broken black line on the Scheme Map.

1.4 CONTENTS OF SCHEME

AMD 2 GG 28/04/17

The Scheme comprises:

- (a) This Scheme Text.
- (b) The deemed provisions set out in Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015 (WA)(CKI)* (deemed provisions).
- (c) The supplemental provisions contained in Schedule A (supplemental provisions); and
- (d) The Scheme Map

The Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

1.5 PURPOSE OF SCHEME

The purpose of the Scheme is to:

- (a) set out the local government’s planning aims and intentions for the Scheme Area;
- (b) set aside land as reserves for public purposes;
- (c) zone land within the Scheme Area for the purposes defined in the Scheme;
- (d) control and guide land use and development;
- (e) make provision for the conservation of areas and places of heritage interest;
- (f) set out procedures for assessment and determination of applications for development approval;
AMD 2 GG 28/04/17
- (g) make provisions for the administration and enforcement of the Scheme;
- (h) address other matters set out within Schedule 7 of the Act. *AMD 2 GG 28/04/17*

1.6 THE AIMS OF THE SCHEME

The aims of the Scheme are:

- (a) to ensure that there is a sufficient supply of services and suitable land for housing, employment, commercial activities, community facilities, recreation and open space;
- (b) to assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist developments;
- (c) to facilitate a network of open space catering for both active and passive recreation, consistent with the needs of the community;
- (d) to promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities;
- (e) to promote and enhance the environmental values and natural resources of the Scheme Area and to promote ecologically sustainable development and use of waterways and land within the Scheme Area; and
- (f) to safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area.
- (g) to protect public drinking water source areas from water quality and quantity degrading activities.

1.7 DEFINITIONS

1.7.1 In the Scheme, unless the context otherwise requires or unless the Scheme otherwise provides, words and expressions have the respective meanings given to them in the Act, Schedule 1 of the Scheme, Part 1 of the deemed provisions and the R-Codes. *AMD 2 GG 28/04/17*

1.7.2 If there is a conflict between the meanings of the words and expressions in those instruments then:

- (a) in the case of residential development, the definitions in the R-Codes shall prevail; and
- (b) otherwise the definition in the Act, followed by the deemed provisions, and then by Schedule 1 of the Scheme will prevail in that order. *AMD 2 GG 28/04/17*

1.7.3 Words and expressions used in the Scheme but not defined in the Act, Schedule 1 of the Scheme, elsewhere in the Scheme or in the R-Codes, shall have their normal and common meanings.

1.8 RELATIONSHIP WITH OTHER LAWS

Where a provision of this Scheme is inconsistent with a Local Law the provision of the Scheme shall prevail.

RESERVES

2.1 LOCAL RESERVES

2.1.1 Land and waterways shown as local reserves on the Scheme Map are deemed to be reserved for the purposes as set out on the Scheme Map and are listed hereunder:

(a) Public Purpose -

C	-	Cemetery
CW	-	Commonwealth
CC	-	Civic and Community Centre
CP	-	Car Park
FS	-	Fire Station
H	-	Hospital
P	-	Police
S	-	Primary School/High School/Pre-School
WD	-	Waste Disposal
PS	-	Pump Station
WW	-	Waste Water Disposal
FD	-	Fuel Depot
M	-	Marina

(b) Parks and Recreation

(c) Nature Conservation and Foreshore Protection

(d) Marine Protection

2.1.2 A person or body shall not use or commence or carry out development on land or within a waterway reserved under this Scheme without first applying for and obtaining development approval of the local government. In determining an application for development approval the local government shall have regard to:

AMD 2 GG 28/04/17

(a) the matters set out in Part 9 of the deemed provisions.

(b) the ultimate purpose intended for the reserve.

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

ZONES AND USE OF LAND

3.1 CLASSIFICATION

3.1.1 The Scheme is classified into the following zones:

- (a) Residential
- (b) Commercial
- (c) Industrial
- (d) General Rural
- (e) Special Use

3.1.2 The zones are delineated and coloured on the Scheme Map according to the legend on the Scheme Map.

3.2 OBJECTIVES OF THE ZONES

The objectives of the zones are:

3.2.1 Residential

To provide quality accommodation which is sensitive to the natural environment and local climatic conditions and which meets the distinct cultural needs of the local population of the Islands.

3.2.2 Commercial

- (a) To provide for retail, entertainment and other community oriented uses which meet the needs of the local population, tourists and other visitors to the Islands.
- (b) To encourage high quality buildings which harmonise with the natural environmental setting of the Islands and which incorporate design features which reflect the unique culture of the local resident population.

3.2.3 Industrial

- (a) To allow for industrial uses which do not generate nuisances detrimental to the amenity or the environment of the Islands or the health, welfare and safety of its residents.
- (b) To promote well maintained buildings which are designed to address the street and which are set in pleasant landscaped surrounds.

3.2.4 General Rural

To provide land for shared community use and land which allows for a mix of relatively low intensity uses, including traditional pondoks, research activities and recreational activities, in such a way which ensures the conservation of the natural environment and local resources.

3.2.5 Special Use

- (a) To allow for a mix of compatible land uses which service the needs of the local population, as well as tourists and other visitors to the Islands.
- (b) To ensure future development is of the highest standard and is sensitive to the natural environment and local culture of the Islands' resident population.

3.3 ZONING TABLE

3.3.1 The Zoning Table (Table 1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme Area in the various zones.

The symbol indicating the permissibility of any use 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.

3.3.2 Symbols

- (a) The symbols used in the cross-reference in the Zoning Table, and where used elsewhere in the Scheme, have the following meanings:
 - “P” means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme;
 - “D” means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - “A” means that the use is not permitted unless the local government has exercised its discretion and has granted development approval after giving notice in accordance with clause 64 of the deemed provisions;
AMD 2 GG 28/04/17
 - “X” means a use that is not permitted by the Scheme.
- (b) Where in the Zoning Table a particular use is mentioned, it is deemed to be excluded from any use class which by its more general terms would otherwise include such particular use.

3.3.3 A change in the use of land from one use to another is permitted if:

- (a) the local government has exercised its discretion by granting development approval ;
- (b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with the relevant development standards and any requirements of the Scheme;
- (c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- (d) the change is to an incidental use that does not change the predominant use of the land.

3.4 INTERPRETATION OF THE ZONING TABLE

3.4.1 Where a specific use is mentioned in the Zoning Table, it is deemed to be excluded from the general terms used to describe any other use.

- 3.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may:
- (a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
 - (b) determine that the proposed use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 64 of the deemed provisions in considering an application for development approval ; or *AMD 2 GG 28/04/17*
 - (c) determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

3.5 SPECIAL USE ZONE

3.5.1 Special use zones are set out in Schedule 2 and are in addition to the zones in the Zoning Table.

3.5.2 A person must not use any land, or any structure or buildings on land, in a special use zone except for the purpose set out against that land in Schedule 2 and subject to compliance with any conditions set out in Schedule 2 with respect to that land.

3.6 NON-CONFORMING USE RIGHTS

Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used immediately prior to the Gazettal date of the Scheme; or
- (b) the carrying out of any development on that land for which immediately prior to the Gazettal date, an approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current.

3.7 EXTENSION OF NON-CONFORMING USE

A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use without first having applied for and obtained the development approval of the local government under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme. All applications for development approval under this clause will be subject to notice under clause 64 of the deemed provisions and local government shall have special regard to the impact of the proposed erection, alteration or extension of the building on the preservation of the amenity of the locality. *AMD 2 GG 28/04/17*

3.8 CHANGE OF NON-CONFORMING USE

Notwithstanding anything contained in the Zoning Table, the local government may grant its development approval to the change of use of any land from a non-conforming use to another non-conforming use if the proposed use is, in the opinion of the local government, less detrimental to the amenity of the locality than the original non-conforming use and is, in the opinion of the local government, closer to the intended purpose of the zone or reserve.

3.9 DISCONTINUANCE OF NON-CONFORMING USE

When a non-conforming use of any land or buildings has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

3.10 TERMINATION OF NON-CONFORMING USE

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

3.11 DESTRUCTION OF NON-CONFORMING USE

When a building used for a non-conforming use is destroyed to 75% or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the development approval of the local government.

TABLE 1 – ZONING TABLE

USE CLASSES	Residential	Commercial	Industrial	General Rural
Ancillary Accommodation <i>AMD 2 GG 28/04/17</i>	P	X	X	X
Animal Husbandry	X	X	X	D
Animal Care Facility	X	X	D	D
Aquaculture	X	X	D	D
Bank	X	P	D	X
Bar	X	D	X	X
Camping Grounds	X	D	X	D
Car Park	X	D	D	D
Caretaker's Dwelling	D	D	D	D
Civic Use	A	P	A	D
Club Premises	A	D	X	D
Communications Antennae – Commercial	A	D	D	D
Cultural Facility	A	P	A	D
Educational Establishment	A	D	X	X
Fuel Depot	X	X	D	X
Grouped Dwelling	D	X	X	X
Guest House	D	D	X	X
Health Centre	A	P	X	X
Home Occupation	P	X	X	X
Hospital	A	D	X	X
Hotel	X	D	X	X
Industry – Extractive	X	X	X	A
Industry – General	X	X	D	X
Industry – Hazardous	X	X	X	X
Industry – Light	X	X	P	X
Industry – Noxious	X	X	X	X
Industry – Service	X	D	P	X
Lodging House	D	D	X	X
Motor Vehicle Repair	X	X	P	X
Motor Vehicle Wrecking	X	X	P	X
Office	X	P	P	A
Pondok	X	X	X	D
Public Utility	D	D	D	D
Public Worship – Mosque/Church	A	D	D	D
Recreation and Leisure	D	D	X	D
Restaurant / Café	X	P	X	A
Rural Production	X	X	X	D
Salvage Yard	X	X	D	X
Service Station	X	D	P	X

USE CLASSES	Residential	Commercial	Industrial	General Rural
Serviced Apartment	D	D	X	X
Shop	X	P	D	X
Single House	P	D	X	X
Social/Community Facility	D	D	X	D
Studio	A	D	P	X
Take-away Food Outlet	X	P	D	X
Tourist Facility	A	P	X	D
Warehouse	X	D	P	A

GENERAL DEVELOPMENT REQUIREMENTS

4.1 COMPLIANCE WITH DEVELOPMENT STANDARD AND REQUIREMENTS

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

4.2 R-CODES

4.2.1 A copy of the R-Codes, as amended, shall be kept and made available for public inspection at the offices of the local government.

4.2.2 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the R-Codes shall conform to the provisions of those Codes.

4.3 SPECIAL APPLICATION OF R-CODES

4.3.1 Within the Residential zone on West and Home Islands the R15 residential density code shall apply.

4.3.2 Within the Residential zone on Home and West Islands, the minimum setbacks prescribed in Table 1 of the R-Codes may be varied at the discretion of the local government provided:

- (a) the variation is consistent with the orderly and proper planning of the locality and would in the opinion of the local government either maintain or enhance the appearance of the streetscape; and
- (b) the variation will not have any adverse effect upon the occupiers or inhabitants of the locality or upon the future development of the locality.

4.3.3 Within the Residential zone on Home Island, the minimum total of the site required for open space shall be 20 per cent.

4.3.4 Within the Residential zone on Home Island, the car parking requirements outlined in the R-Codes shall not apply as there is limited requirement for private vehicles. However, the local government may where appropriate require the provision of parking for trailered boats and four wheeled motorbikes as part of any new residential development.

4.3.5 Within the Residential zone on West Island, car parking provisions shall be based on one car parking space per dwelling.

4.4 VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS

4.4.1 Except for development in respect of which the R-Codes apply, if a development is subject of an application for development approval and does not comply with a standard prescribed by the Scheme the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

4.4.2 In considering an application for development approval under this clause, where, in the opinion of the local government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration of the variation, the local government is to:

- (a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the deemed provisions; and
AMD 2 GG 28/04/17

- (b) have regard to any expressed views prior to making its determination to grant the variation.

4.4.3 The power conferred by this clause may only be exercised if the local government is satisfied that:

- (a) approval of the development would be appropriate having regard to the criteria set out in clause 67 of the deemed provisions; and AMD 2
GG 28/04/17
- (b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality; and
- (c) the non-compliance will not have any effect upon the occupiers or users of the development or the inhabitants of the locality upon the likely future development of the locality.

4.5 ENVIRONMENTAL CONDITIONS

4.5.1 Environmental conditions to which the Scheme is, or amendments to the Scheme are, subject, are incorporated into the Scheme by Schedule 3 of the Scheme.

4.5.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

4.6 COMMERCIAL ZONE

4.6.1 Site and Development Requirements

The following site and development requirements shall apply within the Commercial zone with the exception of residential development, which subject to clauses 4.2 and 4.3, shall be in accordance with the provisions of the R-Codes:

- (a) Building Design -

Buildings shall be well maintained and demonstrate attractive and practical designs, including:

- (i) inviting facades which address the street and public spaces;
- (ii) climate control features, including sheltered pedestrian walkways and wide eaves;
- (iii) use of a variety of building materials
- (iv) use of building materials and designs which harmonise with the natural setting;
- (v) incorporation of design features that reflect the cultural background of the Island residents and where appropriate reflect and complement existing designs in or adjacent to heritage precincts; and
- (vi) incorporate water sensitive urban design best management practices.

- (b) Building Height, Site Coverage and Setbacks -

Buildings, including ancillary buildings, shall:

- (i) be limited to a maximum height of two storeys;
- (ii) not cover a total of more than 60% of the area of any lot; and
- (iii) be setback to be compatible with existing development within the locality.

(c) Access -

Development within the Commercial zone shall provide:

- (i) focal points for public meeting areas;
- (ii) pedestrian links and cycleways;
- (iii) access and loading/unloading areas for service vehicles; and
- (iv) sufficient car parking areas.

(d) Storage Space -

The Local government will:

- (i) require provision for internal storage space in the design of all developments; and
- (ii) prohibit the use of external open space for storage.

4.7 INDUSTRIAL ZONE

4.7.1 Site and Development Standards

The following site and development requirements shall apply within the Industrial zone:

(a) Building Quality and Design -

Buildings shall be well maintained and demonstrate attractive and practical designs, including:

- (i) facades which address streets/public spaces including windows and front doors which are visible from streets/public spaces;
- (ii) the incorporation of a variation of quality building materials; and
- (iii) incorporate water sensitive urban design best management practices.

(b) Building Height, Setbacks and Site Coverage -

Buildings, including ancillary buildings, shall:

- (i) be limited to a maximum height of two storeys;
- (ii) not cover an aggregate area of more than 75% of any lot; and
- (iii) be setback 9.0 metres from the front boundary and 5.0 metres from one side boundary.

(c) Access and Landscaping-

- (i) Provision for vehicle access, car parking, loading and unloading and turning areas shall be provided to the local government's satisfaction.
- (ii) All buildings shall be set in well maintained, attractive garden surrounds which complement the existing vegetation and the environmental and climatic conditions of the Islands.
- (iii) The front building setback area shall be used for no purpose other than vehicular and pedestrian circulation, parking and landscaping.

(d) Environmental Considerations -

- (i) All buildings shall be set in well maintained, attractive garden no use or development of land within the Industrial zone shall cause, in the opinion of the local government, nuisance or annoyance by way of noise or other emissions beyond the site on which it is conducted.

- (ii) All waste water to be disposed in a manner that does not contaminate ground water.
- (iii) The local government will not support proposals for new industrial development unless waste water can be treated and disposed of in a manner that does not pose a risk to groundwater sources.

(e) Storage -

All areas used for outdoor storage must, as far as practicable, be screened from adjoining development and streets and roofed/covered to the satisfaction of the local government.

4.8 GENERAL RURAL

4.8.1 Site and Development Standards

The following site and development requirements shall apply within the General Rural zone:

(a) Building Design –

All buildings developed within the General Rural zone shall harmonise with the natural setting, be cognisant of the climate and incorporate design features which reflect the cultural background of the Islanders.

(b) Environmental Considerations –

No use or development of land within the General Rural zone shall cause, in the opinion of the local government, any adverse impact on the groundwater catchment, soil stability and existing vegetation.

4.9 DEVELOPMENT IN VICINITY OF THE AIRPORT

The local government may apply special building height limitations in the vicinity of the Airport so that:

- (a) development alongside the runway can be contained beneath a theoretical line commencing at the edge of the airfield and inclining upwards at a gradient of 1:7;
- (b) development off the ends of the runway can be contained beneath a theoretical line commencing at the ends of the airfield and inclining upwards at a gradient of 1:20.

4.10 VEHICLE PARKING

4.10.1 Any person who construct or substantially reconstructs, alters or adds to a building or changes the use of any land or building may be required by the local government to make provision for car parking.

4.10.2 The number of car parking spaces provided in respect of any particular site shall be determined by the local government, having regard to the nature of the use, the known or likely volume of goods, materials or people moving to and from the site and the existing or proposed parking facilities nearby.

4.10.3 The layout of car parking spaces shall be in accordance with Schedule 4 of this Scheme.

4.11 WATER LICENSING

4.11.1 Any development (including abstraction bores and water galleries) that will result in the use of the islands' groundwater resources must be referred to the relevant Federal Minister for approval and licensing pursuant to the requirements of the *Rights in Water and Irrigation Act 1914 (WA) (CKI)*.

4.12 COASTAL DEVELOPMENT

AMD 1 GG 05/02/16

4.12.1 Interpretation

In this part, coastal development includes but is not limited to rezoning, structure planning, subdivision, strata subdivision and/or development of land within the Scheme Area, as determined by the local government and may apply in any zone.

4.12.1.1 All coastal development is to comply with the provisions of State Planning Policy 2.6 - State Coastal Planning Policy.

4.12.1.2 In accordance with section 77(1)(b) of the *Planning and Development Act 2005 (WA) (CKI)*, the provisions of State Planning Policy 2.6 - State Coastal Planning shall apply as if they were part of this Scheme.

4.13 BUILDING HEIGHT RESTRICTION

4.13.1 A maximum building height limit of 9 metres shall be applied for residential dwellings in the vicinity of the airport and its approaches, and the local government may refer such proposals to the appropriate statutory authority.

SPECIAL CONTROL AREAS

5.1 OPERATION OF SPECIAL CONTROL AREAS

- 5.1.1 The following Special Control Area/s apply to the Scheme Area and are delineated on the Scheme Map according to the legend on the Scheme Map:
- Water Lens
- 5.1.2 The special provisions applying to this Special Control Area shall apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.
- 5.1.3 The objectives of the Special Control Area are:
- (a) to avoid development that will unacceptably diminish the quality and supply of groundwater provided by the groundwater lenses and unacceptably modify the ecosystem; and
 - (b) to ensure development and subdivision does not cause pollution to the groundwater lenses or result in increased groundwater salinity.
- 5.1.4 The special provisions outlined below shall apply to the Special Control Area.
- (a) The local government will not support proposals for zoning, subdivision or development of land within the Special Control Area which in its opinion would result in:
 - (i) unacceptable risk of pollution to the groundwater;
 - (ii) the water balance being modified to the detriment of the environment; or
 - (iii) diminished water resources to the detriment of public water supplies.
 - (b) In considering proposals for the zoning, subdivision or development of land within the Special Control Area the local government:
 - (i) will have regard to any adopted water resource management plan or strategy;
 - (ii) must consult with relevant public authorities; and
 - (iii) must request from the proponent a water resource impact or management statement to demonstrate that there would be no unacceptable risk from the proposed zoning, subdivision or development to the quality or quantity of groundwater resources contained within the water lenses.

HERITAGE PROTECTION

6.1 PLACES AFFECTED BY THE AUSTRALIAN HERITAGE COMMISSION ACT 1975

AMD 2 GG 28/04/17

- 6.1.1 Those Places listed on the Register of the National Estate are listed at Schedule 5 of this Scheme.
- 6.1.2 In respect of a place listed at Schedule 5 of this Scheme, a person or body shall not, without the development approval of the local government, carry out any development, including but not limited to, the clearing of land, removal of trees and erecting, demolishing or altering of any building or structure.
- 6.1.3 Notwithstanding any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposal affecting a place listed under Schedule 5 of this Scheme.

SCHEDULES

- SCHEDULE A - SUPPLEMENTAL PROVISIONS
- SCHEDULE 1 - DEFINITIONS
- SCHEDULE 2 - SPECIAL USE ZONES
- SCHEDULE 3 - ENVIRONMENTAL CONDITIONS
- SCHEDULE 4 - CAR PARKING LAYOUTS
- SCHEDULE 5 - PLACES AFFECTED BY THE AUSTRALIAN HERITAGE COMMISSION ACT
1975

SCHEDULE A - SUPPLEMENTAL PROVISIONS

AMD 2 GG 28/04/17

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

Clause 61 (1):

- (k) any building or other works undertaken by the Local Government in connection with the maintenance or improvement of a public street or for any public utility.
- (l) a home occupation.
- (m) the use of land in a reserve, where such land is held by the Local Government or a public authority:
 - for the purpose for which the land is reserved in the Scheme; and
 - for any purpose for which the land may be lawfully used by that authority.
- (n) the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

Clause 63:

- (4) Where an application relates to a place entered under Schedule 5, the local government may require an applicant to provide one or more of the following to assist the local government in its determination of the application:
 - (a) street elevations drawn to a scale of not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application and drawn as one continuous elevation.
 - (b) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the local government exempts the applicant from the requirements of any part or it, the finishes of the existing development on the subject lot and on each lot immediately adjoining the subject lot.

SCHEDULE 1 – DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

AMD 1 GG 05/02/16; AMD 2 GG 28/04/17

Unless listed below the words and expressions used in the Scheme have the same meaning as the general definitions and land use definitions contained in Schedule 1 of the *Town Planning Amendment Regulations 1999*(the Model Scheme Text). Where a definition is listed below and there is a conflict of interpretation of words the meaning of the word or term, the definition listed below shall prevail, unless the word or expression applies to residential development (Clause 1.7 refers).

absolute majority:	has the same meaning given to the term in the Local Government Act 1995;
advertising:	means the publication, display or presentation of any advertisement;
ancillary accommodation:	has the same meaning given to it in the R-Codes;
animal husbandry:	means any land or buildings used for the breeding, keeping, rearing or fattening of domestic animals, livestock, poultry or bees;
animal care facility:	means the use of premises for the caring, boarding, breeding of domestic or household animals and may include the use of premises for veterinary purposes;
aquaculture:	means the keeping, breeding, hatching or culturing of fish and crustaceans;
bank:	means any land or building used for banking purposes;
bar:	means the use of premises for the sale of liquor to members of the public for consumption on and off the premises subject to the issue of the required licences under the relevant legislation;
building:	has the same meaning given to it in the R-Codes;
camping grounds:	means the use of land, which is open to the public, for overnight accommodation in tents and other temporary shelter and includes ancillary amenity buildings;
car park:	means any land or building used primarily for parking cars whether open to the public or not;
caretaker's dwelling:	means a building or portion of a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site;
civic use:	means land or buildings used by a Government Department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purpose;
club premises:	means any land or buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the <i>Liquor Control Act 1988 (WA)(CKI)</i> or not and which building or premises are not otherwise classified under the provisions of the Scheme;
Commission: AMD 2 GG 28/04/17	means the Western Australian Planning Commission established in terms of section 7 of the <i>Planning and Development Act 2005 (WA)(CKI)</i> ;
Commonwealth land:	means land or waterways owned and administered by the Commonwealth

	Government;
communications antennae-commercial:	means any mast, antennae, aerial, satellite dish, infrastructure of a telecommunications network, and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communications where its vertical or horizontal dimensions exceed one metre;
cultural facility:	Means land or building used for a library, museum, exhibiting of art and craft or like purpose;
curtilage:	in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the local government. The term has a like meaning in relation to land around buildings other than dwellings;
development:	has the same meaning given to it in and for the purposes of the Act;
educational establishment:	means a school, college, university, technical institute, academy or other educational centre of a like kind, but does not include a reformatory;
facade:	means the exposed faces of a building towards roads or public open space or the frontal outward appearance of the building where it does not face a road or public open space;
fuel depot:	means any land or building used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users' vehicle of such fuel from the premises;
grouped dwelling:	shall have the same meaning as that given to it for the purposes of the R-Codes;
guest house:	means the use of premises for a commercial accommodation establishment compatible in character and scale with residential housing;
health centre:	means any building used for medical care and treatment (including diagnosis, preventative care and counselling) of predominantly out-patients and may include a medical or dental clinic, a maternal and child welfare clinic, a nursing service and other professional or paramedical health care services;
home occupation: home occupation: (cont'd)	means a business or activity carried out within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that: (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature; (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood; (c) does not employ persons other than members of the occupier's family; (d) does not generally occupy a floor area of more than 30 square metres; (e) does not require the provision of any public utility service other than those normally provided in the Residential zone; (f) does not alter the general residential character of the locality and is, in the opinion of the local government, compatible with residential use of the area;

hospital:	means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital;
hotel: <i>AMD 2 GG 28/04/17</i>	means any land or buildings providing refreshments and accommodation for the public the subject of or proposed to be the subject of a hotel licence granted under the provisions of the <i>Liquor Control Act 1988 (WA)(CKI)</i> and may incorporate a betting agency operated in accordance with the <i>Racing and Wagering Western Australian Act 2003 (WA)(CKI)</i> , but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under the <i>Liquor Control Act 1988 (WA)(CKI)</i> ;
industry - extractive: (or extractive industry)	means an industry which involves: (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products; (b) the production of salt by the evaporation of salt water;
industry - general: (or general industry)	means an industry other than an extractive, hazardous, light, noxious, rural or service industry;
industry - hazardous: (or hazardous industry)	means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries;
industry - light: (or light industry)	means an industry; (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services;
industry - noxious: (or noxious industry)	means an industry which is subject to licensing as "Prescribed Premises" under the Environmental Protection Act 1986 (as amended);
industry - service: (or service industry)	means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced;
kampong <i>AMD 1 GG 05/02/16</i>	means a village, hamlet or settlement.
land:	shall have the same meaning given to the term in and for the purposes of the Act;
local government:	means the executive body of the Shire of Cocos (Keeling) Islands;
lodging house:	shall have the same meaning as is given to the term in and for the purposes of the Health Act 1911;

lot:	shall have the same meaning as is given to the term in and for the purposes of the Act, and “allotment” has the same meaning;
marina:	means premises at which berths or pens, and services including fuelling, servicing, 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 appurtenant thereto and all offices and storerooms used in connection therewith;
market:	means any land or buildings used for a fair, a farmers’ or producers’ market or a swap-meet in which the businesses or selling carried on or the entertainment provided is by independent operators or stall-holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rent;
massage parlour:	means any land or building, part or parts thereof, used or designed to be used primarily for the kneading and rubbing of muscles, joints and other anatomical parts, with hands, in order to stimulate their actions;
motor vehicle repair:	means any land or buildings used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping but the term does not include a service station or motor vehicle wrecking;
motor vehicle wrecking:	means any land or building used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts on the same premises;
non-conforming use:	means any use of land or building which was lawful immediately prior to the coming into operation of the Scheme, but is not now in conformity with the provisions of the Scheme;
office:	means a building or part of a building used for the conduct of administration, the practise of a profession, the carrying on of an agency, a post office, bank, building society, insurance office, estate agency, typist or secretarial service, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking;
place: place: (cont’d)	means an area of land sufficiently identified by survey, description or otherwise as to be readily ascertainable, and includes – (a) an area of land situated below low water mark on the sea shore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary; (b) any works or buildings situated there, their contents relevant to the purposes of the Australian Heritage Commission Act 1975 and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and (c) as much of the land beneath the place as is required for the purposes of its conservation;
pondok: <i>AMD 1 GG 05/02/16</i>	means a shelter used by a family of Cocos Islanders for small scale subsistence agricultural activities which may include the raising and breeding of poultry.
public authority:	shall have the same meaning given to it in and for the purposes of the Act;
public utility:	means any work or undertaking constructed or maintained by a public authority or the local government as may be required to provide: (a) water, sewerage, electricity, gas, drainage, communications or other similar services; and (b) civic and municipal uses, including public toilets, rubbish disposal, works depots and associated uses;

R-Codes:	means the Residential Design Codes, in Schedule No. 2 to the Western Australian Planning Commission's Statement of Planning Policy No. 2.1;
recreation and leisure:	means any land or buildings used for recreation, sport or leisure purposes;
reserve:	means any land reserved for a public purpose;
restaurant / café:	means a building wherein food is prepared for sale and consumption on the premises and the expression shall include a licensed restaurant/café;
retail:	means the sale or hire of products, goods or services to the ultimate consumer rather than by wholesale generally in small quantities;
rural production:	means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith: (a) the cultivation of plants for fruit, vegetables and other produce; and (b) the sale of produce grown solely on the lot;
salvage yard:	means any land or building used for the storage or sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats;
service station:	means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking;
serviced apartment:	means an independent living residential unit development for short stay accommodation purposes but does not include a hotel or motel;
shop:	means any land or building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food/take-away outlet or any other premises specifically defined elsewhere in this Scheme;
single house: single house: (cont'd)	means an independently constructed dwelling standing wholly on its own lot created pursuant to the Town Planning and Development Act and used for the purpose of human habitation on a permanent basis by: (a) a single person; (b) a single family; or (c) no more than six (6) persons who do not comprise a single family and includes any outbuilding erected within the curtilage;
site coverage:	means that portion of a lot which is covered by buildings or parts of buildings including overhanging or cantilevered parts of buildings;
social/community facility:	means the use of premises for the social welfare of the community and may include: (a) meeting rooms, recreation, child-minding (including care and ancillary education), cultural activities, social functions and the like; and (b) a community club for persons sharing like interests, but not including a licensed club;

studio:	means a building or part of a building used as a work-room by a painter, photographer, sculptor or crafts person in the conduct of his/her profession and includes incidental display and sale of things made, decorated or adapted therein;
take-away food outlet:	means any building used primarily for the sale of food to customers in a form ready to be eaten without further preparation with the intention that the food be eaten off the premises;
tourist resort <i>AMD 1 GG 05/02/16</i>	means any land or buildings used for integrated, purposes-built luxury or experiential premises for short-stay guests comprising accommodation units and on-site tourism facilities such as reception, restaurant and leisure facilities like swimming pool, gymnasium, tennis courts and where occupation by any person is limited to a maximum of three months in any 12 month period. Incidental uses may include the arrangement and sale of tours and the sale of tourist related arts and crafts made on the property.
warehouse:	means a building wherein goods are stored and may be offered for sale by wholesale;
wholesale:	means the sale of any goods to any person or persons other than the ultimate consumer of those goods;

SCHEDULE 2 – SPECIAL USES

1. Permitted Uses -

- Site 1- *Location 205(V) West Island (Former Quarantine Station)* - tourist facility, residential, industry – light/service, office, warehouse.
- Site 2 - *Location 201(V) West Island (Transmitter Site)* – industry – light/service, warehouse, office, residential.
- Site 3 - *Location 209(V) West Island (Meteorological Centre)* - recreation and leisure, civic uses.
- Site 4 - *Location 202(V), 206(V) and 207(V) West Island (Antennae Site)* - tourist facility, residential, industry – light, industry – service. Approval for any other uses at this site will be at the discretion of the local government.
- Site 5 - *Location 200(V) West Island (Airport and Runway)* – industry – light, industry – service, commercial defence facilities, tourist facility, recreation and leisure.
- Site 6 - *Lot 14 Home Island (Oceania House and Surrounds)* – shop, tourist facility, social/community facility, restaurant/café, cultural facility, residential, educational establishment.
- Site 7 - *Portion of Location 100, Rumah Baru Road, West Island (Light Industrial Area)' - 'Industry - light', 'Industry - Service.*
AMD 1 GG 05/02/16
- Site 8 - *Portion of Lot 100, Sydney Highway, West Island (Tourist Resort)* - tourist resort and associated facilities.
AMD 1 GG 05/02/16
- Site 9 - *Portion of Reserve 47378, Buffet Close, West Island (Resid)* - residential purposes. Development and subdivision is subject to approval of a Structure Plan.
AMD 1 GG 05/02/16

2. Special Conditions

AMD 1 GG 05/02/16; AMD 2 GG 28/04/17

Prior to development of land within a special use zone, a structure plan, prepared and approved in accordance with Part 4 of the deemed provisions, is required for that zone.

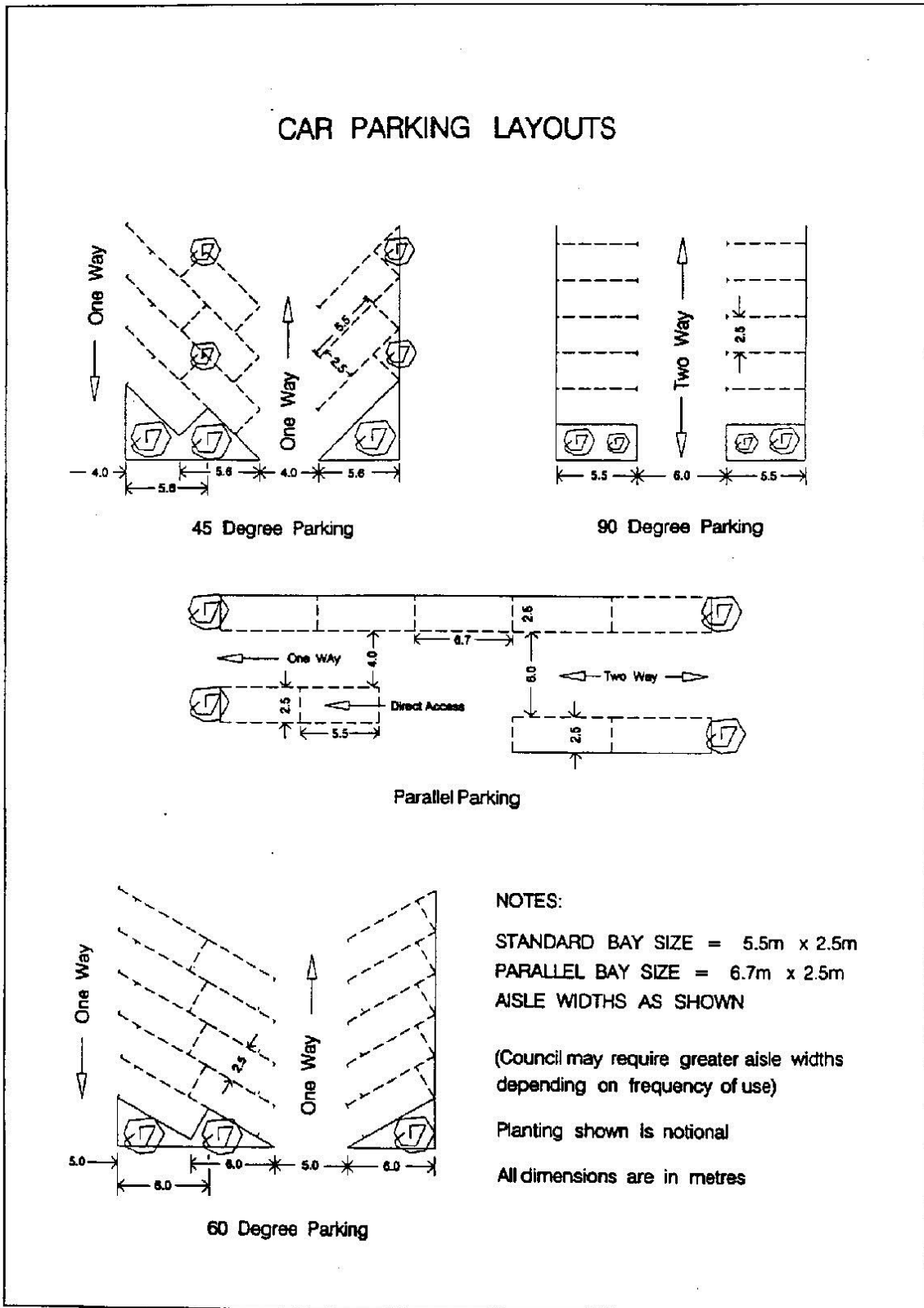
Development of land within a special use zone shall require provision of power services and reticulated water and wastewater services. Surface and groundwater management for development within the 'Special Use' zone shall be in accordance with an approved Local Water Management Strategy.

SCHEDULE 3 – ENVIRONMENTAL CONDITIONS

[CL. 5.5]

Amendment No.	Gazettal Date	Environmental Conditions

SCHEDULE 4 - CAR PARKING LAYOUTS



SCHEDULE 5 - PLACES AFFECTED BY THE AUSTRALIAN HERITAGE COMMISSION ACT 1975

The following places are affected by the provisions of the Australian Heritage Commission Act 1975 and are registered on the National Estate:

SITE	LOCATION
Six Inch Guns	Horsburgh Islands
Administrative Building Forecourt	Type 2 House Style, Type 'T' House, Government House Lot 177 Morea Close, West Island, DI House and WI Elevated Houses
Captain Ballard's Grave	Pt Lot 103 Jalan Belakang Pulu, Home Island
Co-op Shop	Lot 227 Jalan Bunga, Home Island
Early Settlers' Graves	Lot 41 Jalan Kipas, Home Island
Home Island Cemetery	Lot 206 Jalan Bunga Melati, Home Island
Home Island Foreshore	Adjacent to Jalan Pantai, Home Island
Home Island Industrial Precinct	Lot 103, 239, 240, 241, 242, 243, 245, 246, 247, 249, 250, 251, 253, 256 Jalan Bunga Melati, Home Island
Oceania House and Surrounds	Lot 14 Corner Jalan Pantai and Jalan Kebun
Former Qantas Huts	Lots 181 and 214 Sydney Highway
RAAF Memorial	Pt Lot 167, West Island Settlement
Slipway and Tank	Direction Island
West Island Housing Precinct	Lots 101 to 127, 129 to 134, 136 to 140, 162, 164, 191, 192, 187 & 221, West Island
West Island Mosque	Alexander Street, West Island
North Keeling Island	North Keeling Island