



Shire of Derby / West Kimberley

(TP4) TOWN CENTRE DEVELOPMENT POLICY

POLICY OBJECTIVE

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

POLICY STATEMENT

This policy applies to all land zoned Town Centre in Town Planning Scheme No. 5 Derby Townsite.



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

The Council may, upon consideration of an application waive any conditions or impose special conditions it thinks fit to enable the proposal before it to meet with the objectives of the policy.



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1. Landuses

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

2. Residential Precincts

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

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

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

Only residential development shall be permitted in the Residential precincts.

3. Residential Development in Non-Residential Precincts

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

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

4. Service and Light Industry Precincts

The objectives for the industrial precincts are to:

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

5. Standards for Development

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

Storage and Display – No dumping, storage of waste, stockpiling of materials or construction servicing or maintenance shall be permitted between the front building line and the street frontage. This shall not prohibit the display of finished products between the front building line and the street frontage as an open air display.



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Loading and Unloading – Areas for loading and unloading of vehicles carrying goods or commodities to or from the premises shall be provided as part of the overall development of the lot and maintained in accordance with the approved plan relating thereto.

6. **Commercial Precinct**

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

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

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

7. **Building Height**

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

8. **Awnings/Verandahs**

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

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

9. **Landscaping**

- a) **Shops** – Landscaping shall be required at the discretion of Council;
- b) **Offices** – a minimum of 10% of the site area shall be landscaped;
- c) **Restaurants** – a minimum of 10% of the site area shall be landscaped.

10. **Loading and Unloading**

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

11. **Community Purposes Precinct**

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

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



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12. Development Standards and Provisions – All Precincts Setbacks

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

13. Car Parking Provisions

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

14. Caretaker’s Dwellings

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

15. Signs

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

16. Untidy Sites

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

17. Non-Conforming Use of Land

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

Policy Details			
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		Next Review Due:	June 2026
Policy Implementing Officer or Team:	Manager Development Services	Policy Reviewer:	Director – Technical & Development Services
Legislative Head of Power (Act, Regulation, or Local Law):	Town Planning and Development Act 1928 Local Government Act 1995		
Related Documents (other Policies, Operational Procedures, Delegations, etc.):	Town Planning Scheme No.5 – Table 1 “Zoning/Landuse”		
Version Control Council Meeting Review Details:			
Review #:	Council Meeting Date:	Item/Resolution#:	
1.	24 June 2021	Item 11.2 Res. 57/21	
2.	29 June 2023	Item 12.3 Res. 70/23	