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# SHIRE OF WILLIAMS

## Town Planning Scheme No. 2

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Updated to include AMD 21 GG 24/11/2023

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal  
22 April 1994

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## SHIRE OF WILLIAMS TPS 2 - TEXT AMENDMENTS

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**TOWN PLANNING AND DEVELOPMENT ACT 1928  
(AS AMENDED)**

**SHIRE OF WILLIAMS TOWN PLANNING SCHEME NO. 2**

The Williams Shire Council, under and by virtue of the powers conferred upon it in that behalf by the *Town Planning and Development Act 1928* (as amended), hereby makes the following Town Planning Scheme for the purpose of controlling and co-ordinating:-

- (1) public and private development and use of land and/or buildings
- (2) other matters authorized by the enabling Act hereinafter referred to as "the Act"

for the improvement of the welfare and living conditions of the people and environmental standards of the Shire of Williams.

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## **PART I - PRELIMINARY**

- 1.1 This Town Planning Scheme may be cited as the Shire of Williams Town Planning Scheme No. 2 hereunder called “the Scheme” and shall come into operation upon publication of notice of the Hon. Minister’s final approval thereof in the *Government Gazette*.
- 1.2 The Town Planning Scheme for the Shire of Williams which was published in the *Government Gazette* on 29 June 1969 from time to time amended is hereby revoked.
- 1.3 The responsible authority for carrying out the Scheme shall be the Shire of Williams hereinafter referred to as “the Council”.
- 1.4 The Scheme shall apply to the whole of the land comprising the Shire of Williams.

### **1.5 CONTENTS OF THE SCHEME:**

The Scheme comprises this Scheme Text and the Scheme Map comprising District Map, Quindanning townsite, and Williams townsite sheets 1 and 5.

- 1.6 The Scheme Text is divided into the following parts:-

Part 1 - Preliminary.  
Part 2 - Effect of the Scheme.  
Part 3 - Scheme Reserves  
Part 4 - Zone Development Controls.  
Part 5 - Zone Development Controls.  
Part 6 - Non-Conforming Uses.

### **1.7 INTERPRETATION:**

Except as provided in Clause 1.7.1 and 1.7.2 the words and expressions of the Scheme have their normal and common meaning.

- 1.7.1 In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meaning given to them in Schedule 1 and the Residential Planning Codes.
- 1.7.2 Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.

## **PART II - EFFECT OF THE SCHEME**

### **2.1 APPLICATION OF THE SCHEME:**

After the gazettal date of the Scheme:-

- (1) Council permission shall be required for any development undertaken within the Scheme Area.
- (2) Unless otherwise provided in the Scheme the following operations or uses of land shall not be taken for the purpose of this Scheme to involve development:-
  - (a) the use of land in a Reserve where such land is held by the Council or vested in a public authority;
    - (i) for the purpose for which the land is Reserved under the Scheme; or
    - (ii) in the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority;
  - (b) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
  - (c) the carrying out by a public authority of any works for the purpose of inspecting, repairing or renewing any sewers, mains, pipes, cables or other apparatus, including the breaking open of any street or other land for that purpose;
  - (d) the use of any buildings or other land within the curtilage of a dwelling for any purpose incidental to the enjoyment of the dwelling as such;
  - (e) the construction of, or extension to, a single house except:
    - (i) in the Rural Residential Zone as provided in Clause 4.5(2)(a); or
    - (ii) where the lot on which the single house is proposed does not have frontage access to a constructed road in a dedicated road reserve

in either of which cases a development application shall be made to Council in accordance with the provisions of this Part of the Scheme.
- (3) For the avoidance of doubt it is hereby declared that:-
  - (a) the use of two or more separate dwellings of any building previously used as a single house involves a material change in the use of the building;
  - (b) the deposit of refuse or waste materials on land involves a material change in the use thereof, where the land has not previously been used for that purpose;
  - (c) the keeping of horses, cattle, sheep, pigs or goats is not a purpose incidental to the enjoyment of a dwelling as stated in 2.1(2)(e) above.

### **2.2 DEVELOPMENT APPLICATION REQUIREMENTS:**

Any development shall not commence without application to Council and prior receipt of Council and prior receipt of Council permission in writing.

## **2.3 FORM OF APPLICATION:**

- (1) A development application shall be made in the Form in Schedule 2 and shall consist of:-
  - (a) a full Land Titles Office description of the land together with postal address;
  - (b) the full name and address of the owner of the land and such application shall be duly signed by the owner;
  - (c) a full description of the intended use of the land or building including, where applicable, details of the number of dwellings, or an indication of all processes anticipated to be carried out, with reference to any likely noise, vibration, smell, light, traffic generation, potential safety or health hazard, electrical interference, unsightly appearance, fumes, smoke, dust, grit, oil, wastewater, and other waste products;
  - (d) drawings, sufficient to demonstrate that all development controls can be met, shall include a site plan illustrating existing and proposed buildings, car parking and landscaped areas, at a scale of not less than 1:500 and at least two external elevations at a scale of not less than 1:1000.
- (2) A plan for a development application shall indicate:-
  - (a) details of any proposed alterations to the natural contour of the land;
  - (b) the positions of shrubs, trees and other plants (if any) to be provided in the proposed development;
  - (c) details of materials to be used in respect to the external finish of walls and roof.

## **2.4 ADDITIONAL DEVELOPMENT APPLICATION REQUIREMENTS:**

Where the Council considers that there is sufficient information to give proper consideration to the application the Council may require the developer or the owner of the land to supply any further information it may reasonably require.

## **2.5 MATTERS COUNCIL SHALL CONSIDER:**

- (1) In respect of any application for development the Council shall take into consideration;
  - (a) those matters referred to in this Scheme;
  - (b) any detailed development plan, design, code, or Town Planning Scheme policy adopted by resolution of the Council, pertaining to land which the application relates subsequent to the coming into force of this Scheme;
  - (c) the demand on, and adequacy of: - roads, utility services including waste disposal, public open space and community facilities relative to the application;
  - (d) any detrimental circumstances that could originate from the proposed use, including noise, vibration, smell, light, traffic generation, potential safety or health hazard, electrical interference, unsightly appearance, fumes, smoke, dust, oil, wastewater or other waste products;
  - (e) the character of the proposed development in relation to the development on the adjoining land in the locality and the intended future amenity of the area and any matters specified in Part 4 of the Scheme;
  - (f) representation made by a public authority, in relation to the application or to the development of the area, and the rights and powers of any such authority;
  - (g) representations made by any person or body in pursuance of Clause 2.6;
  - (h) the location and adequacy of provision for landscaping of the site;



- (i) adequacy of the proposed means of entrance to and egress from the site and provision for the loading, unloading and parking of vehicles on the site;
  - (j) in respect of car parking:-
    - (i) the means of access to each space and the adequacy of any manoeuvring area;
    - (ii) the location of the spaces on the site and their effect on the amenity of adjoining development, including the potential effect if spaces should later be roofed or covered;
    - (iii) the adequacy of any proposed screening or planting;
    - (iv) the location of proposed footpaths and the effect on road safety;
    - (v) any requirements considered necessary regarding the sealing and drainage of parking spaces and accessways.
  - (k) Any other matters relating to the proper planning of the site and the locality.
- (2) In exercising its discretionary powers Council shall not approve any application for development which will seriously conflict with the intent of the foregoing criteria.

## **2.6 ADVERTISEMENT OF APPLICATION:**

Where in the opinion of the Council proposed development of the type referred to in Clause 4.3 of this Scheme as "AA" is reasonable and may be approved, the Council may before giving final consideration to the proposal:

- (1) require the applicant to give notice of the proposed development by displaying in a prominent position on the site proposed for such development, a notice of not less than 1 sq.m in the form contained in Schedule 3, for a period of not less than one calendar month;
- (2) advertise such proposal in a newspaper circulating locally, for two successive weeks;
- (3) notify in writing adjoining owners and all parties in the vicinity which Council considers to be likely to be affected by the proposed development.

All parties notified shall be given not less than one calendar month taken from the time of notification to reply to Council;

The Council shall not give final consideration to any such application until the expiration of 14 days after the dates referred to in (1) and (3) above and when doing so shall have regard to any representations made for or against such application.

## **2.7 DEVELOPMENT APPROVAL:**

- (a) any development approval by the Council shall be in accordance with the Scheme;
- (b) the Council shall, within a period of 2 months of the date of receipt of an application, determine that application, subject to Clause 2.9;
- (c) in determining the application, the Council shall either approve, refuse or approve the application subject to conditions;
- (d) the Council shall notify the applicant in writing of its decision, and where the decision is a refusal or a conditional approval, shall state its reasons for the determination.

## **2.8 DEALING WITH A DEVELOPMENT APPLICATION:**

The Council having regard to any matter which it is required by the Scheme to consider, to the purpose

for which the land is reserved or zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality and the preservation of the amenities of the locality may refuse to approve any application for development approval or may grant its approval unconditionally or subject to such conditions as it thinks fit.

## **2.9 DEFERMENT OF DETERMINATION:**

The Council may at its discretion defer determination of an application for a period of not more than two months pending the submission of further information, the re-submission of drawings to incorporate amendments made at its request or the expiration of a notice given under Clause 2.6. If after a period of two months has elapsed the Council is still unable to determine an application it may with the written consent of the applicant extend the period for a further two months. If the applicant shall not agree to such a request, he shall be entitled to appeal against the Council's decision as though the application had been refused.

## **2.10 EXPIRY OF APPROVAL:**

Development approval shall be valid for a period of two years from the time of approval, at the expiration of which period the approval shall be void.

## **2.11 WAIVING PROVISIONS OF THE SCHEME:**

Where the Council considers application of any provision of Parts 4 and 5 of the Scheme would result in undue hardship, or be contrary to the interests of the area if may, after giving notice of its intention in accordance with Clause 2.6, waive the requirements of the provision except that the Council shall not waive the requirements of either Table 1 or Clause 5.6.

## **2.12 APPEAL:**

An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Act and the Rules and Regulations made pursuant to the Act.

## **2.13 PROHIBITION:**

- (1) No person shall use any land or any building or structure thereon contrary to or otherwise than in accordance with the provisions of the Scheme.
- (2) If pursuant to the provisions of the Scheme, approval has been granted upon conditions, no person shall commit a breach of any of those conditions.

## **2.14 COMPLIANCE WITH DEVELOPMENT APPLICATION:**

Development and activities resulting from a development approval shall comply substantially in every respect to the description appearing on the application.

## **2.15 TIME PERMITS:**

If the Council shall grant a time permit allowing any land or building to be used for a specified purpose for a limited period, no person shall, unless otherwise authorized by the Scheme, use the land or building for the specified purpose after the expiration of the time specified in the time permit.

## **2.16 PENALTIES:**

Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein, is liable to such penalties as are prescribed by the Act.

## **2.17 DISPOSAL OF LAND:**

The Council may deal with or dispose of any land which it owns or which it has acquired pursuant to the provisions of the Scheme, in accordance with the Local Government Act and in conformity with the

provisions of the Scheme, and for such purpose may make such agreements with other owners as it deems fit.

**2.18 ACT:**

Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act. The Council may recover expenses under Section 10 (2) of the Act in a Court of competent jurisdiction.

**2.19 COMPENSATION:**

- (1) Claims for compensation for injurious affection by reason of the Scheme shall be made to the Council not later than six months from the date on which notice of approval of the Scheme is published in the *Government Gazette*.
- (2) In lieu of paying compensation, the Council may acquire the land injuriously affected, in accordance with the provisions of the Act.

**2.20 ENTRY TO PREMISES:**

The Council may, by an authorized officer, enter at all reasonable times any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

**2.21 POWER TO MAKE POLICIES:**

In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development.

- (1) A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:
  - (a) the Council having prepared and having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft Policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the draft Policy may be inspected and where, in what form, and during that period (being not less than 21 days) representations may be made to the Council;
  - (b) the Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft Policy with or without amendment, or not proceed with the draft Policy;
  - (c) following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours.
- (2) A Town Planning Scheme Policy may only be altered or rescinded by:
  - (a) preparation and final adoption of a new policy pursuant to this clause, specifically worded to supercede an existing policy;
  - (b) publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.
- (3) a Town Planning Scheme Policy shall not bind the Council in respect of any application for development approval, but the Council shall take into account the provisions of the Policy and the objectives which the Policy was designed to achieve before making its decision.

**2.22 RURAL RESIDENTIAL ZONE:**

The following provisions shall apply to all land included in a Rural Residential zone in addition to any provisions which are more generally applicable to such land under the Scheme.

- (1) The objective of the Rural Residential zone is to select areas wherein closer subdivision will

be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats, and also to make provisions for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

- (2) Before making provision for a Rural Residential zone, the Council will require the owner(s) of the land to prepare a submission supporting the creation of the Rural Residential zone and such submission shall include:
  - (a) a statement as to the purpose or intent for which the zone is being created and the reasons for selecting the particular area the subject of the proposed zone;
  - (b) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, creeks, wells and significant improvements;
  - (c) information regarding the method whereby it is proposed to provide a potable water supply to each lot;
  - (d) information pertaining to the suitability and capability of the subject land to support closer subdivision and development.
- (3) The provisions for controlling subdivision and development in specific Rural Residential zones shall be as laid down in Schedule 4 and future subdivision will generally accord with the plan of subdivision for the specified area referred to in Schedule 4.

*AMD 11 GG 18/6/99*
- (4) The Scheme provisions for a specific Rural Residential zone shall include a plan of subdivision showing, amongst other things:
  - (a) the proposed ultimate subdivision including lot sizes and dimensions;
  - (b) areas to be set aside for public open space, pedestrian accessways, horse trails, community facilities, etc. as may be considered appropriate;
  - (c) those physical features it is intended to conserve;
  - (d) the proposed staging of the subdivision where relevant.
- (5) In addition to the plan of subdivision, the Scheme provisions for a specific Rural Residential zone shall specify:
  - (a) any facilities which the purchasers of the lots will be required to provide (eg their own potable water supply, liquid or solid waste disposal, etc);
  - (b) proposals for the control of land uses and development which will ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired.

## **PART III - SCHEME RESERVES**

### **3.1 SCHEME RESERVES:**

The land shown as Scheme Reserves on the Scheme Map herein called "reserves" are lands reserved under the Scheme for the purposes shown on the Scheme map and are listed hereunder:

Public Purpose

### **3.2 MATTERS TO BE CONSIDERED BY COUNCIL:**

When an application for planning approval is made with respect to land within a reserve, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

### **3.3 COMPENSATION:**

Where the Council refuses planning approval for the development of a reserve on the ground that the land is reserved for Local Authority purposes or for the purposes shown on the Scheme Map, or grants planning approval for the purposes shown on the Scheme Map, or grants planning approval subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

- (1) Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing planning approval or granting it subject to conditions that are unacceptable to the applicant.
- (2) In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of planning approval or of the grant of approval subject to conditions that are unacceptable to the applicant.

## PART IV - ZONE DEVELOPMENT CONTROLS

- 4.1 The Scheme Area is divided into the several zones set out hereunder:

Residential  
Rural Residential  
Commercial  
Industrial  
Rural  
Special Use

AMD 12 GG 24/9/99

The zones are delineated and depicted on the Scheme Map according to the legend thereon.

- 4.2 Table 1 appended to Clause 4.3 of the Scheme indicates the several uses permitted by the Scheme in the various zones, such uses being determined by cross reference between the list of "Uses" on the left hand side of the Table and the list of "Zones" on the top of the Table.

- 4.3 The symbols used in the cross reference in Table 1 have the following meanings:

"P" means that the use is permitted provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting development approval;

"AA" means that the Council may, at its discretion, permit the use;

"X" means a use that is not permitted

**TABLE 1 - ZONING TABLE**

		RESIDENTIAL	RURAL RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SERVICE COMMERCIAL <small>AMD 19 GG</small>	RURAL
1	abattoir	X	X	X	X	X	X
2	aged or dependent persons dwelling	AA	X	X	X	X	X
3	caretaker's dwelling	X	AA	AA	AA	AA	AA
4	civic building	X	X	P	X	AA	X
5	club premises	X	X	AA	X	AA	AA
6	consulting rooms	AA	X	P	X	X	X
7	education establishment	X	X	X	X	AA	AA
8	fuel depot	X	X	X	AA	X	AA
9	grouped dwelling	P	X	X	X	X	AA
10	holiday cabins or chalets	X	X	X	X	X	AA
11	home occupation	AA	AA	X	X	X	AA
12	hotel	X	X	AA	X	X	X
13	industry - cottage	AA	AA	X	AA	AA	AA
14	industry - extractive	X	X	X	AA	X	AA
15	industry - general	X	X	X	AA	X	X
16	industry - light	X	X	X	P	AA	X
17	industry - noxious	X	X	X	X	X	AA
18	industry - rural	X	X	X	X	X	AA
19	motel	X	X	AA	X	AA	X
20	office	X	X	P	AA	AA	AA
21	public recreation	P	P	P	P	X	AA
22	public utility	AA	AA	AA	AA	AA	AA
23	public worship - place of	AA	X	AA	X	AA	AA
24	residential building	AA	X	X	X	X	X
25	restaurant	X	X	P	X	AA	AA
26	rural pursuit	X	AA	X	X	X	P
27	service station	X	X	AA	AA	AA	AA
28	shop	X	X	P	X	AA	X
29	single house	P	P	AA	X	X	P
30	transport depot	X	X	X	P	AA	AA

- 4.3.1 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use which by its more general terms might otherwise include such particular use.
- 4.3.2 If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:
- (a) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted, or
  - (b) determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of Clause 2.6 in considering an application for planning consent.

#### **4.4 ADDITIONAL USES:**

Notwithstanding anything contained within the Zoning Table the land specified in Schedule 5 may, subject to compliance with any condition specified in the Schedule with respect to the land, be used for the purpose set against that land. the use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses is excluded or modified by a condition specified in Schedule 5.

#### **4.5 SPECIAL USE ZONES**

*AMD 12 GG 24/9/99*

Special Use zones are set out in the Schedule 6 and are in addition to the zones in the Zoning Table. No persons shall use any land or any structure or buildings thereon, in a Special Use zone except for the purpose set out against that land in Schedule 6 and subject to the conditions set out in Schedule 6 with respect to that land.

#### **4.6 REGULATORY CONTROLS:**

The following shall be deemed minimum acceptable standards for development:

##### **(1) Residential Development: Residential Planning Codes:-**

- (a) For the purpose of the Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No. 1, together with any amendments thereto (hereinafter called the "R Codes").
- (b) A copy of the R Codes shall be kept and made available for public inspection at the offices of the Council.
- (c) 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.
- (d) The R Code density applicable to land within the residential zone shall be determined by reference to the R Code density numbers superimposed on the areas within that zone shown in the Scheme Map as being contained within outer edges of the black borders or, where such an area abuts on another area having an R Code density, as being contained within the centre lines of those borders.

##### **(2) Rural Residential: -**



Development in a Rural Residential zone shall comply with the requirements of the following:

- (a) In addition to a building licence, the Council's prior development approval is required for all development including a single house and such application shall be made in writing to the Council and be subject to the provisions of part 2 of the Scheme.
- (b) Not more than one dwelling per lot shall be erected.
- (c) In order to conserve the rural environment or features of natural beauty all trees shall be retained unless their removal is authorized by the Council.
- (d) In order to enhance the rural amenity of the land in areas Council considers deficient in tree cover it may require as a condition of any planning approval the planting of such trees and/or groups of trees and species as specified by the Council.
- (e) Any person who keeps an animal or animals or who uses any land for the exercise or training of an animal or animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council. Where in the opinion of the Council the continued presence of animals is likely to contribute or is contributing to dust or odour pollution or soil erosion, notice may be served on the owner of the land requiring the removal within the period specified in the notice of those animals specified in the notice for a period specified in the notice.
- (f) In considering an application for development approval for a proposed development (including additions and alterations to existing development) Council shall have regard to the following:
  - (i) the colour and texture of external building materials;
  - (ii) building size, height, bulk, roof pitch;
  - (iii) setback and location of the building on its lot;
  - (iv) architectural style and design details of the building;
  - (v) relationship to surrounding development; and
  - (vi) other characteristics considered by the Council to be relevant.

(3) **Commercial: -**

- (a) Area - Existing depth of lot.
- (b) Frontage - 18 m.
- (c) Parking -
  - (i) Shops: 1 space per 10 m<sup>2</sup> of gross floor area.
  - (ii) Hotel: 1 space per bedroom plus 1 space per 5m<sup>2</sup> of licensed bar area.\*
  - (iii) Tavern: 1 space per 3.5 m<sup>2</sup> of licensed bar area.\*
  - \* Includes all bar areas in which drinks are consumed and to which the public have access as well as licensed restaurant area, where applicable.
  - (iv) Motel: Parking - 1 space per bedroom plus three additional spaces.

(v) Other: In accordance with the Council's requirements.

(vi) Community: As determined by Council.

(4) **Industrial: -**

AMD 16 GG 10/12/10

- (a) The minimum building setbacks are to be 16.5 metres front and rear. Side and rear setbacks shall be to the discretion of Council having regard for the need for visual buffers to adjacent residential or rural uses.
- (b) The first 5 metres of the front setback area shall be landscaped to the satisfaction of the local government. Council may require additional landscaping to Albany Highway, adjacent residential or rural uses, or to screen a development where it is desirable to maintain a rural vista from major roads.
- (c) Council may impose conditions on development requiring installation of a landscaped buffer as part of any new development.
- (d) No materials, buns or open storage shall be permitted in front setback area, unless it has been granted specific planning approval, is screened from view and Council is satisfied that it will not negatively impact on amenity.
- (e) Council may require screening in the form of fencing and / or landscaping of any storage in an open area (contained outside of a building) to protect the visual amenity of neighbouring non industrial properties.
- (f) All unloading and loading of materials, parking, and the operation of the industry is to be within the boundaries of the lot.
- (g) Any industry subject to buffer separation distances to sensitive landuses in accordance with Environmental Protection Area guidelines must demonstrate compliance with the applicable buffers, or lodgement of a site specific environmental analysis demonstrating that the use will not negatively impact on the amenity of sensitive landuses to the satisfaction of the Council. IN assessing any proposal which does not comply with generic buffer guidelines, Council has discretion to refer to application to the EPA for comment.
- (h) The use of zinculume or reflective materials is not permitted for construction of new industrial buildings.
- (i) In determining any application for planning approval Council may have regard for matters such as suitable areas for on-site effluent disposal, the appearance and standard of development, the existing streetscape and character of surrounds, adequate on site turnaround areas for truck movements, landscaping, and parking.

(5) **Service Commercial**

AMD 19 GG 18/8/2023

Subdivision and development in the Service Commercial zone shall comply with the following standards and requirements –

**Lot size and setbacks**

- (a) The Minimum lot size in the Service Commercial zone is 3,000m<sup>2</sup>.
- (b) The primary street setback in the Service Commercial zone is 4 metres, or as otherwise in accordance with an approved Local Development Plan.
- (c) The secondary street setback in the Service Commercial zone is 2 metres, or as otherwise in accordance with an approved Local Development Plan.

- (d) The side / rear setback in the Service Commercial zone shall be as determined by the local government, or as otherwise in accordance with clause 5(e) below.
- (e) The minimum setback between a building in the Service Commercial zone and any boundary shared with an adjacent Residential zoned lot shall be 3 metres or half the height of the wall facing that boundary, whichever is greater.

#### **Use of setback areas**

- (f) In the Service Commercial zone no use of the area between the street alignment and the primary street setback line shall be permitted other than for landscaping, pedestrian or vehicular circulation, and vehicle parking in accordance with the provisions of the Scheme, except that an area up to 25 percent of the building setback area may be used for trade display purposes with the approval of the local government.

#### **Floor space restrictions**

- (g) In the Service Commercial zone development on each lot (including a strata or survey strata lot) shall achieve a building with a floor area not less than 200m<sup>2</sup> NLA, unless otherwise approved by the local government.

#### **Movement network, lot access and parking**

- (h) Planning proposals in the Service Commercial zone shall establish a functional movement network, including vehicular access locations, consistent with the requirements of State road planning policy.
- (i) The location of crossovers in the Service Commercial zone shall be as determined by the local government, or as otherwise in accordance with an approved Local Development Plan.
- (j) In the Service Commercial zone suitable manoeuvring space shall be provided so that all vehicles can enter and exit the site in a forward gear. The local government may require lodgement of a truck movement plan as part of any development application.
- (k) Lot access, off-street parking and vehicle manoeuvring spaces in the Service Commercial zone shall comply with the following standards –
  - i. Adequate off-street car parking shall be provided to cater for the projected volume of employees and customers as required by the local government.
  - ii. Adequate space for parking, loading and unloading of trade and service vehicles shall be provided as required by the local government.
  - iii. All off-street parking, loading and unloading areas shall be constructed, sealed and drained as required by the local government.

#### **Other development requirements**

- (l) Unless otherwise approved by the local government, buildings in the Service Commercial zone shall generally be orientated to the primary street, or as otherwise in accordance with an approved Local Development Plan.
- (m) In the Service Commercial zone a minimum 1 metre wide landscaping strip shall be provided along any highway or street frontage excluding any crossovers.
- (n) The use of zincalume or reflective materials is not permitted for the construction of new buildings.

#### **Lot specific subdivision and development requirements**

- (o) The subdivision and / or development of Lot 889 on DP 416835 shall comply with the following standards and requirements –
  - i. The local government or Western Australian Planning Commission may require an urban water management plan to be prepared and approved, in consultation with the relevant State agency, to support any subdivision or development application.
  - ii. The local government or Western Australian Planning Commission may require a site and soil evaluation, undertaken at the wettest time of the year, to be prepared and approved, in consultation with the relevant State agency, to support any subdivision or development application.
  - iii. The local government or Western Australian Planning Commission may require the preparation of a bushfire management plan to support subdivision or development within a designated bushfire prone area.
  - iv. The local government or Western Australian Planning Commission may require a transport impact assessment to be prepared and approved, in consultation with the relevant State agency, to support any subdivision or development application.

#### **4.7 POLICY STATEMENT**

##### **(1) Rural Residential Zone -**

It is the intention of the Council to consider only those proposals for Rural Residential development for land within a 10 kilometres radius of the Town of Williams.

Each application for a Rural Residential zone must be accompanied by a strategic planning Strategy prepared in accordance with Policy adopted by the Commission, and at the proponents' cost.

*AMD 13 GG 4/4/08*

##### **(2) Commercial Zone -**

- (a) Commercial activity within the town is presently conducted on a low-key basis and there is not a considerable degree of demand for additional facilities;
- (b) it is the intention of the Scheme that encouragement will be given to the introduction of new businesses within this zone and that the Council will, where necessary, obtain land for new developments and make the land available to bona fide developers, either in freehold or if necessary for the welfare and general good of the town, through a joint financial participation with the developer;
- (c) it is intended that where opportunity exists, new developments should be encouraged in the form of small complexes of inter-related buildings, thereby both providing effective and economic provision of car-parking, landscaping and other services whilst maintaining an aesthetically desirable and architecturally cohesive appearance;
- (d) when considering car parking requirements, Council shall proper regard to the existing nature of the commercial area and any proposal for the co-ordinated development of the existing availability or deficiency of adequate car parking facilities.

##### **(3) Rural Zone -**

- (a) There shall be a general presumption by Council against subdivision in the Rural zone unless:

- (i) the lots have already been physically divided by significant natural or man-made features which preclude the continued operation of a rural property as a single unit (unless adjoining land could be similarly subdivided and thereby, by the process of precedent, lead to an undesirable pattern or land use in the area or in lots too small for uses compatible with the prevailing use in the area or in ribbon development alongside roads);
  - (ii) the lots are for farm adjustment and the erection of dwelling houses is restricted by memorials on Titles;
  - (iii) the lots are for specific uses such as recreation facilities and public utilities; or
  - (iv) the lots are required for the establishment of uses ancillary to the rural use of the land.
- (b) The Council does not recognize precedent resulting from subdivision created in the early days of settlement of the District as a reason for it to support subdivision in the Rural zone.
  - (c) The Council will favourably consider applications for adjustment of lot boundaries where the application if approved will not result in the creation of one or more additional lots.
  - (d) The Council may recommend approval for subdivision for more intensive forms of rural production only where the application as submitted to the Commission is accompanied by the following:
    - (i) such information as is set out in Regulation 6 of the State Planning Commission Regulations 1962 (as amended).
    - (ii) identification of soil types, availability and adequacy of water supply, and any areas of salt affected land;
    - (iii) evidence of consultations by the proponent with the Department of Agriculture on the suitability and capability of the proposed lot(s) and lot size for the intended land use;
    - (iv) a Statement of Undertaking by the proponent to proceed with the intended land use;
    - (v) details of stream protection where appropriate; and
    - (vi) such other matters as may be requested by the Council.

(4) **Industrial Zone -**

*AMD 16 GG 10/12/10*

The objectives of the Industrial zone are:

- (a) To encourage industrial development and particularly those which may provide employment opportunities and benefits to the local district.
- (b) To cater for a range of industrial uses and encourage quality development.

- (5) Service Commercial Zone:  
*AMD 19 GG 18/8/2023*

The objectives of the Service Commercial zone are:

- (a) To accommodate commercial activities which, because of the nature of the business, require good vehicular access and / or large sites.
- (b) To provided for a range of wholesale sales, showrooms, trades and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in the central area, shops and offices or industrial zones.

*AMD 19 GG 18/8/2023*

## **PART V - GENERAL DEVELOPMENT CONTROLS**

### **5.1 CARPARKING:**

- (1) the minimum dimension of any parking space required under the provisions of the Scheme, shall be 2.5m x 5.5m, excluding all access drives;
- (2) the carparking layout on any lot within the proposed town centre commercial area shall be designed in conjunction with layouts on adjoining lots so that the total area may ultimately function as an integrated carparking and access area;
- (3) where the landowner can demonstrate to the satisfaction of the Council that there is not the demand for the number of parking spaces specified in the Scheme, landscaping may be provided in lieu of carparking spaces not constructed; providing that the Council may at any time require that the additional parking spaces be provided.

### **5.2 LANDSCAPING:**

- (1) the Council may require the provision of any amount of landscaping that it considers reasonable and desirable in the circumstances;
- (2) as a guide to the Council and landowner, landscaping may include natural bushland, swimming pools and areas under covered ways; laundries, drying yards, and garbage collection spaces shall not be included;
- (3) access driveways between street alignment and setback line, may be included in the landscaping requirement but otherwise carparking areas and driveways shall not be included;
- (4) the Council may restrict the use of concrete, gravel, pebble and similar hard materials and require planting of lawns, trees or shrubs in lieu thereof;

### **5.3 ACCESS:**

Access to lots shall be in general accordance with the following guidelines:

- (1) vehicular access to any lot shall not be within 9m of a road intersection;
- (2) provision shall be made for all service vehicles to load and unload clear of any right-of-way where practicable;
- (3) each lot has a right of access at one point per street frontage, with additional points of access at the discretion of the Council;
- (4) the maximum width of any access crossover shall be 3.6m for residential and other uses, provided that the Council may at its discretion increase the width.

#### **5.4 BUILDINGS WITHIN SETBACK AREA:**

Requirements of the Scheme for the setting back of buildings shall exclude garden walls, advertising signs, swimming pools, carparking, car ports and at the discretion of the Council, other open structures and trade displays.

#### **5.5 DEVELOPMENT LIMITED BY LIQUID WASTE DISPOSAL:**

Notwithstanding anything elsewhere appearing in the Scheme, all development including a single house:

- (1) in the Residential or Commercial Zones on a lot of less than 0.2 hectare shall be connected to a comprehensive sewerage system; and
- (2) the Council may refuse to issue development approval for any development in the Scheme Area if in the opinion of the Council adequate provision is not made or cannot reasonably be made for the disposal of liquid wastes from that development.

#### **5.6 DEVELOPMENT OF LOTS ABUTTING UNCONSTRUCTED ROADS:**

Notwithstanding anything elsewhere appearing in the Scheme where an application is made for approval of development including a single house in respect of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the Council shall either:

- (1) refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be; or
- (2) grant the application subject to a condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose.

#### **5.7 HOME OCCUPATION:**

- (1) The Council shall not grant development approval to a home occupation unless it is satisfied that the use:
  - (a) will not prejudicially affect the amenity of the neighbourhood by way of emissions of any nature;
  - (b) will not occupy an area greater than 20 square metres;
  - (c) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
  - (d) is compatible with the principal uses to which the land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area.
  - (e) does not entail employment of any person not a member of the occupier's family.
  - (f) does not display a sign exceeding 0.2m<sup>2</sup> in area.
  - (g) does not entail the presence, use or calling of a vehicle of more than two tonnes tare weight.
  - (h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic out-building.
  - (i) does not entail the offering for sale or display of motor vehicles machinery or

goods (other than goods manufactured or serviced on the premises).

- (j) does not entail a source of power other than an electric motor of more than 0.373 kilowatts (0.5hp).
- (2) If an approval to conduct a home occupation is issued to a specific occupier of a particular parcel of land, it shall not be transferred or assigned to any other person, and shall not be transferred from the land in respect of which it was granted. Should there be a change of the occupier of the land in respect of which a home occupation approval is issued the approval is cancelled.
- (3) If, in the opinion of the Council, a home occupation is causing a nuisance or annoyance to owners or occupiers of land in the locality the Council may rescind the approval.
- (4) An approval to conduct a home occupation is issued subject to an annual permit which may be renewed by application to the Council for development approval.

## **5.8 PRESERVATION OF BUILDINGS, OBJECTS, OR PLACES:**

- (1)
  - (a) If the Council resolves that, in its opinion, a building, object or place is of historical or architectural interest or of outstanding natural beauty then it shall be described and listed in the register of Heritage Places which shall be held with the Scheme but does not form part of the Scheme.
  - (b) If the Council may resolve its intention to declare any site to be a place of heritage value but the site shall not be included in the register of Heritage Places until the Council has notified all of the owners and occupiers in the area of its intentions for a period of 30 days calling for submissions, and considered any submissions received in response to its declaration.
  - (c) The Council may at any time resolve that a heritage place should no longer be protected, or should be extended or otherwise amended but the register of Heritage Places shall not be amended until the Council has notified all owners and occupiers in the area of its intentions in writing, advertised its intentions for a period of 30 days calling for submissions and considered any submissions.
- (2)
  - (a) No alteration or modification to any building, object or place which is included in the register of Heritage Places under Clause 5.8 (1) shall be commenced or carried out, by any person, without having obtained planning approval.
  - (b) In considering any application to commence development the Council shall have due regard for any policy statement of the Council and to the published views of the Australian heritage Commission, the National Trust of Australia (WA), and the Western Australian Heritage Council or its successors; and to the views of these or any other relevant bodies, which views the Council may solicit.
- (3) Where a development the subject of an application for development approval involves material alteration to, a material modification of, or the destruction (total or partial) of any building, object, or place the subject of a resolution under paragraph (1) of this clause, the Council having regard to the desirability of retaining that building, object, or place, may refuse the application or approve of it subject to such conditions as the Council deems necessary to protect or preserve the building, object, or place.
- (4) Where development is proposed which would incorporate or conserve the whole or part of an existing building which the Council considers worthy of preservation; or where new development is proposed that, in the view of Council, enhances significant aspects of the built form of a heritage place and/or makes a significant contribution to the townscape, the Council may:
  - (a) permit an increase in the permissible floor area;
  - (b) permit setbacks consistent with the existing or neighbouring buildings;



- (c) relax parking standards or any other matters which, in the opinion of the Council, would achieve the objectives of the Scheme without detriment to the amenity of the area, consistent with orderly and proper planning practice.

## **5.9 OUTLINE DEVELOPMENT PLAN**

*AMD 13 GG 4/4/08*

5.9.1 The local government or Western Australian Planning Commission may require the preparation of an outline development plan prior to considering any subdivision or development proposal in any zone.

5.9.2 Notwithstanding the requirements of this Scheme, all development is to comply with the requirements of any endorsed outline development plan.

5.9.3 Any departure or alterations to outline development plans may, subject to the approval of the Commission, be permitted if the local government considers that the proposed departure or alteration will not prejudice the progressive subdivision and development of the area.

5.9.4 A proposed outline development plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the Residential Design Codes, and where the proposed outline development plan becomes an outline development plan, the local government is to have due regard to such reserves, zones or Residential Design Codes when recommending subdivision or approving development of land within. In the absence of an endorsed outline development plan the symbols in the Zoning Table will apply.

5.9.5 Advertising of outline development plans -

The local government may within 30 days of receiving the outline development plan require that it be advertised in accordance with clause 2.6 of the Scheme.

5.9.6 Adoption of outline development plans -

Following adoption of the outline development plan, with or without modifications, the local government shall request the Commission to endorse the outline development plan as the basis for approval of subdivision applications within areas covered by the plan.

5.9.7 Right of Review -

The proponent of an outline development plan required by this Scheme may make application for review under Part 14 of the Planning and Development Act 2005:

- (a) The failure of the local government to make a determination on the content and requirement of an outline development plan (or an amendment to an outline development plan) within 120 days of receiving a request for direction;
- (b) A decision by the local government not to endorse an outline development plan (or an amendment to an outline development plan); and Conditions of approval of the outline development plan (or an amendment to an outline development plan).

## **PART VI - NON-CONFORMING USES**

### **6.1 RIGHT TO CONTINUE USE:**

No provision of the Scheme shall prevent:-

- (1) the continued use of any land or building for the purpose for which it was being lawfully used at the date of gazettal of the Scheme, or
- (2) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits required under the Act, and any other law authorizing the development to be carried out has been duly obtained and was current.

### **6.2 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 Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

### **6.3 CHANGE OF NON-CONFORMING USE:**

The Council may permit the use of any land to be changed from one non-conforming use to another non-conforming use, provided the proposed use is, in the opinion of the Council, less detrimental to the amenity of the neighbourhood than the existing use, or in the opinion of the Council, is closer to the intended uses of the Zone.

### **6.4 DISCONTINUANCE OF NON-CONFORMING USE:**

- (1) Notwithstanding the preceding provisions of this Part, except where a change of non-conforming use has been permitted by the Council under Clause 6.3 when a non-conforming use of any land or building has been discontinued for a period of 6 months or longer, such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme;
- (2) the Council 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 both and may enter into an agreement with the owner for that purpose.

### **6.5 DESTRUCTION OF BUILDINGS:**

If a building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 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 or position not mentioned by the scheme.

## SCHEDULES

### SCHEDULE 1 - INTERPRETATION

**abattoir:** means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

**Act:** means the *Town Planning and Development Act, 1928* (as amended).

**advertisement:** means any words, letter, model, sign, placard, board, notice device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements; and Advertising Sign shall be construed accordingly but does not include:

- a) an advertising sign of less than 2m<sup>2</sup> in area relating to the carrying out of building or similar work on land on which it is displayed, not being land which is normally used for those purposes;
- b) an advertising sign of less than 2m<sup>2</sup> in area announcing a local event of a religious, educational, cultural, political, social or recreational character not promoted or carried on for commercial purposes;
- c) an advertising sign of less than 2m<sup>2</sup> in area relating to the prospective sale or letting of the land or building on which it is displayed;
- d) an advertising sign exhibited upon any land vested in or owned by the Minister for Railways which is directed only to persons upon or entering a railway station or platform or bus station;  
and
- e) directional signs, street signs and other like signs erected by a public authority.

**building envelope:** means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.

**caretaker's dwelling:** means 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 buildings:** means a building designed, used or intended to be used by a public authority or the Council as offices or for administrative or other like purpose.

**civic use:** means land and buildings used by a public authority or the Council, for administrative, recreational or other purpose.

**club premises:** means land and 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 are licensed under the provisions of the *Liquor Act, 1970* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

**Commission:** means the State Planning Commission constituted under the *State Planning Commission Act 1985* (as amended).

**consulting rooms:** means a building (other than a hospital or medical centre) used by practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments.

**District:** means the Municipal District of the Shire of Williams.

**education establishment:** means a school or other educational centre, but does not include a reformatory or institutional home.

**farm stay:** means a residential building, bed and breakfast, chalet or similar accommodation unit used to accommodate short stay guests on a farm or rural property and where occupation by any person is limited to a maximum of three months in any 12 month period. AMD 13 GG 4/4/08

**fuel depot:** means a depot for the storage or bulk sale of solid or liquid or gaseous fuel, but does not include a service station or the sale by retail into the final users vehicle of such fuel from the premises.

**gazettal date:** means the date of which the Scheme is published in the Government Gazette.

**holiday cabins or chalets:** means buildings on one lot used or intended for use for holiday purposes, and none of which is occupied by the same tenant for a continuous period of more than four months.

**home occupation:** means a business or activity carried on with the written permission of the Council within a dwelling or the curtilage of a dwelling by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant.

**hotel:** means land and buildings providing accommodation for the public the subject of an Hotel licence granted under the provisions of the *Liquor Act 1970* (as amended).

**industry:** means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes - :

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- a) the storage of goods;
- b) the work of administration or accounting;
- c) the selling of goods by wholesale or retail;
- d) the provision of amenities for employees.
- e) incidental purposes;

**industry - cottage:** means an industry which produces arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and that:

- a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, stream, soot, ash, dust, grit, oil, liquid wastes or waste products.
- b) where operated in a Residential zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land.
- c) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m<sup>2</sup>.
- d) does not require the provisions of any essential service main of a greater capacity than normally required in the zone in which it is located.

**industry - extractive:** means an industry which involves the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substances from the land, and also the storage, treatment, or manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto.

**industry - general:** means an industry other than a cottage, extractive, hazardous, light, noxious, rural, or service industry.

**industry - hazardous:** means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

**industry - light:** 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, wastewater 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 projected service for the supply or provision of water, electricity, sewerage facilities, or any other like services.

**industry - noxious:** means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act, 1911-1979* (as amended), but does not include fish shops or dry cleaning establishments.

**industry - rural:** means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

**industry - service:** 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.

**land:** shall have the same meaning given to it in and for the purpose of the Act.

**lot:** shall have the same meaning given to it in and for the purposes of the Act and "allotment" has the same meaning.

**motel:** means land and buildings used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles.

**nett lettable area (NLA):** means the area of all floors confined within the internal finished surfaces of permanent walls but excludes the following areas:

- a) all stairs, toilets, cleaners cupboards, tea rooms and plant rooms, and other service areas;
- b) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- c) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;
- d) In the case of subdivided floors, measurement is taken to the centre line of inter-tenancy walls or partitions.

**office:** means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.

**owner:** in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:

- a) is entitled to the land for an estate in fee simple in possession; or
- b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or
- c) is a lessor or licensee from the Crown; or
- d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.

**potable water:** means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in "International Standards for Drinking Water - Third Edition, World Health Organization - 1971".

**professional office:** means a building used for the purposes of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher

or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature, and "professional person" has a corresponding interpretation.

**public authority:** shall have the same meaning given to it in and for the purposes of the Act.

**public recreation:** means land used for a public park, public gardens, playground or other 'grounds for recreation which are normally open to the public without charge.

**public utility:** means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications or other similar services.

**public worship:** means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution

**renewable energy facility:** means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary.

AMD 21 GG 24/11/23

**residential building:** means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation -

- a) temporarily by two or more persons, or
- b) permanently by seven or more persons, who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.

**restaurant:** means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

**restoration:** means any work or process on at or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.

**rural pursuit:** means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- a) the growing of vegetables, fruit, cereals or food crops;
  - b) the rearing or agistment of sheep, cattle, goats or beasts of burden;
  - c) the stabling, agistment, or training of horses;
  - d) the growing of crops or pasture for grazing or seed production;
  - e) the sale of produce grown solely on the said land;
- but does not include the following except as approved by Council:
- i) the keeping of pigs;
  - ii) poultry farming;
  - iii) the processing, treatment or packing of produce;
  - iv) the breeding, rearing or boarding of domestic pets;

**schedule:** means a schedule to the Scheme.

**service station:** means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repair to motor vehicles, or wrecking of vehicles.

**shop:** means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for sale of vehicles or for any purpose falling within the definition of industry.

**tavern:** means land and buildings the subject of a Tavern license granted under the provisions of the *Liquor Act, 1970* (as amended).

**transport depot:** means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

**veterinary consulting rooms:** means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.

**veterinary hospital:** means a building used in connection with the treatment of sick animals and includes the accommodation of sick animals.

**zone:** means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land but does not include reserved land.

## SCHEDULE 2 - NOTICE OF INTENTION TO DEVELOP

Application is hereby made in accordance with the Shire of Williams Town Planning Scheme No. 2, that it is the intention of:-

Name: .....

of

Address .....

.....

.....

to develop and use land described below for the purpose of

.....

.....

.....

Address of proposed development .....

Lot No..... Loc. No..... Plan No .....

Certificate of Title Volume ..... Folio.....

Applicants Signature: .....

Date: .....

Owners Signature:.....  
(if other than applicant)

Date: .....



### SCHEDULE 3 - NOTICE OF INTENTION TO DEVELOP

It is hereby notified for public information, in accordance with the Shire of Williams Town Planning Scheme No. 2, that it is the intention of:-

Name: .....

of

Address .....

.....

.....

to develop and use land described below for the purpose of

.....

.....

.....

Address of proposed development .....

Lot No..... Loc. No..... Plan No .....

Certificate of Title Volume ..... Folio.....

Applicants Signature: .....

Date: .....

Any person wishing to object to, or support this proposal should do so in writing, to the Council, within 21 days of the date shown on this notice.

## SCHEDULE 4 - RURAL RESIDENTIAL ZONE

PARTICULARS OF LAND	REQUIREMENTS OF THE ZONE
<p>In the Williams townsite: Lots 123-130, 336 and 337 Richmond Street; Lots 293-297 Channon Street; Lot 328 Olive/Forrest Streets; Lots 298-302 William Street.</p> <p><i>AMD 10 GG 9/5/97</i></p>	<ol style="list-style-type: none"> <li>1. The Council will not recommend to the Commission support for further subdivision, but this shall not preclude the Council recommending to the Commission support for a rationalisation of lot boundaries provided no additional lots are created and the resultant lots sizes and shapes are to the satisfaction of the Council. The minimum lot size should be no less than 1.0 hectare.</li> <li>2. A reticulated water supply shall be provided to all lots of less than 2.0 hectares as a condition of subdivision/amalgamation.</li> </ol>
<p>In the Williams townsite: Location 13316 at the corner of Albany Highway and Quindanning Road.</p> <p><i>AMD 10 GG 9/5/97</i></p>	<ol style="list-style-type: none"> <li>1. The Council will not recommend to the Commission support for further subdivision.</li> </ol>
<p>In the Williams townsite: Lots 3, 4, 167-170, 172, 174, 176, 178, 180, 181, 189-220, Channon/Forrest/William/Gillett/Lavender/Martin Streets.</p> <p><i>AMD 9 GG 21/3/97</i></p>	<ol style="list-style-type: none"> <li>1. Notwithstanding Table 1 of the Scheme "rural pursuit" is not permitted ("X").</li> </ol>
<p>Lots 2 &amp; 10 Williams-Kulin Road,</p> <p><i>AMD 11 GG 18/6/99</i></p>	<ol style="list-style-type: none"> <li>1. Subdivision shall be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer or any variation approved by the Commission.</li> <li>2. No clearing of vegetation shall occur within any lot except for the following: <ol style="list-style-type: none"> <li>(a) clearing to comply with the requirements of the <i>Bush Fires Act 1954 (as amended)</i>.</li> <li>(b) with the approval of the Council, clearing within a building envelope of 1600 square metres containing the dwelling, as may be reasonably required to construct an approved by the Council.</li> <li>(c) clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by the Council.</li> </ol> </li> <li>3. Building envelopes shall be located at a minimum distance of 50 metres from Williams-Kulin Road; 100 metres from Fitts Creek and on the inner side of Buffer Setback prescribed on the attached Guide Plan.</li> </ol>

PARTICULARS OF LAND	REQUIREMENTS OF THE ZONE
<p>Lots 2 &amp; 10 Williams-Kulin Road, (Continued)</p> <p>AMD 11 GG 18/6/99</p>	<ol style="list-style-type: none"> <li>4. Council shall adopt a Bush Fire Management Plan for the subject land which shall be prepared in consultation with the Bush Fire Service of Western Australia. Council may amend the plan where it considers this to be necessary. All owners of affected land shall manage their properties in accordance with the plan. Development which would conflict with or impede bush fire management in accordance with the plan shall not be permitted or undertaken.</li> <li>5. As a condition of planning approval for development the Council will require the planting and maintenance for a period of 2 years of 50 trees capable of growing to at least 3 metres in height on proposed lots 7, 8, 10 &amp; 11 as shown on the attached Plan of Subdivision.</li> <li>6. Each dwelling shall be provided with a supply of potable water, in the form of a water tank with a minimum capacity of 135 kilolitres and connected to a suitable rainfall catchment with a surface area of not less than 150 square metres. Any auxiliary holding tanks which may be required shall not exceed a capacity of 10 kilolitres. Water supply tanks are to be fitted with camlock fittings providing access to 25% of the tank capacity for bush fire fighting purposes.</li> <li>7. With the intention of preventing overstocking or other practices detrimental to the amenity of the zone and to prevent land degradation and nutrient export, the breeding or keeping of livestock shall not be permitted without approval in writing from the Council.</li> </ol> <p>In considering any application for breeding or keeping of livestock, Council will have regard to advice from Agriculture Western Australia.</p> <p>Notwithstanding the above, in cases where approval to keep livestock has been given but environmental or land degradation problems develop, Council after consultation with Agriculture Western Australia, may take action to prohibit, restrict or reduce the number of animals.</p> <p>The keeping of livestock shall be subject to remnant vegetation being protected by the erection and maintenance of suitable fencing to the satisfaction of Council.</p>

PARTICULARS OF LAND	REQUIREMENTS OF THE ZONE
<p>Lots 2 &amp; 10 Williams-Kulin Road, (Continued)</p> <p>AMD 11 GG 18/6/99</p>	<p>8. Any fence, other than a fence which may be required by the Council to be erected around a swimming pool, shall comprise non-electrified stock proof wire or ring-lock fencing to a minimum height of 1.2 metres above the natural surface of the land, with posts being split jarrah or treated pine or similar.</p> <p>9. Council may require effluent disposal systems servicing development within proposed Lots 5, 9 and 13 on the Plan of subdivision to be high performance systems with bacterial stripping capabilities to the specifications and satisfaction of the Council or it may require a conventional effluent disposal system for any of these lots to be located in a position to be determined by an officer delegated by Council.</p>
<p>Lots 13303 to 13309 inc. Pinjarra - Williams Road, Williams</p> <p>AMD 12 GG 24/9/99</p>	<p>1. Subdivision is to be generally in accordance with the Plan of Subdivision certified by the Chief Executive Officer and approved by the Commission.</p> <p>2. No clearing of vegetation shall occur within any lot except for the following:</p> <ul style="list-style-type: none"> <li>a) clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended).</li> <li>b) with the approval of the Council, clearing within building envelope of 1600 square metres containing the dwelling, as may be reasonably required to construct an approved building and curtilage thereto.</li> <li>c) clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by the Council.</li> </ul> <p>3. Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 metres or such greater distance as the Council may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.</p> <p>4. As a condition of planning approval for a lot the Council may require the planting and maintenance for a period of 2 years of 50 trees capable of growing to at least 3 metres in height.</p>

PARTICULARS OF LAND	REQUIREMENTS OF THE ZONE
<p>Lots 13303 to 13309 inc. Pinjarra - Williams Road, Williams (Cont'd)</p>	<ol style="list-style-type: none"> <li>5. Livestock may be kept on all lots subject to all remnant vegetation being protected by suitable fencing to the satisfaction of the Council.</li> <li>6. No boundary or other fence shall be erected unless with the specific approval of the Council.</li> <li>7. No dam or artificial lake shall be developed on any lot without the prior planning approval of the Council</li> </ol>
<p>Portion of Lots 51 and 52 Eddington Road, Williams ('Munthoola')</p> <p>AMD 13 GG 4/4/08</p>	<ol style="list-style-type: none"> <li>1. Subdivision shall be in accordance with an outline development plan (subdivision guide plan) that is to be prepared and adopted in accordance with clause 5.9 - 'Outline Development Plan'.</li> <li>2. Building envelopes shall be no larger than 2000m<sup>2</sup> and all buildings and effluent disposal systems are to be confined to the building envelope. The location of the building envelope shall avoid any native vegetation.</li> <li>3. Clearing of vegetation is not permitted unless: <ol style="list-style-type: none"> <li>a) it is within the approved building envelope;</li> <li>b) it is to establish strategic firebreaks in accordance with the <i>Bushfires Act 1954</i> (as amended); or</li> <li>c) it is to enable vehicular access to the building envelope.</li> </ol> </li> <li>4. The keeping or breeding of livestock (including horses) shall not be permitted without the prior written approval of the local government.</li> <li>5. Any fencing shall comprise non-electrified stock proof wire or ring lock fencing to a minimum height of 1.2 metres above the natural surface of the land.</li> <li>6. No dam or artificial lake shall be developed on any lot without the prior written approval of the Council.</li> <li>7. The colour and style of any improvements shall be visually compatible with the area.</li> <li>8. These conditions are to be read in conjunction with the Scheme requirements for the Rural Residential zone, including Clause 2.22 - 'Rural Residential zone'. Where conflict exists, the conditions of this Schedule will prevail.</li> </ol>

PARTICULARS OF LAND	REQUIREMENTS OF THE ZONE
<p>Portion of Lot 12070 Albany Highway, Williams</p> <p><i>AMD 14 GG 3/3/09</i></p>	<ol style="list-style-type: none"> <li>1. Subdivision shall be generally in accordance with an Outline Development Plan approved by the Chief Executive Officer and endorsed by the Western Australian Planning Commission.</li> <li>2. The Outline Development Plan shall show: <ol style="list-style-type: none"> <li>i. the buffer to the existing wastewater treatment plant with a notation that lots partially within or near the buffer may be affected by odour until such time as the plant is decommissioned;</li> <li>ii. building envelopes for lots partially within the existing wastewater treatment plant buffer which have regard to the location of vegetation;</li> <li>iii. road linkages to the north-east;</li> <li>iv. adequate turning areas for rubbish trucks;</li> <li>v. any other information required by the local authority.</li> </ol> </li> <li>3. Clearing of vegetation is not permitted.</li> <li>4. The application for a rural pursuit that involves the stabling and keeping of stock (including horses) is to be accompanied by a stock management plan to the satisfaction and approval of the local government.</li> <li>5. All buildings and effluent disposal systems are to be confined within the building envelopes shown in the endorsed Outline Development Plan.</li> <li>6. The subdivider shall prepare a fire management plan to meet the requirements of the appropriate State Government Fire and Emergency Services agency.</li> <li>7. All lots below 4 hectares are required to be connected to reticulated water.</li> <li>8. These conditions are to be read in conjunction with the Scheme for the Rural Residential zone. Where conflict exists the conditions of this Scheme shall prevail.</li> </ol>

## SCHEDULE 5 - ADDITIONAL USES

No.	Particulars of Land	Permitted Uses	Development Standards/Conditions
1.	Lot 13 Adam St WILLIAMS	Transport Depot	Storage of goods to be temporary only (for goods in transit) and all storage to be under free-standing cover to Council' satisfaction. No other storage to be permitted.

## SCHEDULE 6 - SPECIAL USE ZONES

No	Description of Land	Special Use	Conditions
1	<p>Lots 4 and 51 William Street, Williams</p> <p><i>AMD 12 GG24/9/99</i></p>	Short-stay accommodation only, including motel and caravan park and such other	A single house may be developed on Lot 4 in accordance with Residential Planning Code density R10.
1	<p>Portion of Lot 52 Eddington Road, Williams ("Munthoola")</p> <p><i>AMD 13 GG 4/4/08</i></p>	Farm Stay	1. A single residential building may be developed on the land in accordance with the provisions and site requirements of the R10 code in the Residential Design Codes of WA.



## **ADOPTION**

Adoption by Resolution of the Council of the Shire of Williams at the Ordinary meeting of the Council held on the 21st day of October, 1992.

.....  
SHIRE PRESIDENT

.....  
SHIRE CLERK

## **FINAL APPROVAL**

Adopted for final approval by resolution of the Shire of Williams at the Ordinary meeting of the Council held on the 16th day of March 1994, and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

.....  
SHIRE PRESIDENT

.....  
SHIRE CLERK

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.5 of the Scheme and to which formal approval was given by the Minister for Planning on the date shown below.

## **Recommended/Submitted for final approval**

.....  
M R ALLEN  
for CHAIRMAN OF THE STATE  
PLANNING COMMISSION

.....  
DATE 28/3/94

Final approval granted

.....  
RICHARD LEWIS  
MINISTER FOR PLANNING

.....  
DATE 2/4/94



# SHIRE OF WILLIAMS

## Town Planning Scheme No.2

### LEGEND

#### RESERVES



PUBLIC PURPOSE

#### ZONES



RESIDENTIAL



RURAL RESIDENTIAL



COMMERCIAL



INDUSTRIAL

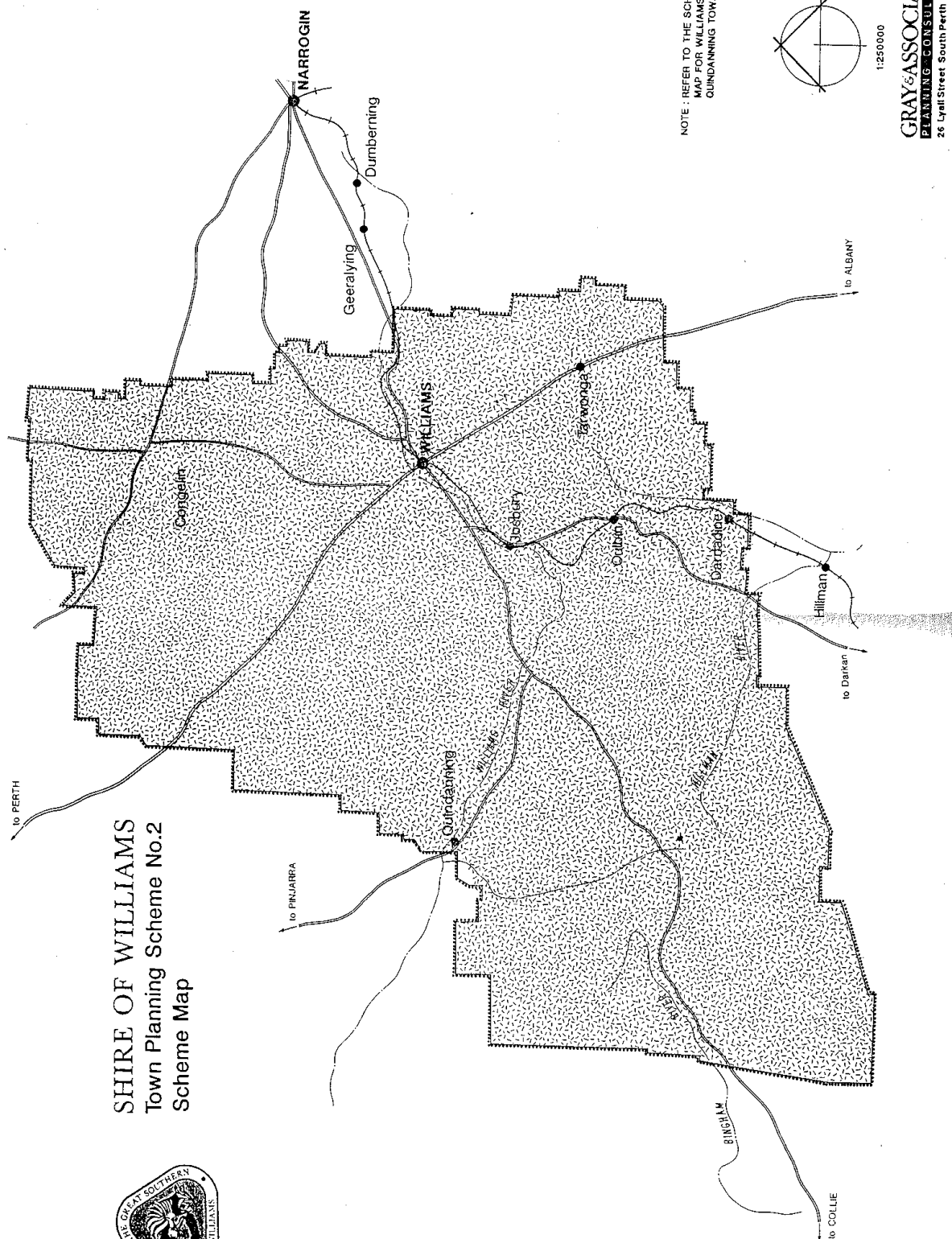


RURAL

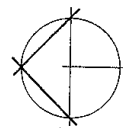
**GRAY & ASSOCIATES**  
PLANNING CONSULTANTS  
26 Lyall Street South Perth 4741722



# SHIRE OF WILLIAMS Town Planning Scheme No.2 Scheme Map

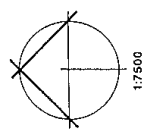
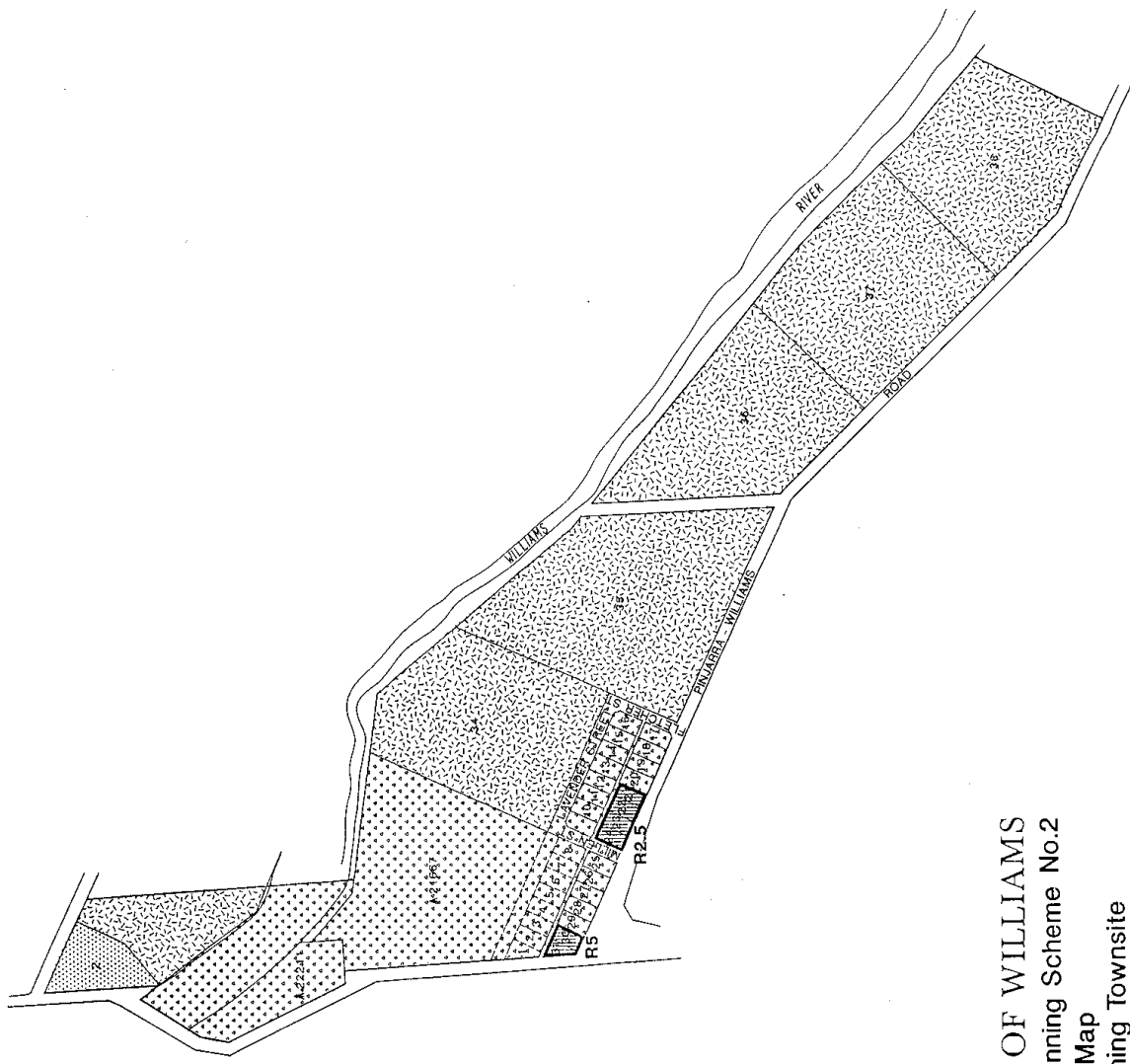


NOTE : REFER TO THE SCHEME  
MAP FOR WILLIAMS AND  
QUINDANNING TOWNSITES



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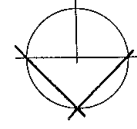
**GRAY & ASSOCIATES**  
**PLANNING CONSULTANTS**  
26 Lyall Street South Perth 474 1722



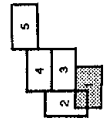
**GRAY & ASSOCIATES**  
**PLANNING CONSULTANTS**  
 26 Lyell Street South Perth 4741722

**SHIRE OF WILLIAMS**  
**Town Planning Scheme No.2**  
**Scheme Map**  
**Quindanning Townsite**



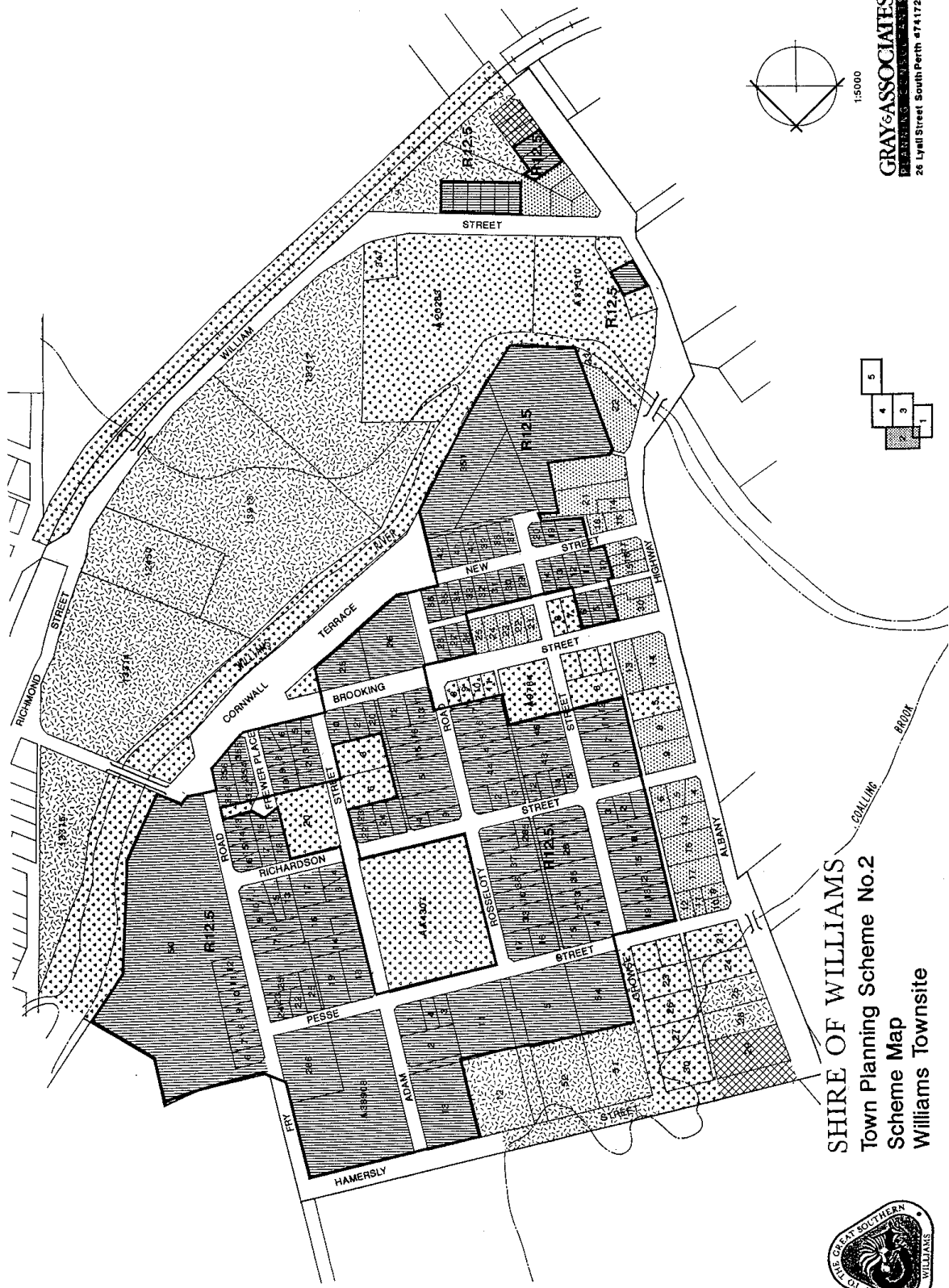


**GRAY & ASSOCIATES**  
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26 Lyall Street South Perth 6150  
4741722



**SHIRE OF WILLIAMS**  
**Town Planning Scheme No.2**  
**Scheme Map**  
**Williams Townsite**

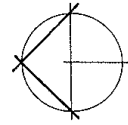
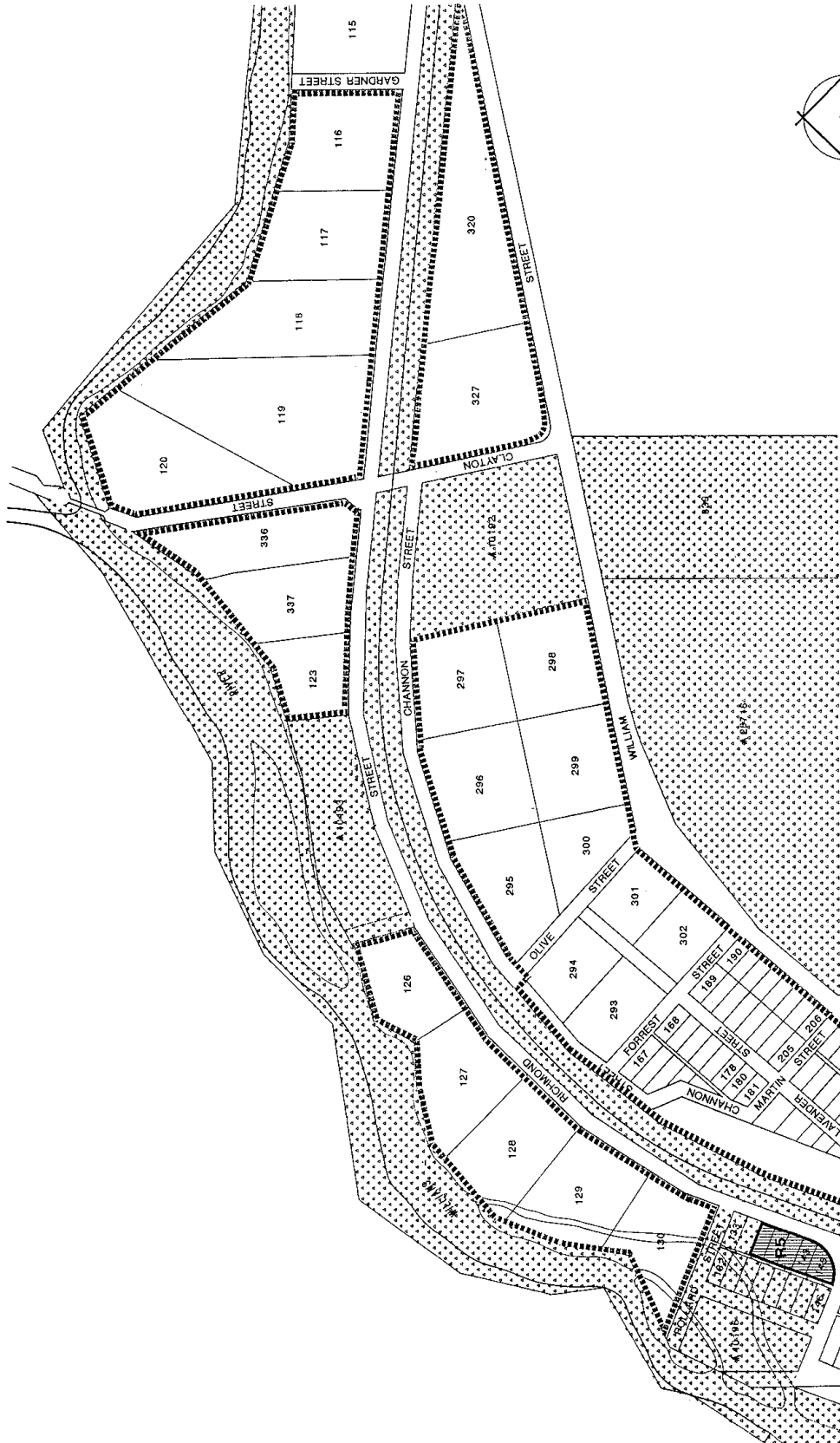




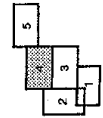
**SHIRE OF WILLIAMS**  
**Town Planning Scheme No.2**  
**Scheme Map**  
**Williams Township**



**GRAY ASSOCIATES**  
 26 Lyell Street South Perth 6150  
 08 9447 1722

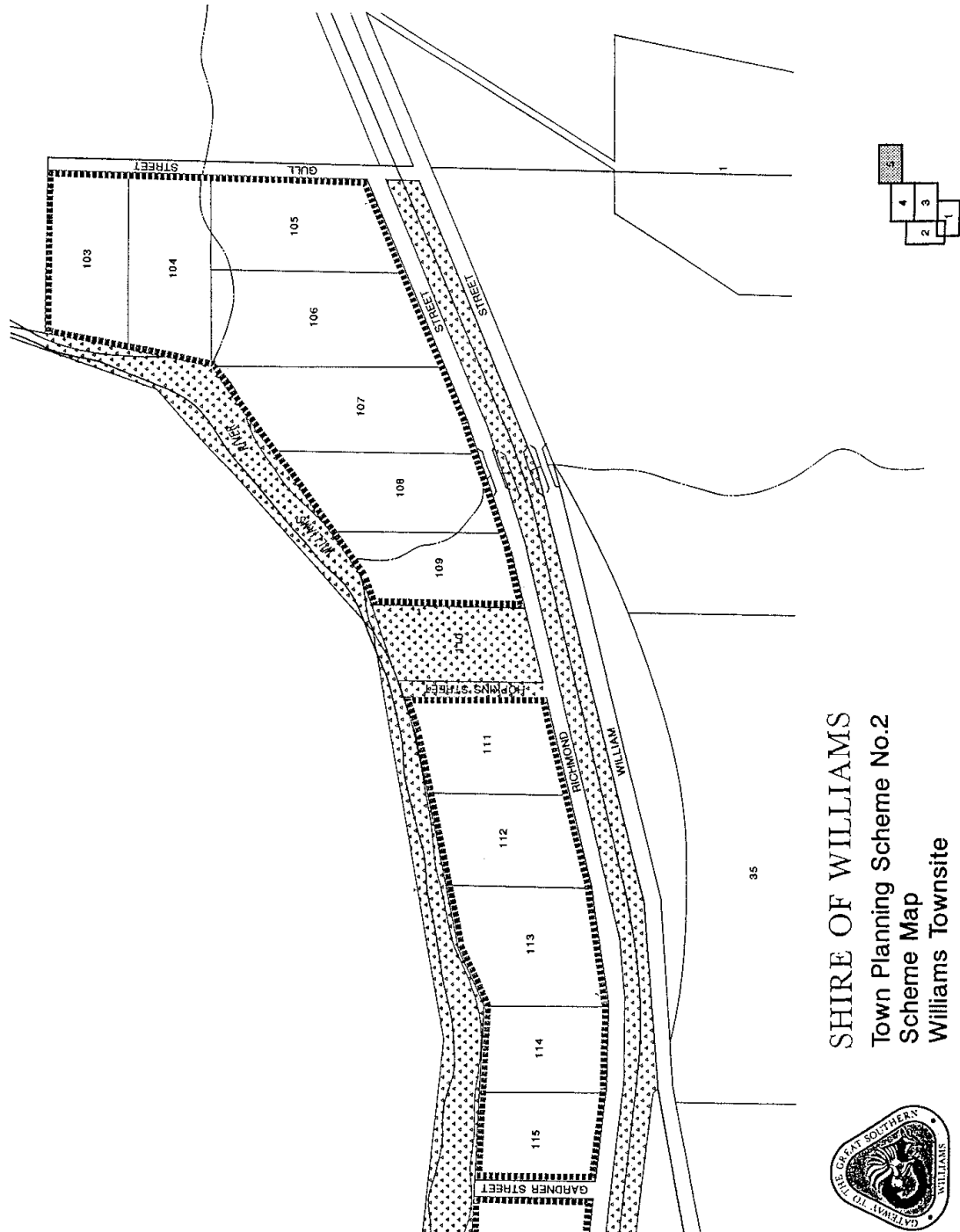


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 26 Lyell Street South Perth 4741722  
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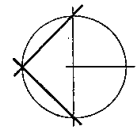


SHIRE OF WILLIAMS  
 Town Planning Scheme No.2  
 Scheme Map  
 Williams Townsite





SHIRE OF WILLIAMS  
Town Planning Scheme No.2  
Scheme Map  
Williams Townsite



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