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PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

**LOCAL PLANNING
SCHEME No. 1**

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME

City of Albany

Local Planning Scheme No. 1

Ref: TPS/1141

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning approved the City of Albany Local Planning Scheme No. 1 on 3 April 2014, the scheme text of which is published as a schedule annexed hereto.

D. WELLINGTON, Mayor.
G. FOSTER, Chief Executive Officer.

Schedule

City of Albany

Local Planning Scheme No. 1

[Regs 11(1)(a), 27]

Preamble

This Local Planning Scheme of the City of Albany consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the City of Albany.

Part 2 of the Scheme Text sets out the Local Planning Framework. At the core of this Framework is the Local Planning Strategy which sets out the long-term planning directions for the Local Government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Framework provides for Local Planning Policies which set out the general policies of the Local Government on matters within the Scheme.

The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

Scheme Details

The City of Albany Local Planning Scheme No. 1.

The City of Albany under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

LOCAL PLANNING SCHEME No. 1

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Adoption

PLANNING AND DEVELOPMENT ACT 2005

CITY OF ALBANY

LOCAL PLANNING SCHEME No. 1

PART 1—PRELIMINARY

1.1 Citation

1.1.1 The City of Albany Local Planning Scheme No. 1 (“the Scheme”) comes into operation on its Gazettal date.

1.1.2 The following Schemes are revoked—

Scheme	Gazettal Date
Town of Albany Town Planning Scheme No. 1A	30 December 1983
Shire of Albany Town Planning Scheme No. 2	26 October 1976
Shire of Albany Town Planning Scheme No. 3	15 February 1980
Shire of Albany Town Planning Scheme No. 3.2B	10 April 1980
Shire of Albany Town Planning Scheme No. 7	7 November 1978

1.2 Responsible Authority

The City of Albany is the responsible authority for implementing the Scheme.

1.3 Scheme Area

The Scheme applies to the Scheme area which covers the entire Local Government district of the City of Albany, as shown on the Scheme Map.

1.4 Contents of the Scheme

1.4.1 The Scheme comprises the—

- (a) Scheme Text; and
- (b) Scheme Maps.

1.4.2 The Scheme is to be read in conjunction with the Albany Local Planning Strategy (ALPS).

Note: The Scheme relies upon the objectives and recommendations of related strategic planning documents including the Lower Great Southern Strategy and adopted Structure Plans to assist the City in the planning of Albany.

1.5 Purposes of the Scheme

The purposes of the Scheme are to—

- (a) Set out the Local Government’s planning aims for the Scheme area;
- (b) Set aside land as reserves for public purposes;
- (c) Zone land within the Scheme area for the purposes defined in the Scheme;
- (d) Control and guide land use and development;
- (e) Set out procedures for the assessment and determination of planning applications;
- (f) Make provision for the administration and enforcement of the Scheme; and
- (g) Address other matters contained in the Seventh Schedule to the *Planning and Development Act 2005*.

1.6 The Aims of the Scheme

The aims of the Scheme are—

- (a) Implement the findings of the *Albany Local Planning Strategy* (ALPS) within the City.
- (b) Control, regulate, guide and coordinate public and private development, the use of land and buildings, the erection of buildings, and the carrying out of works in order to achieve a high quality of life for residents, appropriate educational opportunities, social wellbeing, high levels of amenity, sustainable economic growth, quality built and natural environments and the protection of natural and cultural resources for the residents and visitors to the City.

- (c) Promote the sustainable management of all natural resources including water, land, minerals and basic raw materials to prevent land degradation and integrate land and catchment management principles with land use planning decisions.
- (d) Promote a network of reserves and vegetated corridors throughout the City to protect areas of high conservation or scenic values and create corridors for fauna and flora linkages.
- (e) Define by zoning and reservation the future land use and the types of development permitted on land to assist in guiding decisions of investors, public authorities, residents and business people.
- (f) Promote a hierarchy of commercial activity within a framework which consolidates central area functions, promotes strong neighbourhood centres, rehabilitates and revitalises existing premises and enhances the shopping experience and social interaction for residents and visitors to the City.
- (g) Define the transport and infrastructure networks for the City including regional and local rail, road, air and infrastructure requirements and to provide for the protection of alignments for future roads, transport and infrastructure corridors and sites.
- (h) Define a framework of controls and buffer areas for land uses such as the port, airport, speedway, major extractive industries, infrastructure facilities and other similar activities to ensure the designated land use is not compromised by the development of noise-sensitive developments such as residential housing or create potential nuisance claims (noise, odour, chemicals).
- (i) Protect historic buildings, areas and precincts and promote Aboriginal and European heritage awareness.
- (j) Retain the sense of place and protect from inappropriate development those natural and built qualities that differentiate Albany from other places.
- (k) Provide for increased population growth within the City by establishing controls for the co-ordinated planning and development of land to be used for residential purposes allowing for complimentary uses to provide a range of services to meet the needs of the local residents.
- (l) Promote a diversity of activity and those rural developments that maximise the productive use of the region's agricultural resources.
- (m) Respond to the changing needs of the City through the provision of social, administrative and land use initiatives which support the retention and growth of rural townsites, the urban population and advance sustainable land use practices.
- (n) Set aside adequate land to accommodate the employment and industrial needs of residents within the scheme area.
- (o) Promote opportunities for new and value-added industries and businesses, particularly those industrial and business activities that create synergies with existing activities.
- (p) To improve the overall sustainability of buildings within the City through the incorporation of the measures including reduced energy use and recycling/reuse of water.

Note: The ALPS has not been assessed by the Environmental Protection Authority and any proposed development that will potentially have a significant impact on the environment is required to be referred to the Environmental Protection Authority under s.38 of the Environmental Protection Act 1986.

1.7 Definitions

1.7.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meanings as they have—

- (a) In the *Planning and Development Act 2005*; or
- (b) If they are not defined in that Act—
 - (i) In the Dictionary of defined words and expressions in Schedule 1; or
 - (ii) In the *Residential Design Codes*.

1.7.2 If there is a conflict between the meanings of a word or expression in the Dictionary of defined words and expressions in Schedule 1 and the meaning of that word or expression in the *Residential Design Codes*—

- (a) In the case of residential development, the definition in the *Residential Design Codes* prevails; and
- (b) In any other case the definition in the Dictionary prevails.

1.7.3 Notes and instructions printed in italics are not part of the Scheme.

1.8 Relationship with Local Laws

Where a provision of the Scheme is inconsistent with a Local Law, the provision of the Scheme prevails.

1.9 Relationship with Other Schemes

There are no other Schemes of the City of Albany which apply to the Scheme area.

PART 2—POLICY PLANNING FRAMEWORK**2.1 Scheme Determinations to Conform with Local Planning Strategy**

Except to the extent that the local planning strategy is inconsistent with the Scheme, determinations of the Local Government under the Scheme are to be consistent with the Local Planning Strategy.

- Note:*
1. A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.
 2. The ALPS has not been assessed by the Environmental Protection Authority and any proposed development that will potentially have a significant impact on the environment is required to be referred to the Environmental Protection Authority under s.38 of the Environmental Protection Act 1986.

2.2 Local Planning Policies

The Local Government may prepare a Local Planning Policy in respect of any matter related to the planning and development of the Scheme area so as to apply—

- (a) Generally or for a particular class or classes of matters;
- (b) Throughout, or in one or more parts of the Scheme area and may amend, add to, or rescind a Local Planning Policy so prepared.

2.3 Relationship of Local Planning Policies to the Scheme

2.3.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.

2.3.2 A Local Planning Policy is not part of the Scheme and does not bind the Local Government in respect of any application for planning approval but the Local Government is to have due regard to the provisions of the Policy and the objectives which the Policy is designed to achieve before making its determination.

- Note:* Local Planning Policies are guidelines used to assist the Local Government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In considering an application for planning approval, the Local Government must have due regard to relevant Local Planning Policies as required under Clause 10.2.

2.4 Procedures for Making or Amending a Local Planning Policy

2.4.1 If the Local Government resolves to prepare or amend a Local Planning Policy, the Local Government—

- (a) Is to publish a notice of the proposed Local Planning Policy once a week for two consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
 - (i) Where the draft Local Planning Policy can be inspected;
 - (ii) The subject and nature of the draft Local Planning Policy; and
 - (iii) In what form and during what period (being not less than 21 days from the day that the first notice is published) submissions may be made.

2.4.2 After expiry of the period within which submissions may be made, the Local Government is to—

- (a) Review the draft Local Planning Policy in light of any submissions made; and
- (b) Resolve to adopt the Local Planning Policy with or without modification, or not to proceed with the Local Planning Policy.

2.4.3 If the Local Government resolves to adopt the Local Planning Policy, the Local Government is to—

- (a) Publish a notice of the Local Planning Policy once in a newspaper circulating in the Scheme area; and
- (b) If, in the opinion of the Local Government, the Local Planning Policy affects the interests of the Western Australian Planning Commission, forward a copy of the Local Planning Policy to the Commission.

2.4.4 A Local Planning Policy has effect on the publication of a notice under sub-clause 2.4.3(a).

2.4.5 A copy of each Local Planning Policy, as amended from time to time, is to be kept with the Scheme and made available for public inspection during business hours at the offices of the Local Government.

2.4.6 Clauses 2.4.1 to 2.4.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.5 Revocation of A Local Planning Policy

A Local Planning Policy may be revoked by—

- (a) The adoption by the Local Government of a new Policy that is specifically expressed to supersede the existing Local Planning Policy; or
- (b) Publication of a notice of revocation by the Local Government once a week for two consecutive weeks in a newspaper circulating in the Scheme area.

2.6 Local Planning Policies made under the Previous Scheme

Where pursuant to the requirements of the former City of Albany Town Planning Schemes 1A and 3, a Town Planning Scheme Policy had been adopted and was operative at the date of the Gazettal of this Scheme, the Policy shall continue to have effect and be amended or revoked as if it were a Local Planning Policy adopted under Part 2 of this Scheme.

PART 3—RESERVES**3.1 Reserves**

Certain lands within the Scheme area are classified as Local Reserves.

3.2 Regional Reserves

There are no regional reserves in the scheme area.

3.3 Local Reserves

Local Reserves are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.4 Uses and Development of Local Reserves

3.4.1 A person must not—

- (a) Use a Local Reserve; or
- (b) Commence or carry out development on a Local Reserve;

without first having obtained planning approval under Part 9 of the Scheme.

3.4.2 In determining an application for planning approval the Local Government is to have due regard to—

- (a) The matters set out in clause 10.2; and
- (b) The ultimate purpose intended for the Reserve.

3.4.3 In the case of land reserved for the purposes of a public authority, the Local Government is to consult with that authority before determining an application for planning approval.

3.5 Uses and Development of Closed Local Road Reserves

Where all or part of a local road reserve has been closed and disposed of by the Crown to an adjoining landowner, the Local Government may grant planning approval for the disposed land to be used and/or developed in a manner consistent with the zoning of the adjoining property.

PART 4—ZONES AND USE OF LAND**4.1 Zones**

4.1.1 The Scheme area is classified into the zones shown on the Scheme Map.

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

4.2 Objectives of the Zones

The objectives of the zones are—

4.2.1 Residential Zone

- (a) Maintain the character and amenity of established residential areas and ensure that new development, including alterations and additions, is sympathetic with the character and amenity of those areas;
- (b) Promote and safeguard the health, safety and convenience of residential areas and inhabitants by—
 - (i) Providing for increased dwelling density and encouraging urban renewal and consolidation in areas where land is sufficiently close to existing or planned facilities and infrastructure available to service the development;
 - (ii) Providing a range of lot sizes in appropriate locations to meet the needs of the City and its anticipated growth in population;
 - (iii) Providing for adaptable housing in areas where facilities are available to meet the needs of aged and disabled residents within the City;
 - (iv) Identifying those areas where a residential land use development requires additional development control standards to safeguard residents against an adjoining non-compatible land use activity or hazard;
 - (v) Encourage high standards of innovative housing design, which recognise the need for privacy and energy efficient design, whilst ensuring the building bulk and scale is compatible with adjoining sites; and
 - (vi) In low density areas, ensure that development (including dwellings, structures, outbuildings and access) are sited and designed to—
 - Minimises the clearing of stands of remnant vegetation and promotes the replanting of endemic vegetation species;
 - Enhance the visual amenity of the area; and
 - Avoid areas affected by natural hazards or other impacts (including bushfire risk and/or floodplains, heavy haulage routes and the like) to reduce the potential for harm to buildings and their occupants.

4.2.2 Tourist Residential Zone

- (a) Provide land that has a range of land uses that encourage a variety of attractions, facilities and services to meet the needs of tourists and local residents;

- (b) Set aside high value tourism land in close proximity to and within easy access of areas of high environmental, social or scenic value and to protect that land from competing land uses;
- (c) Ensure that developments within the zone—
 - (i) Are complimentary to the environment into which they are placed;
 - (ii) Are sustainable, diversify the range of amenities provided for tourists and contribute to the City's tourism product;
 - (iii) Provide for the needs of tourists within the site; and
 - (iv) Create a complete holiday experience for the visitor;
- (d) Encourage the conversion of existing residential buildings into a tourism product; and
- (e) Retain heritage buildings, features and characteristics for the protection of Albany's historic values.

4.2.3 Future Urban Zone

- (a) Maintain viable uses for existing lots until the land is required to be developed for the desirable ultimate long term use;
- (b) Preserve individual land parcels with their maximum area, so that the land will not be prematurely fragmented and future development options compromised;
- (c) Maintain and enhance the physical characteristics, environmental qualities and scenic qualities in the locality;
- (d) Permit limited development which is in keeping with the existing character of the locality and compatible with the likely future use of the land for urban or other purposes as determined by the Local Government following the preparation of a Structure Plan; and
- (e) Provide for structure planning of land within the zone to guide and coordinate land use and infrastructure provision where multiple ownerships or larger parcels of land requiring the staging of development is involved so that—
 - (i) Future urban land is not fragmented or developed in such a way as to make urban development more costly or difficult;
 - (ii) Development does not create an unreasonable or uneconomic demand for agencies to provide or extend public infrastructure or services;
 - (iii) There is equitable sharing of the costs of infrastructure between owners and to ensure that cost contributions are only required towards such infrastructure as is reasonably required as a result of the subdivision and development of land; and
 - (iv) Servicing agencies and Local Government can coordinate the timely provision of infrastructure to support the subdivision and development.

4.2.4 Yakamia Creek Zone

To provide for large residential lots adjacent to the Yakamia Creek which—

- (a) Provide for residential and limited incidental land uses which—
 - (i) Are compatible with the preservation and protection of Yakamia Creek;
 - (ii) Do not visually detract from the landscape and the visual amenity of the locality; and
 - (iii) Allow for uses and development that are 'fit for purpose' and that minimise any on-site or off-site impacts such as nutrient loss, drainage and potential land use conflicts; and
- (b) Provide for home business, industry—cottage and rural pursuits where part-time and full-time income may be derived on individual lots from speciality agricultural production and small scale value adding activities.

4.2.5 Hotel/Motel Zone

- (a) Ensure sites are used for tourism purposes only; and
- (b) To protect the current and future supply of motel or hotel sites to meet the current and the anticipated need for tourism accommodation.

4.2.6 Caravan and Camping Zone

- (a) Recognise the broader social and economic importance and potential environmental benefits of the caravan park industry and protect sites from competing land uses;
- (b) Offer facilities for the tourist market by providing caravan, camping, chalet and other facilities for persons travelling between and to destinations by car;
- (c) Prevent the conversion of the land to permanent structures and permanent residential occupation except where the land or part of the land is approved for Park Home Park development; and
- (d) Provide for a range of incidental uses (for example play equipment, laundry facilities) to support the use of the site.

4.2.7 Clubs and Institutions Zone

- (a) Provide for the development or establishment of uses to satisfy the general cultural, religious, education, health, recreational and other needs of the community; and

- (b) Provide for the establishment and ongoing use of a diverse range of activities which are either private or publicly owned, and the associated infrastructure to fulfil community requirements.

4.2.8 Regional Centre Zone

- (a) Provide for a broad range of commercial, entertainment, administrative, government, cultural, inner-city residential and social activities, consistent with the zone's status as the regional centre for the Great Southern region;
- (b) Ensure that development within the zone recognises and complements surrounding land uses and existing streetscape elements, in particular—
 - (i) The height, scale, character and fine-grained nature of buildings;
 - (ii) Incorporates spaces for public art, social interaction and street activities that add vibrancy and vitality to the City;
 - (iii) Promotes the renovation, adaptation and re-use of recognised heritage buildings and places; and
 - (iv) Weather protection.
- (c) Support and promote transport modes to and access through the zone to achieve better travel efficiency and develop synergies between streets and parking areas;
- (d) Ensure adequate provision is made for the parking of vehicles and the landscaping of lots; and
- (e) Retain heritage buildings, features and characteristics for the protection of Albany's historic values.

4.2.9 Regional Centre Mixed Business Zone

- (a) Provide for the development of offices, service industries, trades, wholesaling, showrooms, bulky goods outlets and other large-format retail in conjunction with limited residential uses;
- (b) Preclude 'Main Street' style developments and confine retailing to bulky goods and large-format stand alone category based outlets which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot be conveniently or economically accommodated in other commercial or industrial related zones;
- (c) Preclude development of those main-street retail uses which would normally be located in the Regional Centre zone by prescribing minimum floor areas and restricting retail developments to larger format stand-alone businesses;
- (d) Ensure that the built form of site development is robust, to enable future adaptability and re-use;
- (e) Ensure new development presents an attractive street façade to enhance the visual amenity of surrounding areas;
- (f) Ensure the cumulative off site impacts of new residential, commercial and industrial development, particularly noise, traffic and parking impacts, are appropriately managed so that the area continues to provide a high quality living environment; and
- (g) Preclude the establishment of new uses which would clearly conflict with existing or approved residential uses.

4.2.10 Regional Centre Mixed Use Zone

- (a) Provide and promote the co-location and integration of land use activities such as residential, offices, administrative and government services within the zone;
- (b) Preclude the establishment of retail uses; and
- (c) Ensure that development complements and integrates with surrounding land uses and existing streetscape elements, in particular by—
 - (i) Maintaining a built form with height, scale, character and setbacks of a residential nature,
 - (ii) Providing a transition in land uses between the Regional Centre and Residential zones in close proximity to the CBD,
 - (iii) Providing rear of lot car parking areas, and
 - (iv) Promoting the renovation, adaptation and re-use of heritage and character buildings within the zone.

4.2.11 Highway Commercial Zone

- (a) Provide along the main transport spines into the CBD, a range of services and activities that support the main CBD commercial areas including automotive trades, car sales, showrooms, vehicle servicing and repairs, storage and similar activities that cannot be accommodated in other commercial or industrial related zones;
- (b) Ensure that the lot sizes, the built form and layout of the development is robust and adaptable, and the built form provides attractive, complementary street façades and adjoining developments promote the joint use of crossovers and parking areas; and
- (c) Restrict the sizes and location of signs and encourage landscaping of front setbacks to improve the amenity of highway commercial areas.

4.2.12 Neighbourhood Centre Zone

- (a) Provide for a range of retail and service activities that cater for the weekly shopping and service needs of the local community, which are located within the community they are seeking to serve, are adjacent to public transport routes and are compatible with the surrounding uses;
- (b) Provide an activity centre for the co-location and integration of complementary services such as offices, medical and welfare services within or adjacent to the zone to improve usage by the community; and
- (c) Control the amount of net lettable floorspace available within identified neighbourhood centres in accordance with the recommendations of the Activity Centres Planning Strategy.

4.2.13 Local Centre Zone

- (a) To provide small-scale local shopping facilities catering for the daily convenience retailing (including fuel) and service needs of the local community, which are compatible with the surrounding residential uses; and
- (b) Control the amount of net lettable floorspace available within identified local centres in accordance with the recommendations of the Activity Centres Planning Strategy.

4.2.14 General Industry Zone

- (a) Provide for the establishment of industries, including medium and large-scale activities on land which provides for manufacturing, processing, fabrication, storage and distribution of goods, utilities and communications and associated uses that contribute to Albany's economic growth and its regional centre status within the Great Southern region;
- (b) Restrict retail activities from premises to those activities that are incidental to the primary industrial function on the site;
- (c) Provide for any required buffer areas around land uses in accordance with the Environmental Protection Authority's *Guidance Statement No. 3—Separation Distances Between Industrial and Sensitive Land Uses* and regulate development within the buffer area to ensure compatibility with the industrial activities and surrounding land uses; and
- (d) Restrict the sizes and location of signs and encourage on-site landscaping to improve the visual amenity within the zone.

4.2.15 Light Industry Zone

- (a) Allow for the establishment of light and service industries which provide for a range of small-scale manufacturing, processing or service activities;
- (b) Permit retail activities from premises where the retailing is incidental to the primary industrial/service function on the site;
- (c) Provide a zoning over the Centennial Park industrial area to facilitate the conversion of industrial sites and introduction of appropriately designed and located residential uses in selected areas subject to satisfactory traffic, environmental and acoustic analysis;
- (d) Ensure that buildings within the zone complement the streetscape and the uses are compatible with existing adjoining land uses; and
- (e) Restrict the size and location of signs and encourage on-site landscaping to improve visual amenity within the zone.

4.2.16 Port Industry Zone

- (a) Recognise the Port's historical significance and economic importance to the region;
- (b) Recognise and protect the operations of the Albany Port;
- (c) Support the Albany Port to facilitate trade and economic growth; and
- (d) Support the Albany Port to plan for future growth and development of the port.

4.2.17 Rural Residential Zone

- (a) Create small rural land holdings for residents who wish to enjoy a residential lifestyle within a rural landscape and environment; and
- (b) Provide for residential and limited incidental land uses which—
 - (i) Are compatible with the preservation and protection of environmentally sensitive areas such as remnant vegetation and groundwater protection areas;
 - (ii) Do not visually detract from the landscape and the visual amenity of the locality;
 - (iii) Allow for uses and developments that are fit for purpose and minimise any on-site or off-site impacts such as soil erosion, nutrient loss, drainage and potential land use conflicts; and
 - (iv) Are located in close proximity to existing urban areas and can enjoy appropriate urban servicing to the lots including rubbish disposal, reticulated water, community facilities and fire infrastructure.

4.2.18 Conservation Zone

- (a) Provide for residential uses upon large lots adjoining significant environmentally sensitive areas such as coastal or conservation areas where there is a demonstrated commitment to protecting, enhancing and rehabilitating the flora, fauna and landscape qualities of the particular site; and

- (b) Require innovative subdivision design and development controls to—
 - (i) Minimise visual impacts from subdivisional infrastructure, particularly roads;
 - (ii) Restrict access to any sensitive areas such as beaches, conservation areas or National Parks that adjoin the zone;
 - (iii) Prevent land uses and development that would adversely impact on the ecological values of the site for conservation purposes; and
 - (iv) Provide for the safety of future residents from the threat of wild fire.

4.2.19 Rural Small Holding Zone

- (a) To provide for the use of land for rural living purposes in a rural setting on lots generally ranging in size from six to 40 hectares, in close proximity to existing urban areas or rural villages.
- (b) Provide for home business, industry—cottage, tourist and rural pursuits where part-time and full-time income may be derived on individual lots from speciality agricultural production and small scale value adding activities.
- (c) Ensure that uses and development within the zone—
 - (i) Are compatible with the preservation and protection of environmentally sensitive areas such as remnant vegetation and groundwater protection areas;
 - (ii) Do not visually detract from the landscape and the visual amenity of the locality; and
 - (iii) Minimise any on-site or off-site impacts such as land degradation, biosecurity risks and/or potential land use conflicts with adjoining lots and/or uses.

4.2.20 General Agriculture Zone

- (a) Provide for the sustainable use of land for agricultural and rural activities;
- (b) Support complementary land uses where those land uses do not detract from adjoining agricultural and rural activities and are compatible with the character and amenity of the area;
- (c) Prevent land uses and development within the zone that may adversely impact on the continued use of the zone for agricultural and rural purposes;
- (d) Provide for value-adding opportunities to agricultural and rural products on-site; and
- (e) Provide for tourism experiences where those developments do not impact upon adjoining agricultural and rural land uses.

4.2.21 Priority Agriculture Zone

- (a) Identify agricultural land resources that are considered to be of local, State and/or regional significance;
- (b) Provide for a diversity of sustainable intensive and extensive agriculture activities or rural industries that do not impact upon agricultural activities and protect those land uses from incompatible developments;
- (c) Manage in a sustainable manner the soil and water resources available in the zone;
- (d) Prevent land uses and development within the zone that may adversely impact on the continued use of the zone for a diversity of agricultural purposes; and
- (e) Provide for value-adding opportunities to agricultural and rural products on-site.

4.2.22 Rural Village Zone

- (a) Create a strong sense of community by enabling residential, commercial and recreational land uses to occur within the zone;
- (b) Provide for a range of lot sizes and activities within the zone to achieve self-buffering of uses within the rural settlement to adjoining rural zone;
- (c) Provide for the development of existing rural townsites in accordance with an individual Structure Plan prepared for the townsite; and
- (d) Achieve self-sustaining settlements by requiring self reliance of individual lots in drainage management, the provision of water supplies and effluent disposal and other infrastructure needs.

4.2.23 Special Residential Zone

To provide for large, spacious residential lots which—

- (a) Removes the land from rural development pressures;
- (b) Preserves and enhances the landscape quality and visual amenity of the locality;
- (c) Provides for the protection of remnant vegetation, significant fauna/flora values, rivers, foreshore areas, creek lines, floodplains;
- (d) Incorporates appropriate levels of fire control and management;
- (e) Promotes quality outcomes in built design and the siting and appearance of buildings;
- (f) Incorporates community infrastructure to support the planned community;
- (g) Ensures that on-site effluent disposal systems are appropriately sited and constructed to ensure all nutrients/waste is retained on site;
- (h) Require revegetation with native species of areas within subdivisions to minimise visual impacts from surrounding properties and roads; and
- (i) Minimises any potential land use conflicts with existing or planned surrounding uses.

4.3 Zoning Table

4.3.1 The Zoning Table (Table 1) indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any of the uses is determined by cross reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

4.3.2 The symbols used in the cross-reference in the Zoning Table have the following meanings—

- 'P' Means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;
- 'D' Means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval;
- 'A' Means that the use is not permitted unless the Local Government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 9.4;
- 'X' Means a use that is not permitted by the Scheme.

4.3.3 A change in the use of land from one use to another is permitted if—

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

- Note:*
1. *The planning approval of the Local Government is required for the development of land in addition to any approval granted for the use of the land. In normal circumstances one application is made for both the use and development of the land.*
 2. *The Local Government will not refuse a 'P' use because of the unsuitability of the use for the zone but may impose conditions on the use of the land to comply with any relevant development standards or requirements of the Scheme, and may refuse or impose conditions on any development of the land.*
 3. *In considering a 'D' or 'A' use, the Local Government will have regard to the matters set out in Clause 10.2.*
 4. *The Local Government must refuse to approve any 'X' use of the land. Approval to an 'X' use of land may only proceed by way of amendment to the Scheme.*

4.4 Interpretation of the Zoning Table

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

4.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category, the Local Government may—

- (a) Determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
- (b) Determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 9.4 in considering an application for planning approval; or
- (c) Determine that the use is not consistent with the objectives of the particular zone and is therefore not permitted.

Table 1: Zoning Table

Land Use	Zones																							
	Special Residential	Rural Village	Priority Agriculture	General Agriculture	Rural Small Holding	Conservation	Rural Residential	Port Industry	Light Industry (see note 2)	General Industry (see note 2)	Local Centre	Neighbourhood Centre	Highway Commercial	Regional Centre Mixed Use	Regional Centre Mixed Business	Regional Centre	Clubs & Institutions	Caravan & Camping	Hotel/Motel	Yakamia Creek	Future Urban	Tourist Residential	Residential	
	All land use and development to comply with clause 5.5.18 and Schedule 15																							
Aged or Dependent Persons' Dwellings	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	All land use and development to comply with clause 5.5.3			
Aged Persons' Village	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	All land use and development to comply with clause 5.5.3			
Agriculture—Extensive	X	X	P	P	D	A	D	X	X	X	X	X	X	X	X	X	X	X	X	X	All land use and development to comply with clause 5.5.3			
Agriculture—Intensive	X	X	P	P	D	A	D	X	X	X	X	X	X	X	X	X	X	X	X	X	All land use and development to comply with clause 5.5.3			
Agroforestry	X	X	P	P	D	A	D	X	X	X	X	X	X	X	X	X	X	X	X	X	All land use and development to comply with clause 5.5.3			
Amusement Parlour	X	X	X	X	X	X	X	X	X	X	D	D	X	X	X	D	D	X	X	X	All land use and development to comply with clause 5.5.3			
Ancillary Accommodation	D	D	D	D	D	D	D	D	D	X	X	X	X	D	X	D	X	X	X	X	All land use and development to comply with clause 5.5.3			
Animal Establishment	X	X	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X	X	X	X	All land use and development to comply with clause 5.5.3			
Animal Husbandry—Intensive	X	X	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X	X	X	X	All land use and development to comply with clause 5.5.3			
Aquaculture	X	X	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X	X	X	X	All land use and development to comply with clause 5.5.3			
Bed and Breakfast/Farmstay	A	D	A	D	A	A	A	A	A	X	X	X	X	A	A	A	X	X	X	X	All land use and development to comply with clause 5.5.3			
Betting Agency	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	P	P	X	X	X	All land use and development to comply with clause 5.5.3			
Boarding/Guest/Lodging House	A	D	X	X	X	X	X	X	X	X	X	X	X	A	A	A	X	X	X	X	All land use and development to comply with clause 5.5.3			
Camping Ground	X	D	X	X	X	X	X	X	X	X	X	X	X	D	D	D	X	X	X	X	All land use and development to comply with clause 5.5.3			
Car Park	X	X	X	X	X	X	X	X	X	D	D	D	D	D	D	D	D	X	X	X	All land use and development to comply with clause 5.5.3			
Caravan Park	X	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	All land use and development to comply with clause 5.5.3			
Caretaker's Dwelling	X	D	D	D	D	D	D	X	X	X	X	X	X	X	X	X	X	X	X	X	All land use and development to comply with clause 5.5.3			
Chalet/Cottage Units	A	D	D	D	D	D	D	A	A	X	X	X	X	A	A	A	X	X	X	X	All land use and development to comply with clause 5.5.3			
Child Care Premises	A	A	X	X	X	X	D	X	X	X	D	D	X	X	X	P	P	X	X	X	All land use and development to comply with clause 5.5.3			
Cinema/Theatre	X	X	X	X	X	X	D	D	X	D	D	D	X	D	D	D	D	X	X	X	All land use and development to comply with clause 5.5.3			
Civic Use	X	X	X	X	X	X	D	D	X	D	D	D	X	D	D	D	D	X	X	X	All land use and development to comply with clause 5.5.3			
Club Premises	X	X	X	X	X	X	P	D	A	A	D	D	D	A	A	A	P	P	X	X	All land use and development to comply with clause 5.5.3			

Table 1: Zoning Table

Land Use	Zones																										
	Special Residential	Rural Village	Priority Agriculture	General Agriculture	Rural Small Holding	Conservation	Rural Residential	Port Industry	Light Industry (see note 2)	General Industry (see note 2)	Local Centre	Neighbourhood Centre	Highway Commercial	Regional Centre Mixed Use	Regional Centre Mixed Business	Regional Centre	Clubs & Institutions	Caravan & Camping	Hotel/Motel	Yakamia Creek	Future Urban	Tourist Residential	Residential				
	All land use and development to comply with clause 5.5.18 and Schedule 15														All land use and development to comply with clause 5.5.12												
Industry—Rural	X	X	X	X	D			X	D	D	X	X	X	X	X	X	X	X	X	X		X	X	X			
Industry—Service	X	X	X	X	X			X	D	D	P	P	P	P	P	P	P	P	P	P		X	X	X			
Live/Work Units	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X			
Lunch Bar	X	X	X	X	X			X	P	D	P	P	P	P	P	P	P	P	P	P		X	X	X			
Marine Filling Station	X	X	X	X	X			X	P	D	D	D	D	D	D	D	D	D	D	D		X	X	X			
Market	X	X	X	X	X			X	D	D	X	D	D	D	D	D	D	D	D	D		X	X	X			
Medical Centre	X	X	X	X	X			X	X	P	X	P	P	P	P	P	P	P	P	P		X	X	X			
Motel	X	A	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X		X	A	X			
Motor Vehicle, Boat or Caravan Sales	X	X	X	X	X			X	D	X	D	P	X	X	D	X	X	X	X	X		X	X	X			
Motor Vehicle/Boat Repair	X	X	X	X	X			X	D	D	D	D	D	D	D	D	D	D	D	D		X	X	X			
Motor Vehicle Wash	X	X	X	X	X			X	D	D	P	D	D	D	D	D	D	D	D	D		X	X	X			
Multiple Dwelling	D	D	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X		D	D	X			
Night Club	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X			
Nursing Home	A	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X		A	X	X			
Office	X	X	X	X	X			X	D	D	X	D	D	D	D	D	D	D	D	D		X	X	X			
Panel Beating/Spray Painting	X	X	X	X	X			X	X	X	D	D	D	D	D	D	D	D	D	D		X	X	X			
Park Home Park	X	D	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X		X	D	X			
Place of Worship	A	X	P	P	X			A	A	A	X	A	X	X	X	X	X	X	X	X		A	X	X			
Public Utility	A	A	A	A	A			P	A	P	P	P	P	P	P	P	P	P	P	P		A	A	X			
Port Facilities	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X			
Port Services	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X			
Port Works	X	X	X	X	X			X	X	X	X	X	X	X	X	X	X	X	X	X		X	X	X			
Reception Centre	X	D	A	A	X			X	X	D	X	X	X	X	X	X	X	X	X	X		X	D	X			
Recreation—Private	A	A	D	D	D			D	A	D	D	D	D	D	D	D	D	D	D	D		A	A	X			

Table 1: Zoning Table

Land Use	Zones																																								
	Special Residential	Rural Village	Priority Agriculture	General Agriculture	Rural Small Holding	Conservation	Rural Residential	Port Industry	Light Industry (see note 2)	General Industry (see note 2)	Local Centre	Neighbourhood Centre	Highway Commercial	Regional Centre Mixed Use	Regional Centre Mixed Business	Regional Centre	Clubs & Institutions	Caravan & Camping	Hotel/Motel	Yakamia Creek	Future Urban	Tourist Residential	Residential																		
	All land use and development to comply with clause 5.5.18 and Schedule 15														All land use and development to comply with clause 5.5.14 and Schedule 12														All land use and development to comply with clause 5.5.13 and Schedule 14												
Residential Building	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	X	X	X	A	A	A																	
Restaurant	X	A	X	X	X	X	X	X	X	X	D	P	X	X	X	P	D	A	D	D	X	D	D	X																	
Restricted Premises	X	X	X	X	D	X	X	D	D	X	X	X	X	X	X	X	X	X	X	D	X	X	X	X																	
Rural Pursuit	X	D1	D	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D	X	X	X																	
Service Station	X	A	X	X	X	X	X	X	D	D	D	D	P	X	X	D	X	X	X	X	X	X	X	X																	
Shop	X	A	X	X	X	X	X	X	X	P	P	P	X	X	X	P	X	X	X	X	X	X	X	X																	
Showroom	X	X	X	X	X	X	X	D	X	X	X	D	X	X	P	D	X	X	X	X	X	X	X	X																	
Single Bedroom Dwelling	D	P	X	P	X	X	X	X	X	X	X	X	X	X	X	X	D	X	X	X	X	D	D	D																	
Single House	P	P1	P	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X																	
Storage	X	A	X	X	X	X	X	D	P	P	P	P	P	P	D	X	X	X	X	X	X	X	X	X																	
Tavern	X	X	X	X	X	X	X	X	X	A	A	A	X	X	X	D	X	X	X	X	X	X	X	X																	
Telecommunications Infrastructure	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D																	
Trade Display	X	X	X	X	X	X	X	X	X	P	X	X	P	D	X	X	X	X	X	X	X	X	X	X																	
Transport Depot	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X																	
Tree Plantation	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X																	
Veterinary Centre	X	X	X	X	X	X	D	D	D	P	D	D	P	D	X	D	D	X	X	X	X	X	X	X																	
Warehouse	X	X	X	X	X	X	P	X	P	X	X	D	X	X	P	X	X	X	X	X	X	X	X	X																	
Wind Farm	X	D	X	D	X	X	X	X	D	D	X	X	X	X	D	D	X	X	X	X	X	X	X	X																	
Winery	X	A	A	P	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X																	
Zoo	X	A	D	A	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X																	

Table Notes: 1 Denotes those land uses that may be permitted by the Local Government prior to completion of the Structure Plan for the individual Rural Village zoned area. All other land use may only be permitted if included within an adopted Structure Plan. 2 Schedule 11 may vary or remove permissibility of uses on land identified in the Schedule.

4.5 Additional Uses

Despite anything contained in the Zoning Table, the land specified in Schedule 2 may be used for the specific use or uses that are listed in addition to any uses permissible in the zone in which the land is situated subject to the conditions set out in Schedule 2 with respect to that land.

Note: An additional use is a land use that is permitted on a specific portion of land in addition to the uses already permissible in that zone that applies to the land.

4.6 Restricted Uses

Despite anything contained in the Zoning Table, the land specified in Schedule 3 may only be used for the specific use or uses that are listed and subject to the conditions set out in Schedule 3 with respect to that land.

Note: A restricted use is the only use that is permitted on a specific portion of land and other uses that would otherwise be permissible in the zone are not permitted.

4.7 Special Use Zones

4.7.1 Special Use zones are set out in Schedule 4 and are in addition to the zones in the Zoning Table.

4.7.2 A person must not use any land, or any structure or buildings on land, in a Special Use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

Note: Special Use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.

4.8 Non-Conforming Uses

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent—

- (a) The continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date;
- (b) The carrying out of any development on that land for which, immediately prior to the Gazettal date, a planning approval or approvals, lawfully required to authorise the development to be carried out, were duly obtained and are current; or
- (c) Subject to clause 11.2.1, the continued display of advertisements, which were lawfully erected, placed or displayed prior to the Gazettal date.

Note: "Land" has the same meanings as in the Planning and Development Act 2005 and includes houses, buildings and other works and structures.

4.9 Extensions and Changes to a Non-Conforming Use

4.9.1 A person must not;

- (a) Alter or extend a non-conforming use;
- (b) Erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or
- (c) Change the use of land from a non-conforming use to another non-conforming use,

without first having applied for and obtained planning approval under the Scheme.

4.9.2 An application for planning approval under this clause is to be advertised in accordance with clause 9.4.

4.9.3 Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Local Government is not to grant its planning approval unless the proposed use is less detrimental to the amenity of the locality than the existing non-conforming use and is, in the opinion of the Local Government, closer to the intended purpose of the zone.

4.10 Discontinuance of Non-Conforming Use

Where a non-conforming use of any land has been discontinued for a period of 6 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.11 Termination of Non-Conforming Use

The Local Government may affect the discontinuance of a non-conforming use by the purchase of the land, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that land, and may enter into an agreement with the owner for that purpose.

Note: The Planning and Development Act 2005 enables Local Government to purchase, or with the consent of the Governor, compulsorily acquire land for the purposes of a town planning scheme, subject to Part 9 of the Land Administration Act 1997 and the Scheme.

4.12 Destruction of Non-Conforming Use Buildings

If a building used for a non-conforming use is destroyed by 75% or more of its value, the building is not to be repaired, rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner not permitted by the Scheme, except with the planning approval of the Local Government.

PART 5—GENERAL DEVELOPMENT REQUIREMENTS

5.1 Compliance with Development Standards and Requirements

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

5.2 Variations to Site and Development Standards and Requirements

5.2.1 Except for development in respect of which the *Residential Design Codes* apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Local Government may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Local Government thinks fit.

5.2.2 In considering an application for planning approval under this clause, where, in the opinion of the Local Government, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for the variation, the Local Government is to—

- (a) Consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 9.4; and
- (b) Have regard to any expressed views prior to making its determination to grant the variation.

5.2.3 The power conferred by this clause may only be exercised if the Local Government is satisfied that—

- (a) Approval of the proposed development would be appropriate having regard to the criteria set out in clause 10.2; and
- (b) The non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

5.3 Environmental Provisions

5.3.1 Environmental Conditions

There are no environmental conditions imposed by the Minister for Environment, which apply to the Scheme.

Note: Environmental conditions are those required to be incorporated into a Scheme or an amendment to a Scheme following assessment under the Environmental Protection Act 1986.

5.3.2 Coastal Development

In assessing any land use or development proposals in the vicinity of the coast, the Local Government shall have due regard to the recommendations of *Southern Shores 2001-2021—A Strategy to Guide Coastal and Marine Planning and Management in the South Coast Region of Western Australia*.

5.3.3 Vegetation Protection

The Local Government may require the protection of existing vegetation on a site as a condition of planning approval to—

- (a) Protect a vegetation community;
- (b) Prevent land degradation;
- (c) Protect roadside vegetation;
- (d) Maintain local visual amenity and the natural setting;
- (e) Protect habitat, or a threatened species;
- (f) Assist to provide vegetated corridors to maintain fauna and flora linkages; or
- (g) Assist in the maintenance of water quality.

5.3.4 Revegetation

For the purposes of—

- (a) Enhancing a natural setting;
- (b) Protecting a local habitat;
- (c) Assisting to provide vegetated corridors to maintain fauna and flora linkages; or
- (d) Assisting in the maintenance of a watercourse

The Local Government may require revegetation on a site with local endemic species as a condition of planning approval.

5.3.5 Uses Adjacent to Conservation Areas

5.3.5.1 For the purposes of this clause, a National Park, 'A' Class Reserve, Nature or Marine Reserve, Conservation Park, State Forest, wetland, foreshore reserve or other area determined by the Local Government shall be deemed to be a conservation area.

5.3.5.2 In considering an application for planning approval to develop premises adjoining a conservation area the Local Government shall consider the impacts of the proposal on the values of the conservation area and may require one or more of the following measures—

- (a) Specific site management through the preparation and implementation of an environmental management plan to address those identified impacts on the conservation area and recommend strategies, processes and practices to minimise any impacts or conflicts;
- (b) The establishment of an additional setback from the conservation area; or
- (c) The imposition of a buffer area between the uses to manage the impacts to the satisfaction of the Local Government in consultation with the Conservation Commission of WA and the relevant State Government authority.

5.3.6 Setbacks from Watercourses

5.3.6.1 To protect development from inundation or flooding; to maintain the environment in its natural form; and to ensure the natural biophysical processes of the watercourse are accommodated, the construction or placement of any building or on-site effluent disposal systems shall be setback so as to achieve a minimum separation distance from the known high water mark of a watercourse as follows—

- (a) 30 metres from any seasonally flowing watercourse; or
- (b) 50 metres from any watercourse with permanent water; or
- (c) 100 metres from any river or estuary unless a lesser setback can be achieved under State Planning Policy 2.6.

5.3.6.2 Notwithstanding clauses 5.3.6.1, the Local Government may require a greater setback than stated where in its opinion it is necessary to protect an area of the site due to the local environmental circumstances.

5.3.6.3 In consideration of an application for a reduced setback to a watercourse, the Local Government may impose conditions relating to any one or more of the following matters—

- (a) Stormwater drainage;
- (b) Revegetation;
- (c) Fencing and land stabilisation/retention;
- (d) Water quality monitoring; and
- (e) Any other matter deemed necessary by the Local Government.

Note: In considering an application for a reduced setback, the Local Government will have regard to the recommendations in Schedule 2 in the Western Australian Planning Commission Statement of Planning Policy 2.9—Water Resources in establishing the required setback.

5.3.7 Land Subject to Flooding and/or Inundation

5.3.7.1 Development in the 100 year ARI floodway is prohibited.

5.3.7.2 In areas subject to periodic inundation or flooding, all development shall be undertaken to—

- (a) Not disrupt the natural drainage system;
- (b) Ensure that developments do not modify and increase the flood levels that would be experienced within the catchment;
- (c) Limit the potential for damage to buildings caused by flooding and/or inundation by ensuring minimum height levels for the building and its immediate environs are achieved; and
- (d) Maintain the natural ecological and drainage function of the area to store and convey stormwater and floodwater within the watercourse, drainage system or floodplain.

5.3.7.3 Where in the opinion of Local Government a development is to be sited on land that has the potential to be inundated or flooded, the Local Government shall require—

- (a) In defined areas as set out in a Local Planning Policy, all habitable buildings to be constructed with a minimum finished floor level height; and/or
- (b) The subsoil adjacent to the proposed development to be effectively drained; and/or
- (c) The surface of the ground beneath the building to be regraded or filled and provided with adequate drainage outlets to prevent the accumulation of water beneath the building; and/or
- (d) The surface of the ground beneath the building to be covered with an approved damp-resistant material (moisture barrier).

5.3.7.4 The Local Government may grant planning approval for development of non-habitable buildings (such as outbuildings) below the levels set out in clause 5.3.7.2 in exceptional circumstances, where it is satisfied the applicant has—

- (a) Addressed the need to maintain an adequate floodway in all cases;
- (b) Provided adequate justification for the proposed siting of the building;
- (c) Established an exceptional need for the proposed building based on an existing activity undertaken on the property; and
- (d) Provided written acknowledgement that the owner accepts that the building and its contents may be subject to periodic flooding and/or inundation.

5.3.8 Acid Sulfate Soils

To ensure that any potential risk or hazard resulting from the disturbance of acid sulfate soils is controlled, the Local Government may require as a condition of approval, the adoption and implementation of an acid sulfate soil management plan, in consultation with the relevant State Government authority, for any development or land use in the following areas—

- (a) Where the presence of acid sulfate soils has been confirmed by a preliminary site assessment undertaken in accordance with the Western Australian Planning Commission *Acid Sulfate Soils Planning Guidelines*;
- (b) Areas identified as acid sulfate soil areas or acid sulfate soil risk areas on government agency mapping, or from any other reputable source;
- (c) Areas depicted in the Environmental Geology maps published by the Department of Industry and Resources as holocene swamp, tidal and estuarine deposits, or marshes and floodplains;

- (d) Areas depicted in the Land System and Soil-Landscape System mapping by the Department of Agriculture and Food that indicate geologically recent shallow tidal, estuarine, marine, wetland, floodplain or waterlogged areas;
- (e) Areas depicted in vegetation mapping as wetland dependent vegetation such as reeds and paperbarks; or
- (f) Areas identified in geological descriptions or in maps as bearing acid sulphide minerals or former marine or estuarine shales and sediments, or mineral sand deposits.

Note: In considering an application for use or development of any acid sulfate soil area and/or contaminated site, the Local Government will refer the application to, and have regard for the advice and recommendations of the Contaminated Sites Branch of the relevant State Government authority.

5.3.9 Water Sensitive Urban Design Principles

The Local Government shall require all development to incorporate water sensitive urban design principles and best management practices to—

- (a) Reduce the rate of discharge and the quantity of stormwater that flows from the land so that post-development flows match pre-development flows;
- (b) Avoid the export of waterborne pollutants, including nutrients;
- (c) Recharge groundwater resources;
- (d) Protect and enhance the ecological values of rivers, creeks and drains; and
- (e) Retain local water for non-potable use.

Note: The management of stormwater collection, retention and disposal on all developments, including subdivisions, shall be in accordance with the recommendations of the Stormwater Management Manual for WA. The Local Government may require the preparation and implementation of Stormwater Management Plans as a condition of planning approval, in consultation with the relevant State Government authority.

5.4 Fire Protection Provisions

5.4.1 Requirements for Fire Protection and Bushfire Control

5.4.1.1 The Local Government's objectives in implementing fire protection and bush fire control measures are to—

- (a) Identify areas within the City where bush fires pose a threat to life and property;
- (b) Require that all land use and development proposals incorporate appropriate fire protection requirements; and
- (c) Implement the relevant Western Australian Planning Commission Bushfire Protection policies and guidance.

5.4.1.2 The Local Government may require all planning proposals (including scheme amendments, structure plans and subdivisions) to include a fire hazard assessment and report prepared in accordance with the methodology and classifications (as determined by the Local Government) contained in the Western Australian Planning Commission Bushfire Protection policies and guidance at the time of application.

5.4.1.3 The Local Government shall require all planning proposals to incorporate appropriate fire protection measures which may include—

- (a) The requirements of the City's Annual Fire Regulation Notice (as amended from time to time);
- (b) The provision of an adequate fire fighting water supply and equipment including, but not limited to, fire hydrants, standpipes and hose connections;
- (c) The provision of fire access tracks for access and egress of 2WD vehicles and access for emergency service vehicles;
- (d) Fire prevention and suppression measures to be implemented by all landowners on land to which the development relates, including the implementation of building protection zones and hazard separation zones, collectively forming the low fuel zone; and
- (e) Incorporation of construction standards for buildings including those in AS 3959—*Construction of Buildings in Bushfire Prone Areas* (as updated from time to time) and the *Building Codes of Australia*.

5.4.1.4 The Local Government may request the Western Australian Planning Commission to impose conditions on subdivision proposals requiring the implementation of appropriate fire protection measures.

5.4.1.5 In the event of any inconsistency between an existing scheme provision and/or approved Fire Management Plan or similar and the City's Annual Fire Regulation Notice, the provisions that, in the opinion of the Local Government, provide the greater fire risk protection and mitigation measures shall be implemented by the responsible party.

5.5 Provisions Applicable to Particular Zones

5.5.1 Residential Zone

For any lot within the Residential zone, holiday accommodation may be permitted by the Local Government in accordance with the density code shown on the Scheme Map.

5.5.2 Tourist Residential Zone

5.5.2.1 For any lot within the Tourist Residential zone with a dual coding on the Scheme Map—

- (a) The maximum density for residential development connected to reticulated sewerage shall be the lower of the density codes;
- (b) The maximum density for holiday accommodation connected to reticulated sewerage shall be the higher of the density codes; and
- (c) Where land zoned Tourist Residential is not connected to reticulated sewerage, or cannot reasonably be connected to reticulated sewerage, the Local Government shall not—
 - (i) support the subdivision of the land until reticulated sewerage is provided to the land;
 - (ii) approve development, other than a single dwelling, until reticulated sewerage is provided to the land.

5.5.2.2 The Local Government may restrict the number of units that can be used for permanent residential accommodation upon a lot approved for holiday accommodation in accordance with an adopted Local Planning Policy or Tourism Accommodation Strategy.

Note: Refer to the City of Albany Tourism Accommodation Planning Strategy and any adopted Local Planning Policy for the percentage of a tourist accommodation development capable of being used for permanent accommodation.

5.5.3 Future Urban Zone

5.5.3.1 Notwithstanding any other requirement of the Scheme, for any lot within the Future Urban zone, the Local Government may only permit the following land uses—

- Single House/Relocated Dwelling;
- Ancillary Accommodation;
- Bed & Breakfast/Farmstay;
- Home Business;
- Home Occupation;
- Home Office;
- Industry—Cottage;
- Rural Pursuit;
- Telecommunications Infrastructure; and
- Public Utility

unless a Structure Plan has been prepared and adopted under clause 5.9 of the Scheme.

5.5.3.2 Apart from Home Office, all land uses mentioned in clause 5.5.3.1 and any development requires the planning approval of the Local Government and no land use or development shall be permitted if, in the opinion of the Local Government, such use or development would adversely impact on the potential of the land for future urban purposes.

5.5.4 Hotel/Motel Zone

5.5.4.1 For any lot within the Hotel/Motel zone, holiday accommodation may be permitted by the Local Government to a maximum density of R50 unless the proponents have prepared a Local Planning Policy in accordance with Part 2 of the Scheme to justify any increase in density.

5.5.4.2 Any development of land contained within the Hotel/Motel zone shall incorporate design elements that—

- (a) Ensures new buildings and substantial additions to existing buildings complement the architectural and historic character of the locality;
- (b) Articulates (reduces) the mass and scale of buildings;
- (c) Incorporates solar passive design;
- (d) Avoids or reduces the impact upon significant vistas from public spaces within the locality; and
- (e) Provides opportunities for passive recreation and private open space by incorporating natural vegetation;

5.5.4.3 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking bays and that tree growing at least three metres in height.

Note: Refer to the City of Albany Tourism Accommodation Planning Strategy for supplementary information.

5.5.5 Caravan and Camping Zone

5.5.5.1 The use of land or any structure or building on land within the Caravan and Camping zone or an approved caravan park shall comply with the *Caravan Parks and Camping Grounds Act 1995*.

5.5.5.2 Subject to consideration of the need to make available and retain adequate tourist accommodation, the Local Government may permit the permanent occupancy of a portion of the caravan sites within a caravan park in the Caravan and Camping Zone in accordance with an adopted Local Planning Policy or Tourism Accommodation Strategy.

5.5.5.3 Other than where approval has previously been issued for development of the land as a park home park, the Local Government may limit the number of bays that can be used for permanent occupancy in accordance with an adopted Local Planning Policy or Tourism Accommodation Strategy.

5.5.5.4 The development of land for a caravan park is to incorporate—

- (a) On-site public open space and recreational infrastructure;
- (b) The provisions of bus parking and access at the boundary of the land; and
- (c) Perimeter landscaping to reduce the visual impact of the land use.

5.5.5.5 For any lot within the Caravan and Camping zone, holiday accommodation units may be permitted by the Local Government to a maximum density consistent with the approved number of caravan bays allowed under the park licence.

5.5.6 Regional Centre Zone

5.5.6.1 Development within the Regional Centre zone shall respond to the scale and articulation of existing streets and buildings, with no development exceeding a height of three storeys (11 metres in height). The Local Government may introduce a lesser height for parts of the zone and those areas will be defined in the Regional Centre Policy Plan referred to at clause 5.5.6.5.

5.5.6.2 To ensure the continuity of the urban edge, buildings shall generally be built from side to side property boundaries.

5.5.6.3 Developments constructed up to the street boundary shall where practical provide pedestrian shelter, a minimum of 2.5 metre wide over the pavement in the form of an awning, canopy, balcony or verandah.

5.5.6.4 The Local Government may grant planning approval for a building in the Regional Centre zone with a plot ratio bonus of 20% above that specified within Table 7 where in the opinion of the Local Government, the standard and nature of the proposed development includes a community facility or other benefit or planning outcome that will lead to a significant improvement to the amenity or built environment.

5.5.6.5 In accordance with Part 2 of the Scheme, the Local Government may prepare a Regional Centre Policy Plan showing the preferred locations for building envelopes, building heights, car parking, vehicle accessways, pedestrian walkways, landscape courtyards and landscape treatments, which should be incorporated in any new development but does not reserve or purport to reserve those things or areas for any of them.

5.5.6.6 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

5.5.6.7 For any lot within the Regional Centre zone, holiday accommodation may be permitted by the Local Government in accordance with the density code shown on the Scheme Map.

5.5.7 Regional Centre Mixed Business Zone

5.5.7.1 Development of Shops

5.5.7.1.1 The Local Government will only grant planning approval for the use of premises as a shop subject to compliance with the following requirements—

- (a) All activities shall be limited to large-format, bulky good style, other retail uses (as determined by reference to PLUC 6 categories);
- (b) No activity is permitted that includes any shop/retail uses (as determined by reference to PLUC 5 categories);
- (c) The building and site is designed and landscaped to provide an attractive and active streetscape with coordinated parking areas and access/egress points;
- (d) The building comprises a purpose built stand-alone retail facility with a minimum gross floor area of 500m² per shop;
- (e) No internal alterations to the building that creates any additional internal floor area is permitted without the prior approval of the Local Government;
- (f) Provide for service delivery in a location where potential noise and visual impacts do not detrimentally affect adjoining land uses or promote the delivery of goods through streets predominantly servicing residential developments; and
- (g) Provide on-site car parking within the front setback or to the side of the approved building.

5.5.7.2 Live/Work Units

5.5.7.2.1 In addition to any other application requirement of the Scheme, any application for the use and/or development of land for the purposes of Live/Work Units shall include the following information—

- (a) Details on proposed design, construction methods and materials to be used for the building including car parking, open space, connectivity between live/works areas, landscaping and/or fencing of the site.
- (b) A report from a suitably qualified professional demonstrating the design, location and construction materials to be used in the unit(s) will provide a high level of residential amenity within the residential dwelling area of the building to the satisfaction of the Local Government and which addresses the following matters—
 - (i) The requirements of the Building Code of Australia;
 - (ii) Adequate fire protection measures;
 - (iii) Access to natural sunlight and ventilation;

- (iv) The requirements of the Environmental Protection Authority's *Guidance Statement No. 3—Separation Distances between Industrial and Sensitive Land Uses* and the need to incorporate noise insulation measures within the building in accordance with *AS/NZS 2107:2000 Acoustics—Recommended Design Sound Levels and Reverberation Times for Building Interiors* to ensure compliance with *Environmental Protection (Noise) Regulations 1997*;
- (v) The existence and impact of any adjoining/nearby land uses that generate environmental impacts such as noise, dust, gaseous and particulates emissions, steam, odour, fumes, vibration and the like that may impact on the use of the land for residential purposes;
- (vi) The existence and impact of any site contamination issues; and
- (vii) The requirements of any adopted Local Planning Policy relating to Live/Work Units.

5.5.7.2.2 The Local Government shall not approve Live/Work Units, where in its opinion, that use and/or development would compromise the existence or operations of any existing industrial or commercial activity in the vicinity of the application.

5.5.7.2.3 The occupation of the residential dwelling area of any Live/Work Unit shall be restricted to the business operator/occupier of the work area within the building and the Local Government may require the applicant to enter into a legal agreement, and pay all associated costs, which shall bind the owner, heirs and successors in title, advising of this restriction. This agreement is to be finalised prior to the occupation of the Live/Work Units.

5.5.7.2.4 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

5.5.8 Regional Centre Mixed Use Zone

5.5.8.1 Within the Regional Centre Mixed Use zone—

- (a) Development should generally be a maximum of two storeys in height, and of residential scale and character and where there is a mixture of commercial and residential activity over two levels in the same building the commercial activity shall be located on the ground floor;
- (b) Development should incorporate design elements and materials which break down the bulk of development, and provide visual interest through the articulation of the built form;
- (c) Windows on the upper floor of a building shall facilitate natural surveillance of the public domain;
- (d) Articulated building facades that provide increased surveillance of streets, balconies and terraces will be encouraged; and
- (e) Site access should be limited to a single driveway.

5.5.8.2 Prior to the issue of planning approval for an application involving residential accommodation in the Regional Centre Mixed Use Zone, Local Government may require the applicant to—

- (a) Provide a legal mechanism to notify the owner, his/her heirs and successors in title, of the possible loss of amenity from adjoining land uses;
- (b) Undertake a land use, acoustic and traffic analysis; and
- (c) Design the residential building and provide a site layout responsive to the analysis.

5.5.8.3 The Local Government may prepare a Structure Plan to guide future development within the Regional Centre Mixed Use Zone and the use of land or any structure or building on land should be consistent with that Structure Plan.

5.5.8.4 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

5.5.9 Highway Commercial Zone

5.5.9.1 Within the Highway Commercial zone—

- (a) Development should utilise design elements and materials which break down the bulk of development and provide visual interest through the articulation of their built form.
- (b) Where the open storage of goods or materials is proposed and the goods and materials stored are, in the opinion of the Local Government, of an untidy nature and likely to give offence to adjoining owners or have an adverse affect upon the general appearance of the area, the Local Government may require the owner or occupier to—
 - (i) Restrict the height and areas to which goods and materials may be stored; and/or
 - (ii) Effectively screen the open storage area by a closed fence and/or the planting of trees and/or shrubs.
- (c) No goods are to be stored or services provided which extend beyond the land the subject of the development application.
- (d) Any access/egress point(s) onto adjoining roads requires the approval of the relevant road control authority.
- (e) Signage associated with an approved development should be incorporated into the fabric of buildings and structures on-site and the use of bunting should be avoided.

5.5.9.2 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

5.5.9.3 All premises within the Highway Commercial zone shall be provided with—

- (a) A sealed and/or paved access to the specifications of the relevant road control authority;
- (b) A designated loading/unloading area on-site designed such that delivery vehicles leave and enter the street in forward gear;
- (c) Screening of any open storage areas from public view by a wall, a fence and/or landscaping.

5.5.10 Neighbourhood Centre Zone

5.5.10.1 The maximum net lettable area (NLA) for a shopping centre development in the Neighbourhood Centre zone shall be in accordance with Table 2 below—

Shopping Centre Name	Description of Affected Land	Maximum net lettable area (NLA)
Albany Centro	Lots 1001, 1003, 1004, 1005 & 1007 Chester Pass/Catalina Roads and Brooks Garden Boulevard, Lange	5,000m ² for retail uses + 8,005m ² for bulky goods/showroom uses + 500m ² for office uses
North Road	Lots 2 & 296 North Road, Anuaka Road and Barnesby Drive, Yakamia	5,000m ²
Orana	Lots 401 & 405 Albany Highway, Orana	5,000m ²
Spencer Park	Lots 50, 62, 63, 64, 65, 72 & 73 Angove Road, Nind Street, Pretious Street and Hardie Road, Spencer Park	5,000m ²
Bayonet Head (South)	Lot 508 Bayonet Head Road, Bayonet Head	5,000m ²
Bayonet Head (North)	Lot 72 Stranmore Boulevard, Lot 73 Lower King Road and Portions of Lots 9004 and 42 (proposed as Lots 65-70) on the corner of Stranmore Boulevard and Lower King Road, Bayonet Head	5,000m ²
Walmsley (Future Centre)	To be determined	5,000m ²
Big Grove (Future Centre)	To be determined	5,000m ²

5.5.10.2 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

5.5.10.3 Neighbourhood Shopping Centres shall provide amenity through provision of the following—

- (a) Comfortable furniture;
- (b) Artwork providing vitality, colour and interest and providing cultural enhancement;
- (c) Pedestrian links with easy access from road and cycle networks and bus stops;
- (d) Solar access and providing shade (trees or shade structure) in summer and sun penetration in winter;
- (e) A heavily landscaped edge to access roads incorporating raised landscaped garden beds to create an attractive entrance;
- (f) The creation of discrete parkland locations, occasionally incorporating water elements; and/or
- (g) The creation of a well landscaped boulevard entrance as a central reference.

5.5.10.4 The building façade of a Neighbourhood Shopping Centre shall be designed to present visual interest by the inclusion of significant and robust detail utilising a variety of materials and method. The variety of materials and methods of articulating a façade may include—

- (a) Extensive use of individual windows, (and doors at street level);
- (b) Horizontal modulation of walls (for example but not limited to minor recesses);
- (c) Architectural detailing of walls (including public art such as bas-relief);
- (d) The diverse use of colour;
- (e) The diverse use of materials; and/or
- (f) The inclusion of shade structures, awnings and discrete roof elements.

5.5.10.5 Long, relatively blank building facades to any public building space are not acceptable.

5.5.10.6 A minimum of 50% of the area of a building façade at ground level facing a street or public space including a car park shall be comprised of windows or glazed doors and the term 'at ground level' shall mean the lowest two metres of building façade measured above footpath level.

5.5.11 Local Centre Zone

5.5.11.1 The maximum net lettable area (NLA) for a shopping centre development in the Local Centre zone shall comply with the requirements set out in Table 3 below—

Table 3: Floor space Limits for Local Centres

Centre Name	Description of Affected Land	Maximum net lettable area (NLA)
McKail	Lots 35, 37, 59 and 60 Albany Highway, McKail	600m ²
McKail	Clydesdale Road, McKail	600m ²
Lockyer	Lot 25 Barrett Street and South Coast Highway; Lots 53 and 54 South Coast Highway, Orana	600m ²
Little Grove	Lot 1 Frenchman Bay Road and Lot 312 Bay View Drive, Little Grove	600m ²
Lower King	Lots 3 and 4 Lower King Road, Lower King	600m ²
Oyster Harbour	Lots 61 and 58 Bayonet Head Road and Lot 62 Lower King Road, Bayonet Head	600m ²
Middleton Beach	Lot 201 Adelaide Crescent, Middleton Beach	600m ²
Emu Point	Pt Reserve 22698 Mermaid Avenue, Emu Point	600m ²
McKail General Store	Lot 25 Lancaster Road Lots 60, 59, 35, 37, 58 and 57 Albany Highway, McKail	600m ² NLA Retail 200m ² NLA Restaurant 400m ² NLA Non-Shop/Retail, Commercial and Professional Uses Note: Special Conditions apply under Additional Use Site No. AU27

5.5.11.2 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

5.5.11.3 Dense tree and under-storey planting is required at the boundary of a Local Shopping Centre where the boundary adjoins residential development.

5.5.11.4 The building façade of a Local Shopping Centre shall be designed to present visual interest with design elements similar to those in the street. In this regard, consideration shall be given to building height, roof pitch and building materials.

5.5.12 General and Light Industry Zones

5.5.12.1 Notwithstanding any other provision of the Scheme, all land use and development within the General and Light Industry zones requires the planning approval of the Local Government.

5.5.12.2 In addition to any general provisions contained within the Scheme, special provisions relating to specific industry zones contained in Schedule 11 will apply.

5.5.12.3 Where an industrial area is contained in Schedule 11, a person may only use land, or any structure or buildings on that land for those purposes set out against the land within Schedule 11 and subject to compliance with any conditions set out in Schedule 11 with respect to that land.

5.5.12.4 Where an industrial activity involves the production and discharge of industrial or noxious liquid effluent, the Local Government will require the development to either—

- If the effluent (types and/or volumes) is suitable for disposal into the reticulated sewer network, connect the activity to the Water Corporation reticulated sewerage system; or
- If the effluent is not suitable for disposal into the reticulated sewer network, it is serviced by an on-site collection and disposal system designed to treat the effluent and prevent pollution of ground or surface water.

5.5.12.5 All premises within the General and Light Industry zones shall be provided with—

- A sealed and/or paved access way to a minimum width of five metres connecting the premises with the street;
- A designated loading/unloading area on-site designed such that delivery vehicles leave and enter the street in forward gear;
- Screening of any open storage areas from public view by a wall, a fence and/or landscaping.

5.5.12.6 The façade of the building(s) erected within the General and Light Industry zones shall be constructed with materials and of a design in keeping with the character of the area and generally should be a factory applied coloured metal sheet or panel or of masonry construction.

5.5.12.7 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

5.5.12.8 All industrial developments shall provide any required buffer areas around land uses in accordance with the Environmental Protection Authority's *Guidance Statement No. 3—Separation Distances between Industrial and Sensitive Land Uses* and regulate development within the buffer area to ensure compatibility with the industrial activities and surrounding land uses.

Note: The Environmental Protection Authority Guidance Statement No. 3 provides guidance on the potential likely off-site impacts of various industrial uses and outlines a recommended buffer separation distance to sensitive land uses (such as residential). The City will impose these buffer separation distances unless a proponent provides a site specific study with the application to demonstrate that a lesser distance will not cause unacceptable impacts on any adjoining/nearby sensitive uses.

5.5.13 Rural Residential Zone

5.5.13.1 In the event of there being any variations or conflict between the special provisions set out in Schedule 14—Rural Residential Zone and the following general provisions, the requirements of the special provisions under Schedule 14 shall prevail.

5.5.13.2 The following general provisions shall apply to all land within the Rural Residential zone, in addition to any special provisions set out in Schedule 14 which are specifically applicable to such land:

5.5.13.2.1 Building Design, Material and Colours—

- (a) A dwelling and/or outbuilding shall not exceed 7.5 metres in height, which is measured vertically from the natural ground level.
- (b) All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site.
- (c) In order to reduce glare from a building (including a water tank) and to protect visual amenity, the use of reflective materials and finishes and white/off-white colours shall not be permitted.
- (d) Building design is to be responsive to the existing landform, minimising cut and fill and the use of retaining walls.
- (e) Where deemed necessary by the Local Government due to fire hazards and/or threat in a particular area, all buildings are to be designed in accordance with *AS 3959—Construction of Buildings in Bushfire Prone Areas* or any document superseding it.

Note:

1. *Unpainted zincalume is considered a reflective material and colours similar to Colorbond Surfmist is considered white/off-white.*
2. *Preference is given to split level development, the breaking up of building mass and minimal site disturbance through earthworks.*
3. *“Height” is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the structure.*

5.5.13.2.2 Fire Protection

- (a) In the event of there being any variations or conflict between a Fire Management Plan endorsed by a Local Government for a specific Rural Residential zone and the following fire protection provisions, the requirements of the endorsed Fire Management Plan shall prevail.
- (b) All buildings shall be sited to allow for the development of a low fuel zone around the building and any other necessary fire protection measures to be implemented to the satisfaction of the Local Government.
- (c) The required width depends on the slope of the land between the building and the bush fire hazard and minimum distances of a low fuel zone are—
 - Land between 0 to 10 degrees—20 metres;
 - Land between 10 to 20 degrees—25 metres; and
 - Land between 15 to 20 degrees—30 metres.
- (d) Where buildings are located on a negative slope (i.e. downhill from a bush fire hazard) a minimum of 20 metres is required.
- (e) The low fuel zone must be maintained in a low fuel state and fulfil the following conditions—
 - (i) Bush fire fuels must be maintained below 100 millimetres in height;
 - (ii) Trees and branches which may fall onto a house must be removed; and
 - (iii) Lower branches of remaining trees must be trimmed.

5.5.13.2.3 Modifications to Designated Building Envelopes/Setbacks

The Local Government may permit variations to the position of a designated building envelope and/or building setback, where it is satisfied that the modification—

- (a) Is consistent with the objectives for the zone;
- (b) Preserves areas of remnant vegetation, creek lines and other areas of environmental significance;
- (c) Provides sufficient area for the development of any low fuel zone and/or hazard separation area on the lot;
- (d) Is required due to the topography or shape of the lot; and
- (e) Will have no adverse impact on the amenity of existing residences on adjoining lots.

5.5.13.2.4 Fencing—

- (a) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket or similar materials; and
- (b) Where boundary fencing is permitted by the Local Government it shall be of rural construction comprising posts and wire or similar materials.
- (c) The Local Government shall only approve the keeping of stock, animals and/or any Rural Pursuit activity if confined to existing cleared areas of a lot. The Local Government will require fencing to contain any livestock and protect remnant vegetation and/or exclusion areas as a condition of approval.

5.5.13.2.5 Remnant Vegetation Protection and Clearing Controls—

- (a) No clearing of any remnant vegetation shall occur except for—
 - (i) Any clearing authorised by a clearing permit obtained from the relevant State Government authority and any clearing exempt in accordance with Schedule 6 or Regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* of the *Environmental Protection Act 1986*.
 - (ii) That clearing required to establish any low fuel buffer, firebreak and/or to comply with the requirements of the *Bush Fires Act 1954* (as amended);
 - (iii) Trees that are dead, diseased or dangerous and present an imminent danger to residents;
 - (iv) Clearing within a designated building envelope required to construct an approved building and curtilage;
 - (v) It is to gain vehicular access to an approved dwelling and/or building envelope; and
 - (vi) An area of up to one metre in width for the purpose of erecting and maintaining a fence line is required and approved by the Local Government. In these areas the land shall be slashed with a view to preventing soil erosion.
- (b) Clearing of remnant vegetation for any purpose other than the above exceptions, shall require the planning approval of the Local Government and as a condition of granting approval, the Local Government may require the planting and maintenance, for a period of at least three years, of endemic native trees of species and in locations approved by the Local Government.

5.5.13.2.6 Tree Planting

In order to enhance the rural amenity of the area and minimise the visual impact from the developments in the zone, the Local Government may require as a condition of any planning approval the planting and ongoing maintenance of such trees and/or groups of trees and species as specified by the Local Government.

5.5.13.2.7 Dams, Soaks and Bores

No dams, soaks and/or bores shall be constructed on any lots unless the Local Government has granted planning approval.

All applications for the construction of a dam, soak or bore shall—

- (a) Be supported by a hydrological report demonstrating that water collection or abstraction planned will not be to the detriment of water collection on adjoining properties; and
- (b) Ensure that existing stream flows are maintained for downstream users and to support other water dependent environments.

Note: Within any proclaimed groundwater area under the *Rights in Water and Irrigation Act 1914*, any bore/soak/well or taking of groundwater, requires the approval of the relevant State Government authority.

5.5.13.2.8 Keeping of Animals

The following provisions apply to the keeping of animals (excluding domestic animals or pets)—

- (a) Planning approval is required for the keeping of hoofed and/or large non-domesticated animals or pets, for example but not limited to, horses, cows, sheep and camels.
- (b) Where, in the opinion of the Local Government, the continued presence of any animal(s) on any portion of land is likely to cause or is causing—
 - Damage to natural vegetation;
 - Water pollution;
 - Dust pollution;
 - Soil erosion; or
 - Any other form of land degradation,

notice may be served on the owner of the said portion of land requiring the immediate removal of those animal(s) and/or rehabilitation of the land specified in the notice.

- (c) Domestic pets which do not pose a threat to native flora and/or fauna may be kept within the zone under the following conditions—
 - All pets shall be confined within the building envelope or similar at all times unless kept on a leash by a responsible person; and
 - Cats and rabbits are considered to pose a threat to native flora and/or fauna and shall be confined inside buildings.

5.5.13.2.9 Effluent Disposal

On-site disposal is required to service all dwellings and shall be responsibility of the individual landowner in accordance with clause 5.8.2.

5.5.13.2.10 Water Supply

Where available, a reticulated water supply from a licensed water service provider shall be provided to each lot.

5.5.13.2.11 Electricity Supply

To enhance the visual amenity of the zone, the Local Government will request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of underground power to the lots.

5.5.13.2.12 Stormwater Management and Drainage

Any surface water discharge must be controlled through appropriate drainage systems to avoid erosion and pollution while still maintaining the natural flow of discharge at pre-development levels. Hence—

- (a) The proposed drainage systems (including irrigation runoff) should be designed to reduce nutrient export whilst still maintaining the natural flow; and
- (b) All stormwater drainage within the development is to be designed in accordance with the principles of best management practice as outlined in the Department of Water *Stormwater Management Manual for Western Australia* (2004-07).

5.5.13.2.13 Road and Battleaxe Access—

- (a) The Local Government will require the construction of subdivisional roads and/or upgrading of existing roads to their specifications and satisfaction and may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring these works or a monetary contribution accordingly.
- (b) The Local Government will require the construction of battleaxe legs to their specifications and satisfaction and may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring these works accordingly.

5.5.13.2.14 Notification of Prospective Purchasers and Successors in Titles—

- (a) The Local Government shall require the subdivider advise all prospective purchasers of a lot within the Rural Residential zone of—
 - (i) The general scheme provisions that apply to the Rural Residential zone;
 - (ii) Any special provision contained within Schedule 14 that applies to the land; and
 - (iii) Any other planning matter that may affect the use and enjoyment of the land such as buffer areas, surrounding land uses or other planning proposals to be implemented such as the Albany Ring Road.
- (b) The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision which requires a notification to be placed on the Certificate of Title for all lots to advise prospective purchasers accordingly.

5.5.13.3 Rezoning of Land

Prior to considering any additional land to be rezoned to Rural Residential, the Local Government will require the proponent submit a detailed proposal that addresses the following matters—

- (a) Compliance with the outcomes and recommendations of the Albany Local Planning Strategy;
- (b) Fire hazard assessment and Fire management Plan;
- (c) Land capability and suitability assessment,
- (d) Protection and enhancement of the natural environment;
- (e) Protection and enhancement of visual amenity;
- (f) Provision of infrastructure and services;
- (g) Impacts on adjacent land uses;
- (h) Any potential for site contamination;
- (i) Effluent disposal;
- (j) Location of building envelopes; and
- (k) Preparation of a Guide Plan for the subdivision showing proposed roads and connectivity between proposed/future and existing developments, lots, recreation areas and location of building envelopes.

5.5.14 Conservation Zone

5.5.14.1 In the event of there being any variations or conflict between the special provisions set out in Schedule 12—Conservation Zone and the following general provisions, the requirements of the special provisions under Schedule 12 shall prevail.

5.5.14.2 The following general provisions shall apply to all land within the Conservation zone, in addition to any special provisions set out in Schedule 12 which are specifically applicable to such land—

5.5.14.2.1 Applications for Planning Approval

- (a) All development including the construction of any buildings or structures, site works and/or removal of vegetation shall require the planning approval of the Local Government.

- (b) When submitting an application for a designated building envelope or any buildings, applications shall be accompanied by complete details of building materials and colours and details on any species of plants to be used in landscaping of the site.
- (c) A portion of the land within CZ2 is located within the South Coast Public Drinking Water Supply Reserve area and upon receipt of a proposal which, in the opinion of the Local Government, may have an adverse impact upon groundwater quality in the Reserve shall be referred to the relevant State Government authority for its recommendation and shall not issue approval/refusal until the recommendation of the relevant State Government authority has been received.

5.5.14.2.2 Keeping of Stock, Pets and/or Agriculture Pursuits—

- (a) The keeping of stock and any intensive agricultural pursuits are prohibited.
- (b) Domestic pets which do not pose a threat to native flora and/or fauna (cats and rabbits are considered to pose a threat) may be kept within the Conservation zone under the following conditions—
 - (i) Domestic pets must be confined to the designated building envelope areas at all times unless accompanied by a responsible person;
 - (ii) Domestic pets may be confined by means other than fencing, as long as restriction to the designated building envelope area is assured; and
 - (iii) If fencing is erected as the means of confining domestic pets, the standard of fencing must be sufficient to ensure containment of the pets.

5.5.14.2.3 Building Design, Materials and Colour—

- (a) A dwelling and/or outbuilding shall not exceed 7.5 metres in height which is measured vertically from the natural ground level.
- (b) All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site.
- (c) In order to reduce glare from a building (including a water tank) and to protect visual amenity, the use of reflective materials and finishes and white/off-white colours shall not be permitted.
- (d) Building design is to be responsive to the existing landform, minimising cut and fill and the use of retaining walls.
- (e) Where deemed necessary by the Local Government due to fire hazards and/or threat in a particular area, all buildings are to be designed in accordance with *AS 3959—Construction of Buildings in Bushfire Prone Areas* or any document superseding it.

- Note:*
1. *Unpainted zincalume is considered a reflective material and colours similar to Colorbond Surfsmist is considered white/off-white.*
 2. *Preference is given to split level development, the breaking up of building mass and minimal site disturbance through earthworks.*
 3. *“Height” is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the structure.*

5.5.14.2.4 Vegetation and Habitat Protection—

- (a) No clearing of vegetation shall be permitted, except that which is prescribed in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, a subdivision and or development approval, fire control legislation and approved fire management plans.
- (b) Within the coastal heath and scrub heath vegetation associations, dead wood shall not be removed for firewood purposes.
- (c) The Local Government may require additional tree planting and/or revegetation as a condition of planning approval and/or the construction of access legs.
- (d) The Local Government shall require that invasive species are not used in domestic gardens and shall encourage the use of indigenous native species and shall discourage the establishment of expansive reticulated lawns.

5.5.14.2.5 Water Supply and Servicing—

- (a) Each dwelling or ancillary accommodation unit (and any caretaker’s dwelling in CZ1 and/or chalet/cottage unit in CZ3) is to be provided with a potable water supply with a minimum capacity of 92,000 litres. This may be supplied from underground supplies or a rainwater storage system to the satisfaction of the Local Government.
- (b) Approved bores may be developed outside the designated building envelope provided that all water storage shall be confined to the designated building envelope.
- (c) Where approved, bore water reticulation pipes shall be buried a minimum of 300 millimetres below the natural surface level and pipelines rehabilitated (stabilised and revegetated).
- (d) Telstra and Western Power services shall be located in a single underground trench and follow the alignment of access/battleaxe legs from where lot hook-up is made to the designated building envelope.

5.5.14.2.6 Effluent Disposal

- (a) On-site effluent disposal shall be the responsibility of individual landowners. The disposal of liquid and/or solid wastes shall be carried out with an on-site effluent disposal system approved by the Local Government and the relevant State Government authority and shall be

designed and located to minimise nutrient export and/or release into any waterway or groundwater.

- (b) The Local Government shall require the use of amended soil type effluent disposal systems in the following situations—
 - (i) Where soil conditions are not conducive to the retention of nutrients; and
 - (ii) In low-lying areas.
- (c) Where an amended soil effluent disposal system is to be utilised, the amended soil is to be imported from certified dieback free sources.
- (d) No effluent disposal system shall be permitted within a 100 metres setback from a creekline or watercourse.
- (e) Where the applicant is able to demonstrate that a conventional septic system can be used without detrimental effect on the environment, it shall be setback a minimum of 100 metres from any natural permanent watercourse or water body and situated at least two metres above the highest known groundwater level.
- (f) Variations to the design or location of effluent disposal areas require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impact to the satisfaction of the Local Government and the relevant State Government authority.
- (g) No more than one on-site effluent disposal system will be permitted on any lot except when required to service any approved caretaker's dwelling in CZ1 or chalet/cottage unit in CZ3.

5.5.14.2.7 Fencing—

- (a) Fencing of individual lot boundaries (other than the road/battleaxe leg frontage) shall not be permitted.
- (b) Fencing of the designated building envelope area is permitted where such fencing is of rural post and strand construction or similar. Pursuant to clause 5.5.14.2.2(b)(i), in the case of fencing required to contain an approved domestic pet, the Local Government may approve an alternative form of fencing.
- (c) Adjoining landowners shall be responsible for the maintenance of the CZ1 eastern boundary fencing.
- (d) Public roads shall be fenced with a rural post and strand fence to the satisfaction of the Local Government.
- (e) Fencing shall be designed and constructed so as to minimise site disturbance and all topsoil shall be stockpiled and returned to disturbed areas.
- (f) The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring lot boundaries are suitably identified by pegs or cairns on lot boundaries other than the road frontage.

5.5.14.2.8 Prevention of Wind Erosion—

- (a) The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring that—
 - (i) All areas disturbed as a result of subdivisional and development work (including bore to tank water pipelines) be reinstated, on a stage by stage basis, to the satisfaction of the Local Government as soon as is practicably possible by restoring topsoil and stabilising with either a benign spray mulch or local brushwood. Larger disturbed areas may require the above mulching and seeding in conjunction with the covering of the area with dry brush wood, wired and pinned to the ground if deemed necessary.
 - (ii) Road margins are stabilised and revegetated with endemic native species as soon as is practicably possible after construction.
- (b) As a condition of planning approval, the Local Government shall require stabilisation and revegetation, utilising endemic native species, of accessway margins and areas disturbed as a result of works within the designated building envelope.
- (c) Individual landowners are responsible for maintaining vegetation cover on their lots. Where areas are to be rehabilitated, rehabilitation is to be undertaken utilising endemic native species and be ongoing until vegetation cover is established and the area stabilised.
- (d) In the event that provisions clauses 5.5.14.2.8(a)-(c) above are not complied with, the Local Government may carry out appropriate action to eliminate adverse effects and any expenses incurred by the Local Government in carrying out such action shall be borne by the landowner/subdivider, as the case may be.

5.5.14.2.9 Electricity Supply

To enhance the visual amenity of the Conservation zone, the Local Government will request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of underground power to the lots.

5.5.14.2.10 Stormwater Management and Drainage

Any surface water discharge must be controlled through appropriate drainage systems to avoid erosion and pollution while still maintaining the natural flow of discharge at pre-development levels. Hence—

- (a) The proposed drainage systems (including irrigation runoff) should be designed to reduce nutrient export whilst still maintaining the natural flow; and

- (b) All stormwater drainage within the development is to be designed in accordance with the principles of best management practice as outlined in the Department of Water *Stormwater Management Manual for Western Australia* (2004-07).

5.5.14.2.11 Information/Notification to Prospective Purchasers and Successors in Title—

- (a) The Local Government shall require the subdivider advise all prospective purchasers of a lot within the Conservation zone of—
- (i) The general scheme provisions that apply to the Conservation zone; and
 - (ii) Any special provision contained within Schedule 12 that applies to the land.
- (b) Within CZ1, the Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring the preparation of an Information Document, to be provided to prospective and actual purchasers, discussing and recommending actions to—
- (i) Identify the social and environmental responsibilities living in such an area brings;
 - (ii) Identify the statutory requirements of the Local Planning Scheme and the relevant management provisions;
 - (iii) Identify and outline historic (and current) uses on the peninsula and inlet, such as potato farming/intensive horticulture and recreational and commercial fishing;
 - (iv) Discuss vegetation, land rehabilitation methods and dieback control and hygiene approaches and identify any preferred actions/methods;
 - (v) Discuss differing effluent disposal methods and preferred options;
 - (vi) Encourage cooperative maintenance/management works;
 - (vii) Discuss differing vermin/exotic vegetation control methods and identify preferred approaches;
 - (viii) Provide a list of suitable vegetation for revegetation works;
 - (ix) Discuss fire preparedness, actions to take upon outbreak and structure protection; and
 - (x) Identify the requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

5.5.14.3 Rezoning of Land

Prior to considering any additional land to be rezoned to the Conservation zone, the Local Government will require the proponent submit a detailed proposal that addresses the following matters—

- (a) Compliance with the outcomes and recommendations of the *Albany Local Planning Strategy*;
- (b) Fire hazard assessment and Fire Management Plan;
- (c) An assessment of the visual landscape;
- (d) Land capability and suitability assessment;
- (e) Protection and enhancement of the natural environment, including eradication of weed species;
- (f) Protection and enhancement of visual amenity;
- (g) Any proposed provision of infrastructure and services to support the ‘
- (h) Provision of infrastructure and services;
- (i) Impacts on adjacent land uses;
- (j) Any potential for site contamination;
- (k) Effluent disposal;
- (l) Location of building envelopes, development exclusion areas;
- (m) Details on stormwater management and effluent disposal methods to be employed; and
- (n) Preparation of a Guide Plan for the subdivision showing proposed roads and connectivity between proposed/future and existing developments, lots, recreation areas and location of building envelopes.

5.5.15 Rural Small Holding Zone

5.5.15.1 In the event of there being any variations or conflict between the special provisions set out in Schedule 16—Rural Small Holding Zone and the following general provisions, the requirements of the special provisions under Schedule 16 shall prevail.

5.5.15.2 The following general provisions shall apply to all land within the Rural Small Holding zone:

5.5.15.2.1 The Local Government may grant planning approval for Chalet/Cottage Units or Holiday Accommodation to be developed on land zoned Rural Small Holding subject to the following requirements—

- (a) Despite anything contained in the Zoning Table, Chalet/Cottage Units and Holiday Accommodation are not permitted on any lot zoned Rural Small Holding less than five hectares in area.

- (b) The number of Chalet/Cottage Units and/or Holiday Accommodation shall be determined in accordance with the capability of the land as illustrated by a Land Capability Study. The maximum number of units/guest bedrooms shall be limited as shown in the following table—

Lot Size	Units	Guest Bedrooms
Less than 5 hectares	Nil	Nil
5—10 hectares	2	4
Greater than 10 hectares	3	6

Note: The above table stipulates a maximum number of two bedrooms per Chalet/Cottage Unit and/or Holiday Accommodation.

5.5.15.2.2 Building Design, Materials and Colours

- A dwelling and/or outbuilding shall not exceed 7.5 metres in height which is measured vertically from the natural ground level.
- All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site.
- In order to reduce glare from a building (including a water tank) and to protect visual amenity, the use of reflective materials and finishes and white/off-white colours shall not be permitted.
- Building design is to be responsive to the existing landform, minimising cut and fill and the use of retaining walls.
- Where deemed necessary by the Local Government due to fire hazards and/or threat in a particular area, all buildings are to be designed in accordance with AS 3959—*Construction of Buildings in Bushfire Prone Areas* or any document superseding it.

Note:

- Unpainted zinalume is considered a reflective material and colours similar to Colorbond Surfemist is considered white/off-white.
- Preference is given to split level development, the breaking up of building mass and minimal site disturbance through earthworks.
- “Height” is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the structure.

5.5.15.2.3 Fire Protection—

- All buildings shall be sited to allow for the development of a low fuel zone around the building and any other necessary fire protection measures to be implemented to the satisfaction of the Local Government.
- The required width depends on the slope of the land between the building and the bush fire hazard and minimum distances of a low fuel zone are—
 - Land between 0 to 10 degrees—20 metres;
 - Land between 10 to 20 degrees—25 metres; and
 - Land between 15 to 20 degrees—30 metres.
- Where buildings are located on a negative slope (i.e. downhill from a bush fire hazard) a minimum of 20 metres is required.
- The low fuel zone must be maintained in a low fuel state and fulfil the following conditions—
 - Bush fire fuels must be maintained below 100 millimetres in height;
 - Trees and branches which may fall onto a house must be removed; and
 - Lower branches of remaining trees must be trimmed.
- Each landowner shall ensure that the main watertank for the building is designed with the bottom one quarter of the tank set aside for fire fighting purposes and fitted with a dual tap system to the specification and satisfaction of the Local Government.

5.5.15.2.4 Variations to Building Setbacks

The Local Government may permit variations to the building setback, where it is satisfied that the modification—

- Is consistent with the objectives for the zone;
- Preserves areas of remnant vegetation, creek lines and other areas of environmental significance;
- Provides sufficient area for the development of any low fuel zone and/or hazard separation area on the lot;
- Is required due to the topography or shape of the lot; and
- Will have no adverse impact on the amenity of existing residences on adjoining lots.

5.5.15.2.5 Fencing—

- No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket or similar materials; and
- Where boundary fencing is permitted by the Local Government it shall be of rural construction comprising posts and wire or similar materials.

- (c) The Local Government shall only approve the keeping of stock, animals and/or any Rural Pursuit activity if confined to existing cleared areas of a lot. The Local Government will require fencing to contain any livestock and protect remnant vegetation as a condition of approval.

5.5.15.2.6 Remnant Vegetation Protection and Clearing Controls—

- (a) No clearing of any remnant vegetation shall occur except for—
- (i) Any clearing authorised by a clearing permit obtained from the relevant State Government authority and any clearing exempt in accordance with Schedule 6 or Regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* of the *Environmental Protection Act 1986*.
 - (ii) That clearing required to establish any low fuel buffer, firebreak and/or to comply with the requirements of the *Bush Fires Act 1954* (as amended);
 - (iii) Trees that are dead, diseased or dangerous and present an imminent danger to residents;
 - (iv) Clearing within a designated building envelope required to construct an approved building and curtilage;
 - (v) It is to gain vehicular access to an approved dwelling and/or building envelope; and
 - (vi) An area of up to one metre in width for the purpose of erecting and maintaining a fence line is required and approved by the Local Government. In these areas the land shall be slashed with a view to preventing soil erosion.
- (b) Clearing of remnant vegetation for any purpose other than the above exceptions, shall require the planning approval of the Local Government and as a condition of granting approval, the Local Government may require the planting and maintenance, for a period of at least three years, of endemic native trees of species and in locations approved by the Local Government.

5.5.15.2.7 Effluent Disposal

On-site disposal is required to service any dwelling and shall be responsibility of the individual landowner in accordance with clause 5.8.2.

5.5.15.2.8 Water Supply

A potable water supply is required to each dwelling and shall be the responsibility of the landowner in accordance with clause 5.6.9.

5.5.15.2.9 Subdivision—

- (a) Within the areas along Mt. Elphinstone, Robinson and Cuthbert shown as RSH1 on the Scheme Map, the minimum lot size shall be 6 hectares.
- (b) Prior to supporting any closer subdivision within RSH1 area, the Local Government shall require an overall Plan of Subdivision be prepared for adoption by the Local Government in accordance with Part 2 of the Scheme and endorsement of the Western Australian Planning Commission.

5.5.16 General and Priority Agriculture Zones

5.5.16.1 A maximum of two Single Houses may be approved on land zoned General Agriculture or Priority Agriculture provided the land is equal to or greater than 20 hectares in size.

5.5.16.2 The Local Government may grant planning approval for Farm Worker's Accommodation to be developed on land zoned General Agriculture or Priority Agriculture subject to the following requirements—

- (a) The applicant demonstrating the need for the accommodation based upon the existing approved agricultural use operating on the premises;
- (b) Occupation of the accommodation is restricted to a person directly employed by the proprietor/manager of the business or activity carried out on the lot and their immediate family;
- (c) In the case of seasonal workers engaged in horticulture, there is no suitable alternative accommodation available (such as a caravan park) in close proximity to the farm; and
- (d) The accommodation is clustered around the Single House or other farm buildings on the land to minimise the impacts on adjoining properties and to enable the sharing of infrastructure servicing.

5.5.16.3 The Local Government may grant planning approval for Chalet/Cottage Units or Holiday Accommodation to be developed on land zoned General Agriculture or Priority Agriculture subject to the following requirements—

- (a) Despite anything contained in the Zoning Table, Chalet/Cottage Units and Holiday Accommodation are not permitted on any lot zoned General Agriculture or Priority Agriculture less than five hectares in area.
- (b) The number of Chalet/Cottage Units and/or Holiday Accommodation shall be determined in accordance with the capability of the land as illustrated by a Land Capability Study. The maximum number of units/guest bedrooms shall be limited as shown in the following table—

Lot Size	Units	Guest Bedrooms
Less than 5 hectares	Nil	Nil
5—10 hectares	5	10
Greater than 10 hectares	8	16

Note: The above table stipulates a maximum number of two bedrooms per Chalet/Cottage Unit and/or Holiday Accommodation.

- (c) To minimise impacts on agriculture, flora and fauna values, and the risk to life and property from bushfires, Chalet/Cottage Units and Holiday Accommodation shall be—
- (i) Incidental and subordinate to the principal use of the land for agricultural purposes;
 - (ii) Sited to avoid conflict with agricultural uses on the subject or surrounding land;
 - (iii) Where possible (i.e. where the lot accommodates cleared areas) sited in existing cleared areas; or
 - (iv) Where the lot does not accommodate sufficient cleared land, sited to form a cluster.

5.5.16.4 Subdivision within the General and Priority Agriculture zones will not be supported by the Local Government unless it complies with an endorsed Local Planning Strategy prepared in accordance with *Statement of Planning Policy 2.5—Agriculture and Rural Land Use Planning*.

5.5.17 Rural Village Zone

5.5.17.1 In the absence of an approved Structure Plan, adopted in accordance with clause 5.9 of the Scheme for a particular Rural Village zone, the following land uses and permissibility applies (as defined in clause 4.3.2 of the Scheme)—

- (a) 'P' uses—
- Single House; and
 - Home Office
- (b) 'D' uses—
- Ancillary Accommodation;
 - Bed and Breakfast/Farmstay;
 - Civic Use;
 - Home Occupation;
 - Industry—Cottage; and
 - Rural Pursuit.
- (c) 'A' uses—
- Community Purpose;
 - Garden Centre; and
 - Home Business.

5.5.17.2 When considering an application for planning approval, the Local Government shall require appropriate arrangements to be undertaken on the lot to achieve a long term sustainable land use activity inclusive of—

- (a) The method of collecting and storing potable water on-site;
- (b) The method of disposing of solid and liquid wastes generated by the proposed land use and the level of recycling of solid and liquid wastes to be undertaken on the lot;
- (c) The provision of infrastructure to generate energy, to store energy on-site and to export energy from the lot; and
- (d) The design, location and finishes to be applied to buildings and structures on the land where the design, location or finish provides a reduction in the energy demands required to use or maintain that building or structure.

5.5.17.3 Subdivision within the Rural Village zone will not be supported unless it is in accordance with an adopted Structure Plan prepared in accordance with clause 5.9 of the Scheme.

5.5.18 Special Residential Zone

5.5.18.1 In the event of there being any variations or conflict between the special provisions set out in Schedule 15—Special Residential Zone and the following general provisions, the requirements of the special provisions under Schedule 15 shall prevail.

5.5.18.2 The following general provisions shall apply to all land within the Special Residential zone, in addition to any special provisions set out in Schedule 15 which are specifically applicable to such land—

5.5.18.2.1 Building Design, Material and Colours—

- (a) A dwelling and/or outbuilding shall not exceed 7.5 metres in height which is measured vertically from the natural ground level.
- (b) All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site.
- (c) In order to reduce glare from a building (including a water tank) and to protect visual amenity, the use of reflective materials and finishes and white/off-white colours shall not be permitted.
- (d) Building design is to be responsive to the existing landform, minimising cut and fill and the use of retaining walls.
- (e) Where deemed necessary by the Local Government due to fire hazards and/or threat in a particular area, all buildings are to be designed in accordance with *AS 3959—Construction of Buildings in Bushfire Prone Areas* or any document superseding it.

- Note:*
1. *Unpainted zincalume is considered a reflective material and colours similar to Colorbond Surfsmist is considered white/off-white.*
 2. *Preference is given to split level development, the breaking up of building mass and minimal site disturbance through earthworks.*
 3. *“Height” is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the structure.*

5.5.18.2.2 Fire Protection—

- (a) All buildings shall be sited to allow for the development of a low fuel zone around the building and any other necessary fire protection measures to be implemented to the satisfaction of the Local Government.
- (b) The required width depends on the slope of the land between the building and the bush fire hazard and minimum distances of a low fuel zone are—
 - Land between 0 to 10 degrees—20 metres;
 - Land between 10 to 20 degrees—25 metres; and
 - Land between 15 to 20 degrees—30 metres.
- (c) Where buildings are located on a negative slope (i.e. downhill from a bush fire hazard) a minimum of 20 metres is required.
- (d) The low fuel zone must be maintained in a low fuel state and fulfil the following conditions—
 - (i) Bush fire fuels must be maintained below 100 millimetres in height;
 - (ii) Trees and branches which may fall onto a house must be removed; and
 - (iii) Lower branches of remaining trees must be trimmed.
- (e) All fire access tracks shall be located to minimise erosion, constructed to a standard suitable for all year access by heavy duty fire appliances and maintained by slashing.
- (f) Where a lot is traversed by a fire access track, the landowner shall maintain the firebreak by slashing or similar method to the satisfaction of the Local Government.
- (g) Access along the fire access track shall remain available at all times for emergency purposes. Where any fence crosses a fire access track, the landowner shall install a gate (minimum 3.6 metres wide) to the satisfaction of the Local Government to ensure access is available.
- (h) The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision which requires construction of fire fighting facilities. The Local Government may also require a landowner within a specific Special Residential zone to contribute annually to a special fund to be administered by the Local Government and used solely for the maintenance of fire fighting facilities.
- (i) Water for fire fighting purposes shall be made available as follows—
 - (i) The installation of fire hydrants (connected to the Water Corporation reticulated water supply); or
 - (ii) A 50,000 litre water tank and hydrant or standpipe is required for bush fire fighting purposes. Construction and design is to be to the satisfaction of the Local Government and a procedure must be in place to ensure the tank is maintained at full capacity at all times. Galvanised or copper pipe is to be used above ground or PVC if buried 300 millimetres deep. A hardstand and turn around area suitable for a 3.4 fire appliance must be provided adjacent to the hydrant/standpipe.
- (j) Each landowner shall ensure that all tanks be designed with the bottom one quarter of the tank set aside for fire fighting purposes and fitted with a dual tap system to the specification and satisfaction of the Local Government.

5.5.18.2.3 Modifications to Building Setbacks

The Local Government may permit variations to the building setback, where it is satisfied that the modification—

- (a) Is consistent with the objectives for the zone;
- (b) Preserves areas of remnant vegetation, creek lines and other areas of environmental significance;
- (c) Provides sufficient area for the development of any low fuel zone and/or hazard separation area on the lot;
- (d) Is required due to the topography or shape of the lot; and
- (e) Will have no adverse impact on the amenity of existing residences on adjoining lots.

5.5.18.2.4 Fencing—

- (a) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket or similar materials; and
- (b) Where boundary fencing is permitted by the Local Government it shall be of rural construction comprising posts and wire or similar materials.
- (c) The Local Government shall only approve the keeping of stock, animals and/or any Rural Pursuit activity if confined to existing cleared areas of a lot. The Local Government will require fencing to contain any livestock and protect remnant vegetation and/or exclusion areas as a condition of approval.

5.5.18.2.5 Remnant Vegetation Protection and Clearing Controls—

- (a) No clearing of any remnant vegetation shall occur except for—
- (i) Any clearing authorised by a clearing permit obtained from the relevant State Government authority and any clearing exempt in accordance with Schedule 6 or Regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* of the *Environmental Protection Act 1986*.
 - (ii) That clearing required to establish any low fuel buffer, firebreak and/or to comply with the requirements of the *Bush Fires Act 1954* (as amended);
 - (iii) Trees that are dead, diseased or dangerous and present an imminent danger to residents;
 - (iv) Clearing within a designated building envelope required to construct an approved building and curtilage;
 - (v) It is to gain vehicular access to an approved dwelling and/or building envelope; and
 - (vi) An area of up to 1m in width for the purpose of erecting and maintaining a fence line is required and approved by the Local Government. In these areas the land shall be slashed with a view to preventing soil erosion.
- (b) Clearing of remnant vegetation for any purpose other than the above exceptions, shall require the planning approval of the Local Government and as a condition of granting approval, the Local Government may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by the Local Government.

5.5.18.2.6 Tree Planting

In order to enhance the rural amenity of the area and minimise the visual impact from the developments in the zone, the Local Government may require as a condition of any planning approval the planting and ongoing maintenance of such trees and/or groups of trees and species as specified by the Local Government.

5.5.18.2.7 Dams, Soaks and Bores

No dams, soaks and/or bores shall be constructed on any lots unless the Local Government has granted planning approval.

All applications for the construction of a dam, soak or bore shall—

- (a) Be supported by a hydrological report demonstrating that water collection or abstraction planned will not be to the detriment of water collection on adjoining properties; and
- (b) Ensure that existing stream flows are maintained for downstream users and to support other water dependent environments.

Note: Within any proclaimed groundwater area under the Rights in Water and Irrigation Act 1914, any bore/soak/well or taking of groundwater, requires the approval of the relevant State Government authority.

5.5.18.2.8 Keeping of Animals

The following provisions apply to the keeping of animals (excluding domestic animals or pets)—

- (a) Keeping of animals (excluding domestic animals or pets) is generally not permitted unless provided for in Schedule 15.
- (b) Where, in the opinion of the Local Government, the continued presence of any animal(s) on any portion of land is likely to cause or is causing—
 - Damage to natural vegetation;
 - Water pollution;
 - Dust pollution;
 - Soil erosion; or
 - Any other form of land degradation,

notice may be served on the owner of the said portion of land requiring the immediate removal of those animal(s) and/or rehabilitation of the land specified in the notice.

- (c) Domestic pets which do not pose a threat to native flora and/or fauna may be kept within the zone under the following conditions—
 - All pets shall be confined within the building envelope or similar at all times unless kept on a leash by a responsible person; and
 - Cats and rabbits are considered to pose a threat to native flora and/or fauna and shall be confined inside buildings.

5.5.18.2.9 Effluent Disposal

On-site disposal is required to service all dwellings and shall be responsibility of the individual landowner in accordance with clause 5.8.2.

5.5.18.2.10 Water Supply

A reticulated water supply from a licensed water service provider shall be provided to each lot.

5.5.18.2.11 Electricity Supply

To enhance the visual amenity of the zone, the Local Government will request the Commission to impose a condition at the time of subdivision for the provision of underground power to the lots.

5.5.18.2.12 Stormwater Management and Drainage

Any surface water discharge must be controlled through appropriate drainage systems to avoid erosion and pollution while still maintaining the natural flow of discharge at pre-development levels. Hence—

- (a) The proposed drainage systems (including irrigation runoff) should be designed to reduce nutrient export whilst still maintaining the natural flow; and
- (b) All stormwater drainage within the development is to be designed in accordance with the principles of best management practice as outlined in the Department of Water *Stormwater Management Manual for Western Australia* (2004-07).

5.5.18.2.13 Road and Battleaxe Access

- (a) The Local Government will require the construction of subdivisional roads and/or upgrading of existing roads to their specifications and satisfaction and may request the Commission to impose a condition at the time of subdivision requiring these works or a monetary contribution accordingly.
- (b) The Local Government will require the construction of battleaxe legs to their specifications and satisfaction and may request the Commission to impose a condition at the time of subdivision requiring these works accordingly.

5.5.18.2.14 Notification of Prospective Purchasers and Successors in Titles—

- (a) The Local Government shall require the subdivider advise all prospective purchasers of a lot within the Rural Residential zone of—
 - (i) The general scheme provisions that apply to the Special Residential zone;
 - (ii) Any special provision contained within Schedule 16 that applies to the land; and
 - (iii) Any other planning matter that may affect the use and enjoyment of the land such as buffer areas, surrounding land uses or other planning proposals to be implemented such as the Albany Ring Road.
- (b) The Local Government may request the Commission to impose a condition at the time of subdivision which requires a notification to be placed on the Certificate of Title for all lots to advise prospective purchasers accordingly.

5.5.18.3 Rezoning of Land

Prior to considering any additional land to be rezoned to Special Residential, the Local Government will require the proponent submit a detailed proposal that addresses the following matters—

- (a) Compliance with the outcomes and recommendations of the Albany Local Planning Strategy;
- (b) Fire hazard assessment and Fire management Plan;
- (c) Land capability and suitability assessment,
- (d) Protection and enhancement of the natural environment;
- (e) Protection and enhancement of visual amenity;
- (f) Provision of infrastructure and services;
- (g) Impacts on adjacent land uses;
- (h) Any potential for site contamination;
- (i) Effluent disposal;
- (j) Location of building envelopes; and
- (k) Preparation of a Guide Plan for the subdivision showing proposed roads and connectivity between proposed/future and existing developments, lots, recreation areas and location of building envelopes.

5.5.19 Yakamia Creek Zone

5.5.19.1 Within the Yakamia Creek zone, the minimum lot size shall be 3,000m².

5.6 Provisions Applicable to Residential Land Use and Development

5.6.1 Residential Design Codes

5.6.1.1 A copy of the *Residential Design Codes* is to be kept and made available for public inspection at the offices of the Local Government.

5.6.1.2 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the *Residential Design Codes* is to conform to the provisions of those Codes.

5.6.1.3 The *Residential Design Codes* density applicable to land within the Scheme area is to be determined by the relevant *Residential Design Codes* density number shown on the Scheme Map.

5.6.2 Special Application of Residential Design Codes

The following variations to the *Residential Design Codes* apply in the scheme area—

(a) R1 Density Coding

For a lot designated with the R1 density code on the Scheme Map, the following standards and requirements in Table 4 shall apply—

Table 4: R1 Density Code Provisions

R Code	Dwelling Type	Min. Site Area per Dwelling (m ²)	Min. Frontage (m)	Open Space Min. Total (% of site)	Min. Setbacks (m)		
					Primary Street	Secondary Street	Other/Rear
R1	Single House or Grouped Dwelling	8,500	50	80	20	10	10

(b) R1/20 and R5/20 density code

Where a lot has dual coding of R1/20 or R5/20, the local government may approve residential development at the higher code if the development is connected to reticulated sewerage.

(c) Variation to Residential Design Codes

The provisions of the *Residential Design Codes* may be varied for new urban residential areas and large urban infill sites by a structure plan and/or a Local Development Plan that clearly identifies proposed variations to the *Residential Design Codes* and is approved by the Local Government and endorsed by the Western Australian Planning Commission.

(d) R30/40 and R30/60—

(i) For a lot with a dual coding of R30/40 or R30/60 on the Scheme Map the density for residential uses is R30. The Local Government may grant planning approval for an increase in the density up to the higher code of R40 and R60 respectively where the development in the opinion of the Local Government—

- (a) Retains an existing house which has historic character, is worthy of retention and positively contributes to the existing streetscape;
- (b) The new dwelling units have architectural elements which complement the existing historic/character dwelling creating an integrated design;
- (c) Retains an existing house which is worthy of retention, positively contributes to the existing streetscape, and is of excellent quality with a maintenance standard equal to that of a new dwelling unit (or conversely is substantially upgraded to have a maintenance standard equal to that of a new dwelling);
- (d) The new dwelling units and existing dwelling have common architectural elements creating an integrated design; and
- (e) Has a high level of compliance with any relevant Local Planning Policy or Character Precinct Guidelines adopted by the Local Government.

(ii) The following provisions specifically apply to the area coded R30/40 (generally bounded by Grey Street West, and Duke, Collie and Parade Streets) and the area coded R30/60 (generally bounded by Serpentine Road, and Frederick, Aberdeen and Spencer Street) as shown on the Scheme Map. The intent of the subject dual coded areas is to provide for increases in the density of the areas and to protect the many existing buildings which contribute to the established urban character and streetscape.

- (a) The applicable design code shall be R30 except in the following circumstances, in which case the relevant higher code may apply where—
 - (i) An existing building is included on the *Municipal Heritage Inventory* or other heritage list and is retained; or
 - (ii) An existing building, which, based on written advice from a heritage architect, and in the opinion of the Local Government, is worthy of retention by making a positive contribution to the established urban character and streetscape and is retained; or
 - (iii) A building which is not on the *Municipal Heritage Inventory* or other heritage list and, based on written advice from a heritage architect, and in the opinion of the Local Government, does not contribute positively to the established urban character and streetscape, and planning consent has been granted for its removal; or
 - (iv) Where a lot is vacant at the time of application or is made vacant by an approved demolition.
- (b) Any retained building is to have a maintenance standard equal to that of a new dwelling unit (or conversely is substantially upgraded to have a maintenance standard equal to that of a new dwelling); and
- (c) When a building is being retained, any new development is to incorporate architectural elements in keeping with the retained building.
- (d) Any new building is to have a high level of compliance with any current Local Planning Policies or Character Precinct Guidelines adopted by the Local Government.

- (e) Notwithstanding any other provision of the Scheme, planning approval is required for all development to the higher code, including but not limited to the development of single houses, extensions and additions, or the demolition of any building. The Local Government shall generally not approve of demolition of a building it considers contributes positively to the established urban character and streetscape.
- (f) Where a building is worthy of retention and is to be retained, the Local Government may allow a reduction of the minimum site area per dwelling down to a minimum of 120m² and vary other requirements of the *Residential Design Codes*, including parking, provided that the average site area requirement of the relevant Code is met.
- (g) Where the Local Government approves development to the higher code or variations of the codes provisions on the basis that a building that contributes positively to the established urban character or streetscape is to be retained, approval shall be subject to either—
 - (i) A restrictive covenant being lodged on the Certificate of Title to ensure ongoing retention of such a building; or
 - (ii) The landowner entering into a heritage agreement with the Local Government if the building is listed on the *Municipal Heritage Inventory* or *State Register* to ensure its ongoing retention.
- (h) Where the Local Government has granted planning approval involving a variation of the minimum site area requirements of the *Residential Design Codes*, support for the subdivision of the land into separate titles will be conditional upon—
 - (i) Additional dwelling units approved on the site being constructed to plate height and associated development (including access, retaining walls, drainage, and sewer and water connections) being completed; and
 - (ii) Completion of all building works required on the existing building to render it worthy of retention.

(e) **Building Height**

Notwithstanding Table 4 of the *Residential Design Codes* and unless otherwise provided in the Scheme, building heights for multiple dwellings in areas with a coding of R30 or greater and within mixed use development and activity centres shall be in accordance with heights specified in the *Albany Historic Town Design Policy* or other relevant local planning policy adopted by the Local Government.

(f) **Low Density—Multiple Dwellings**

For a lot with a density code of R20, R25 or R30 on the Scheme Map, the Local Government may grant planning approval for multiple dwellings on steeply sloping sites (> 20% slope and/or 1:5 grade) where severe earthworks would be required to accommodate a group dwelling proposal. A development approval would be subject to the development complying with the standards specified for grouped dwellings in Table 1 of the *Residential Design Codes*.

5.6.3 Restrictive Covenants

5.6.3.1 Subject to clause 5.6.3.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the *Residential Design Codes* which apply under the Scheme.

5.6.3.2 Where clause 5.6.3.1 operates to extinguish or vary a restrictive covenant the Local Government is not to grant planning approval to the development of the land which would, but for the operation of clause 5.6.3.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 9.4.

5.6.4 Ancillary Accommodation

5.6.4.1 The Local Government may permit a maximum floor area of 70m² (not inclusive of a garage, carport, verandah or patio) for an ancillary accommodation unit.

5.6.4.2 Only one ancillary accommodation unit is permitted on any lot.

5.6.4.3 The Local Government will not permit the installation of a second complete effluent disposal system to that system already approved for the dwelling.

5.6.5 Caretaker's Dwelling

5.6.5.1 Notwithstanding any other requirement of the Scheme, a caretaker's dwelling requires the planning approval of the Local Government.

5.6.5.2 Only one caretaker's dwelling is permitted on any lot.

5.6.5.3 When considering an application for a caretaker's dwelling, the Local Government is to have regard to, and may impose conditions concerning—

- (a) There being an existing approved land use operating on the lot;
- (b) The caretaker's dwelling being located on the same lot as the approved use; and
- (c) Occupation of the dwelling being restricted to the proprietor, manager or authorised person in charge of the approved land use, and their immediate family;

5.6.5.4 The maximum floor area for a caretakers dwelling shall be 100m².

5.6.6 Relocated Dwellings

5.6.6.1 Notwithstanding any other requirement of the Scheme, all relocated dwellings require the planning approval of the Local Government.

5.6.6.2 When considering an application for planning approval for a relocated dwelling, the Local Government is to have regard to, and may impose conditions concerning—

- (a) The external appearance and material finishes, the screening of sub-floor spaces, the addition to or modification to the existing dwelling and the time frame imposed to complete specified work and connect the dwelling or building to lot services;
- (b) The provision of landscaping and/or screening of the building and/or site; and
- (c) The provision of a bond or bank guarantee in favour of the Local Government as surety for the completion of the building to a standard of presentation acceptable to the Local Government within a specified time.

5.6.6.3 Where the provision of a bond or bank guarantee is required, the Local Government shall refund the payment upon satisfactory completion of the necessary works.

5.6.7 Residential Uses Adjacent to Heavy Freight Routes

In the case of any development located within 100 metres from the outer edge of the carriageway of Albany Highway (north of Chester Pass Road roundabout), Chester Pass Road, Hanrahan Road, Princess Royal Drive, the Albany Ring Road alignment or the railway line located within the Scheme Area and proposed to be used for residential or tourist occupation, the Local Government shall have regard to the policy statements and recommendations in the Western Australian Planning Commission's *Statement of Planning Policy 5.4—Road and Rail Transport Noise and Freight Considerations in Land Use Planning* and may require appropriate noise attenuation measures.

5.6.8 Holiday Accommodation

5.6.8.1 Where a premise is approved for holiday accommodation or chalet/cottage unit purposes, the duration of occupancy by any person in those premises shall be limited to a maximum of three months during any 12 month period.

5.6.8.2 The density of holiday accommodation or chalet/cottage unit development shall be determined by reference to the Residential Design Codes density number superimposed on the particular area contained within the borders shown on the Scheme Map.

5.6.9 Potable Water Supplies

5.6.9.1 No dwelling shall be constructed or approved for construction unless provided with a reticulated water supply from a licensed water provider.

5.6.9.2 Where reticulated water is not available; each dwelling shall be provided with a sustainable potable water supply with a minimum capacity of 92,000 litres.

5.7 Miscellaneous Use and Development Requirements

5.7.1 Minerals and Basic Raw Materials Activities

5.7.1.1 The Local Government may require any habitable development proposed within 200 metres of a basic raw materials extraction source to incorporate suitable measures to protect or to provide for the current or future extraction of the mineral or basic raw materials existing on the land or within reasonable proximity to the land.

5.7.1.2 Notwithstanding any other requirement of the Scheme, all industry—extractive require the planning approval of the Local Government.

5.7.1.3 When considering an application for a industry—extractive, the Local Government is to have regard to and may impose conditions concerning—

- (a) No excavation activity is to occur within 200 metres of a residence not located on the subject lot;
- (b) The proposed extraction site is to be setback a minimum of 40 metres from a public road;
- (c) No excavation is to occur within 50 metres of a watercourse or waterbody;
- (d) All activities are adequately screened from major vantage points (i.e. from regional and district roads); and
- (e) The preparation and implementation of an Environmental Management Plan and Pit Closure Rehabilitation Plan to control the operations and closure of the extraction activity and pit area.

- Note:*
1. *Section 120 of the Mining Act 1978 requires that in considering the granting of a mining tenement, the provisions of Local Planning Scheme No. 1 shall be taken into account, but nothing in the Scheme shall prohibit or affect the granting of the tenement or carrying out of any mining operations authorised under the Act.*
 2. *On Crown Land, construction materials are defined as a 'mineral' and require a Mining Lease to be issued by the Department of Mines and Petroleum to extract sand, clay, rock or gravel and these activities are administered under the Mining Act 1978. On private property, the extraction and sale of construction materials such as sand, rock or gravel is administered by the Local Government through the granting of planning approval under Local Planning Scheme No. 1 and issuing of licenses under the Extractive Industries Local Law 2009, or any other laws applicable to the proposal.*

5.7.2 Agriculture—Intensive; and Animal Husbandry—Intensive Activities

5.7.2.1 Notwithstanding any other requirement of the Scheme, all agriculture—intensive and animal husbandry—intensive require the planning approval of the Local Government.

5.7.2.2 In considering an application for planning approval for agriculture—intensive and animal husbandry—intensive, the Local Government may require the applicant to—

- (a) Prepare a land capability analysis;
- (b) Prepare a site management plan, to support and justify the proposal and detail management actions for the activity to the satisfaction of the Local Government;
- (c) Incorporate a buffer separation distance to protect sensitive uses;
- (d) Prepare a management strategy to control potential nuisances generated by the land use;
- (e) Provide an Agricultural Impact Statement in accordance with State Planning Policy 2.5 *Agriculture and Rural Land Use Planning*; and
- (f) Submit to the Local Government a Nutrient and Irrigation Management Plan (NIMP) in accordance with the Department of Water's *Water Quality Protection Note 33*. The Local Government is to refer the NIMP to the relevant State Government authorities, for comment regarding the NIMP and the potential impacts of the proposal. The Local Government will have due regard to the advice of the relevant State Government authorities, and where a proposal is approved, will apply conditions to implement the NIMP.

5.7.3 Tree Plantation Activities

5.7.3.1 Applications for tree plantations shall incorporate and comply with a Plantation Management and Harvest Plan prepared in accordance with the *Code of Practice for Timber Plantations in Western Australia* (1997) or any replacement code or other relevant policy applicable at the time of application.

5.7.3.2 In considering an application for a tree plantation, the Local Government will have regard to the following matters—

- (a) The proximity of the plantation to any land zoned or identified for residential development, rural residential development or smaller lots with potential for dwelling development;
- (b) Separation distances between the plantation and any properties sensitive to the exposure of insecticides (mainly if any aerial spraying is proposed);
- (c) Where harvesting is proposed, the suitability of the location in terms of the road network capabilities;
- (d) The visual impact if the plantation has potential to interrupt scenic views (particularly along main tourist routes);
- (e) Impact on any tourist and recreation uses on the subject or the adjoining land;
- (f) Proximity to any airstrips; and
- (g) The proximity of the plantation to any substantial areas of remnant endemic species and the potential impact on any existing 'Conservation' areas or remnant vegetation areas, and may seek comment from the relevant State Government authority in accordance with clause 10.1.

5.7.4 Home Business

5.7.4.1 Notwithstanding any other requirement of the Scheme, all home business requires the planning approval of the Local Government.

5.7.4.2 An approval granted for a home business is specific to the applicant and is not transferable upon sale of the property and/or vacation of the premises by the occupant.

5.7.5 Development of Other Structures

Development standards, including the height, area, setbacks and construction materials, for the following structures—

- Outbuilding (shed or workshop);
- Carport or garage;
- Pergola;
- Shadehouse or conservatory;
- Any accommodation designed to house livestock, including a kennel, stable, aviary, fowlhouse and pigeon loft,

shall be determined by the Local Government in accordance with an adopted Local Planning Policy.

5.8 Site and Development Requirements

5.8.1 Vehicle Access/Egress onto Major/Priority Roads, Road Widening, Un-constructed or Substandard Roads and Loading/Unloading and Service Areas

5.8.1.1 Approval from the relevant road control authority is required for the construction of a vehicle access/egress point onto a Major Road or Priority Road shown on the Scheme Map.

5.8.1.2 The Local Government may as a condition of granting planning approval for access/egress onto a Major Road or Priority Road require—

- (a) That an alternative access/egress point be provided;
- (b) That the access/egress point and driveway to be sealed and drained to prevent the export of any materials from the lot onto the Major Road;
- (c) The shared use of access/egress points, driveways and/or car parking areas on adjoining land parcels through reciprocal rights of access agreements prepared by the landowner; or
- (d) That the construction of a service road be undertaken to limit access onto the Major Road.

Note: Applications for access to a Major Road, such as Albany Highway or South Coast Highway, or to a controlled access route, such as the Albany Ring Road will be referred to the relevant State Government authority for comment and/or consent.

5.8.1.3 The Local Government may as a condition of granting planning approval for access/egress onto a Priority Road require—

- (a) Only one vehicle access/egress point from any lot,
- (b) Separate access/egress points to be provided;
- (c) That the access/egress point and driveway to be sealed and drained to prevent the export of any materials from the lot onto the Priority Road.
- (d) The shared use of access/egress points, driveways and/or car parking areas to limit the number of access/egress points onto the Priority Road.

5.8.1.4 All vehicle access points, other than in the Residential zone, shall be designed so that all vehicles can enter and leave the lot in a forward gear.

5.8.1.5 No vehicle crossover shall be located within the corner truncation of any lot having two or more street frontages.

Road Widenings

5.8.1.6 On Major Roads and Priority Roads shown on the Scheme Map, the Local Government may require additional land to be added to widen or extend the road in support of subdivisional approval or as a condition of granting planning approval.

5.8.1.7 The Local Government in dealing with an application for planning approval on land abutting a road proposed to be widened, is to have regard to, and may impose conditions—

- (a) Limiting development on the land affected by the road widening;
- (b) Requiring the owner to cede free of cost the affected land; and/or
- (c) Requiring an increased development setback to protect the land affected by the future road widening.

Note: Plans showing the extent of future road widening can be viewed at the Local Government.

Un-constructed or Substandard Roads

5.8.1.8 The Local Government in granting planning approval to a development abutting an un-constructed or substandard road may either require—

- (a) The applicant to meet the full cost of constructing or upgrading that portion of the road fronting the development plus other sections of the road that connect the development to the existing road network; or
- (b) Where a Contribution Plan has been adopted by the Local Government in accordance with Part 5.9.2 of the Scheme, a financial contribution to the cost of constructing or upgrading that portion of the road fronting the development plus other sections of the road that connect the development to the existing road network.

5.8.1.9 The Local Government shall undertake the works required under clause 5.8.1.8 within a timeframe agreed between the applicant and the Local Government.

5.8.1.10 If an owner or applicant objects to the contribution determined by the Local Government under clause 5.8.1.8(a), the matter shall be referred to the State Administrative Tribunal in accordance with the Scheme.

Note: An applicant aggrieved by a determination of the Local Government in respect of the exercise of a discretionary power under the Scheme may apply for review to the State Administrative Tribunal in accordance with Part 14 (s. 252) of the Planning and Development Act 2005.

Loading/Unloading and Service Areas

5.8.1.11 The Local Government shall require an area to be provided on-site other than a car parking bay, for the loading and unloading and servicing or dispatch or receipt of goods and materials associated with any commercial or industrial use.

5.8.1.12 All loading and servicing areas and associated vehicle crossings required to be provided shall comply with the following requirements—

- (a) Be located, constructed, drained, paved, lit and screened from public view to the satisfaction of the Local Government;
- (b) Designed to ensure that vehicles using them are able to enter and leave the premises in a forward gear;
- (c) Constructed to prevent traffic conflict with any adjoining vehicle crossovers, parking areas, public roads or rights-of-way;
- (d) Be marked on-site and permanently retained for that exclusive use;
- (e) Be suitably designed and treated to ensure that activities carried out in the loading and service area do not cause nuisance to adjoining land uses due to the emission of noise, dust, smoke, light or other pollutants; and
- (f) No person shall alter any loading or service area forming part of a planning approval for a development without having first obtained the subsequent planning approval of the Local Government.

5.8.2 Sewerage and On-site Effluent Disposal

5.8.2.1 Any building or development that is required to dispose of liquid effluent shall—

- (a) Be connected to the Water Corporation reticulated sewerage system in the Water Corporation's Water Sewerage Operating License Areas unless advised by the Water Corporation that a connection cannot practically be provided; or
- (b) Provide an on-site effluent disposal system designed and located to minimise nutrient export from the site and be approved by the Local Government and the relevant State Government authority for that purpose; and
- (c) Implement a disposal process for chemical or oil substances in accordance with the Environmental Protection Authority guidelines.

5.8.2.2 The Local Government shall require the use of alternative treatment effluent disposal systems, in the following situations—

- (a) Where the setback requirements of clause 5.3.6 cannot be achieved;
- (b) Where soil conditions are not conducive to the retention of nutrients on site;
- (c) In low lying areas; and
- (d) In areas where there is a perched winter water table.

5.8.2.3 The Local Government may permit a variation to these requirements where it can be demonstrated that the proposed effluent disposal system, design and location will not cause adverse environmental or health impacts. The Local Government may seek the advice of the relevant State Government authorities prior to making that determination.

Note: All development must comply with the provisions of the draft Country Sewerage Policy administered by the relevant State Government authority.

5.8.3 Designated Building Envelope

5.8.3.1 The Local Government may require that all development and on-site effluent disposal systems be contained within a designated building envelope shown on an approved plan.

5.8.3.2 The Local Government shall apply the following objectives in determining the location and size of the building envelope—

- (a) Protection of remnant vegetation;
- (b) Avoidance of areas of low land capability;
- (c) Maintaining any necessary buffers to other uses, and
- (d) Enhancement of visual amenity.

5.8.3.3 The Local Government may grant planning approval for the relocation or modification of designated building envelope provided that the new building envelope and its location satisfy the criteria in clause 5.8.3.2.

5.8.3.4 Where a designated building envelope has been approved, clearing of vegetation is not to occur outside of the envelope except when required to—

- (a) Maintain vehicular and servicing access to the buildings on the lot; or
- (b) Satisfy bush fire protection measures.

5.8.4 Use of Setback Areas

5.8.4.1 A person shall only use land within the setback area for one or more of the following purposes—

- (a) A means of access/egress;
- (b) Display of approved public artworks;
- (c) The daily parking of passenger vehicles in an approved car parking area;
- (d) The loading and unloading of vehicles;
- (e) Landscaping with lawns, gardens, trees, shrubs and structures;
- (f) Rural pursuits in the case of land within an agricultural related zone;
- (g) Private open space in the case of group and multiple dwellings.
- (h) In an Industry zone, a trade display; or
- (i) In a Commercial zone, a verandah, awning, pergola or the like to provide weather protection over an alfresco dining area, for the display of goods or for other similar activity.

Note: Any encroachments onto or over road reserves may also require separate approvals.

5.8.5 Parking Requirements

5.8.5.1 All development shall incorporate on-site parking area(s) with the number of bays required shown in Table 5 below—

Table 5: Car and Bicycle Parking Requirements

Land Use	Car Parking	Bicycle Parking
Aged or Dependent Persons' Dwellings	As per R-Codes	
Amusement Parlour	1 per 30m ² NLA	1 per 20m ² NLA
Ancillary Accommodation	As per R-Codes	

Table 5: Car and Bicycle Parking Requirements

Land Use	Car Parking	Bicycle Parking
Betting Agency	1 per 30m ² NLA	
Caravan Park	As per the Caravan and Camping Regulations 1997	
Caretaker's Dwelling	1 bay	
Child Care Premises	1 per employee + 1 per 10 children	
Cinema/Theatre	1 per 4 persons accommodated	1 per 10 car bays
Civic Use	1 per 4 persons accommodated	1 per 20 car bays
Club Premises	1 per 4 persons accommodated	1 per 20 car bays
Community Purpose	1 per 4 persons accommodated	1 per 20 car bays
Consulting Rooms	3 per practitioner + 1 per 3 employees	1 per 10 car bays
Convenience Store	1 per 20m ² NLA	1 per 10 car bays
Display Home	5 per each display home	
Dry Cleaning Premises	4 bays	
Educational Establishment	1 per employee + bus, parent and student parking at discretion of the Local Government	1 per 10 students
Exhibition Centre	1 per 20m ² NLA	1 per 20 car bays
Family Day Care	As per R-Codes + 1 bay	
Fast Food Outlet	1 per 2.5m ² queuing area (4 bays min.) + 1 per 5m ² eating area + 4 car queuing spaces for drive through facility.	1 per 10 car bays
Garden Centre	1 per 50m ² sales / display area	1 per 10 car bays
Grouped Dwelling	As per R-Codes	
Holiday Accommodation	1 per employee + 1 per bedroom or 2 per unit whichever is greater	
Home Business	As per R-Codes + 1 bay per employee	
Hospital	1 per 4 beds plus 1 per employee	
Hotel	1 per employee + 1 per 3m ² bar area + 1 per 4 seats in dining area + 1 per bedroom + 1 per 4m ² other public areas	1 per 10 car bays
Industry	1 per 100m ² NLA	1 per 20 car bays
Industry—Cottage	1 per 30m ² NLA	
Industry—General	1 per 100m ² NLA	1 per 20 car bays
Industry—Light	1 per 50m ² NLA (with min. 4 bays / tenancy)	1 per 20 car bays
Industry—Service	1 per 50m ² NLA	1 per 20 car bays
Live/Work Units	As required for the particular commercial/industry land use + 1 per resident	1 per 10 car bays
Lunch Bar	1 per 15m ² NLA	1 per 10 car bays
Market	3 spaces / stall or 1 space per 10m ² whichever is greater	1 per 10 car bays
Medical Centre	As per Consulting Room	1 per 10 car bays
Motel	As per Hotel	
Motor Vehicle, Boat or Caravan Sales	1 per 100m ² display area + 1 per employee	
Motor Vehicle/Boat Repair	4 bays per working bay + 1 per employee	
Motor Vehicle Wash	2 per wash bay	
Multiple Dwelling	As per R-Codes	
Night Club	1 per 2m ² public drinking area + 1 per 4 seats dining + 1 per 4m ² other public spaces	
Nursing Home	1 per 4 beds + 1 per employee (inc consultants)	
Office	1 per 30m ² NLA	1 per 10 car bays

Table 5: Car and Bicycle Parking Requirements

Land Use	Car Parking	Bicycle Parking
Park Home Park	As per the Caravan and Camping Regulations 1997	
Reception Centre	1 per 4 persons the facility designed to accommodate + 1 per employee	1 per 20 car bays
Restaurant	1 per 4 persons the facility designed to accommodate + 1 per employee	
Service Station	1 per pump + 1 per employee + 1 per 20m ² retail area	
Shop	1 per 20m ² NLA	1 per 20 car bays
Showroom	1 per 50m ² NLA	1 per 20 car bays
Single Bedroom Dwelling	As per R-Codes	
Single House	As per R-Codes	
Storage	1 per 100m ² NLA	
Tavern	As per Night Club	
Trade Display	1 per 40m ² NLA	
Veterinary Centre	4 per practitioner + 1 per employee	
Warehouse	1 per 100m ² NLA	

5.8.5.2 Where the calculated number of parking bays in accordance with Table 5 results in a fraction of a bay, the required total number of bays shall be rounded up.

5.8.5.3 Where a particular parking requirement for a use class is not specified in Table 5 or the Scheme provisions, the Local Government shall determine the number of car parking bays to be provided having regard to—

- (a) The nature of the proposed development;
- (b) The recommendations of the *Building Code of Australia*;
- (c) The number of employees and visitors/clients to be associated with the development; and
- (d) The orderly and proper planning of the locality.

Bicycle Parking

5.8.5.4 Where on-site bicycle parking is provided, the Local Government may discount the on-site car parking requirements by one bay accordingly. This clause shall not be used to forego adequate car parking bays being provided on-site and the discount shall be calculated on the basis that each car parking bay will yield seven bicycle bays.

Multiple Uses

5.8.5.5 Where a development is to incorporate multiple land uses, the total number of parking bays shall be determined as the sum of the numbers of parking bays required for all of the approved individual land uses.

Parking Relaxations

5.8.5.6 The Local Government may relax the parking requirements for a particular development where it is satisfied—

- (a) That different uses on the premises will generate parking demand at different times allowing the parking bays to be shared;
- (b) That providing the number of parking bays required will result in a built form that will not conflict with the existing or planned development of the locality; or
- (c) Contractual arrangements have been made to implement parking or shared use of an existing or planned parking area.

Construction of Car Parking Areas

5.8.5.7 Vehicular parking, manoeuvring and circulation areas are to be constructed, drained and sealed to the satisfaction of the Local Government. All parking spaces are to be line marked, appropriately lit and maintained in good repair.

Car/Trailer Parking Bays

5.8.5.8 When considering an application for development of tourist, commercial and/or industrial uses, the Local Government may require car parking bays to be configured to provide for car/trailer parking, the amount of which is at the discretion of the Local Government.

5.8.5.9 Car/trailer parking bays shall be—

- (a) Located so that the user can readily access the bays when entering the property;
- (b) The bays are designed to accommodate entry and exit with the vehicle in a forward gear; and
- (c) The bays are in close proximity to material and product storage areas.

5.8.5.10 Car/trailer parking bays are to be suitably sign posted and line marked to show that they are set aside exclusively for a car/trailer combination.

5.8.5.11 When calculating the car parking requirements for the approved land use, each car/trailer parking bay is to be calculated on the basis that it is two car parking bays and no additional car parking is to be provided on-site where car/trailer parking bays are required.

Bus and Coach Parking

5.8.5.12 When considering an application for planning approval for an aged or dependent persons dwellings, holiday accommodation or motel/hotel development, the Local Government may require an area other than a car parking bay for the loading/unloading of passengers and the parking of tourist buses and coaches to be provided on-site on which the use is located.

5.8.5.13 All bus and coach loading and parking areas and associated vehicle crossings required to be provided on the site shall comply with the following requirements—

- (a) Be located, constructed and drained, paved and screened to the satisfaction of the Local Government;
- (b) Designed to ensure that vehicles using them are able to enter and leave the premises in a forward gear;
- (c) Constructed to prevent traffic conflict with any adjoining vehicle crossovers, parking areas, public roads or rights-of-way; and
- (d) Be marked on-site and permanently retained for that exclusive use.

5.8.5.14 No person shall alter any bus and coach loading and parking area forming part of a planning approval for a development without having first obtained the subsequent planning approval of the Local Government.

Shared/Combined Parking Areas

5.8.5.15 The Local Government may permit land uses to share or combine parking facilities provided it is satisfied—

- (a) No conflict will occur as a result of the joint use of the parking facilities; and
- (b) The peak demands for parking bays from the individual land uses do not coincide.

5.8.5.16 Where the Local Government permits the joint use of parking facilities, it shall require the landowners involved to fund and prepare a suitable legal agreement registered on the property title to ensure reciprocal rights of access exist and the use of the parking facilities can be maintained.

5.8.5.17 Where a legal agreement has been required by the Local Government in accordance with clause 5.8.5.16, that agreement shall not be varied or removed without the consent of the Local Government and only where the Local Government is satisfied that the joint use of parking facilities are no longer required.

Parking Area Development Standards

5.8.5.18 All parking areas and associated vehicle crossings required to be provided shall comply with the following requirements to the satisfaction of the Local Government—

- (a) Parking for vehicles is to be designed in accordance with *AS 2890.1-1993 Parking Facilities Part 1: Off Street Parking* and any subsequent amendments thereto, except that the dimensions for angled parking spaces and aisle widths shall be in accordance with the Table 6 below—

Parking Bay Angle	Minimum Parking Space Length (metres)	Minimum Parking Space Width (metres)	Minimum Aisle Width (metres)	
			One-Way Aisle	Two-Way Aisle
30°	4.4	2.6	3.1	6.0
45°	5.2	2.6	3.8	6.0
60°	5.2	2.6	4.3	6.0
90°	5.4	2.6	5.4	6.0

- (b) Parking for bicycles is to be designed in accordance with Class 3 'Bicycle Parking Rails' under *AS 2890.3-1993 Parking Facilities Part 3: Bicycle Parking Facilities* and any subsequent amendments thereto.

- (c) Car parking bays are to—

- (i) Be located, sign posted, constructed/draind, paved and marked to the satisfaction of the Local Government;
- (ii) Incorporate appropriate standards of security, shade trees and landscaping, surveillance and lighting, especially where it is expected that the parking area will be used at night;
- (iii) Incorporate landscaping between the parking area and street boundary equal to 5% of the site area of the car park and shade trees at a rate not less than one tree every six bays within the parking area;
- (iv) Include appropriate provision of bays for disabled, visitor, bicycle or other specific purposes and where these are required, these bays are to be marked and permanently retained for that exclusive use; and

- (v) No person shall alter any parking area forming part of a planning approval for a development or land use without having first obtained the subsequent planning approval of the Local Government.

Cash-in-Lieu for Car Parking

5.8.5.19 When considering an application where a cash-in-lieu payment for parking the Local Government shall take the following factors into account—

- (a) Whether an appropriate sharing or reciprocal parking arrangement will exist;
- (b) Whether a suitable cash-in-lieu arrangement is feasible;
- (c) If normal parking demand is unlikely to eventuate due to—
 - (i) Expected high levels of non-car use;
 - (ii) Existing parking areas in close proximity;
 - (iii) Adequate on-street parking bays being available; or
 - (iv) Close proximity to public transport and/or parking stations (existing or proposed).
- (d) If the development incorporates public transport or pedestrian/bicycle facilities that enhances access to those facilities; and
- (e) Whether the urban design benefits support a reduced level of parking bays being provided.

5.8.5.20 Where the required minimum number of parking bays cannot be provided, the Local Government may accept a cash-in-lieu payment for the provision of the parking bays subject to—

- (a) Being satisfied that the number of parking bays to be provided is sufficient in the particular case, and in any case not less than 50% of the total amount required;
- (b) The cash-in-lieu payment per bay is determined by independent valuation;
- (c) The payment being paid into a parking fund to be used for the provision of public parking facilities. The Local Government may use this fund to provide public parking facilities within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made;
- (d) In the case of land contained within the Regional Centre Zone, the cash-in-lieu payment is to facilitate coordinated and consolidated parking development within the zone through the provision of public parking areas, pedestrian and cycling facilities or public transport infrastructure, which in the opinion of the Local Government improves the existing services and permits and encourages a reduction in the use or demand for parking facilities; and
- (e) Prior to clause 5.8.5.20(d) being applied, the Local Government shall have prepared and adopted a comprehensive transport strategy for the scheme area to address pedestrian, cycling, parking, public transport and private vehicle movement requirements, and which sets out where, when and how such funds are to be directed.

5.8.5.21 If an owner or applicant objects to the amount of costs or values determined by the Local Government, at clause 5.8.5.20 the matter shall be referred to arbitration in accordance with the Scheme.

5.8.6 Parking of Vehicles, Boats, Caravans and Trailers

5.8.6.1 No person on any lot within the Residential, Tourist Residential, Future Urban, Special Residential, Rural Residential or Conservation zone may—

- (a) Allow any commercial vehicle to remain stationary or park for a period of more than eight hours consecutively on the lot and/or street verge.
- (b) Allow any commercial vehicle to remain stationary or park on any street verge.
- (c) Keep, park, repair or store any boat, caravan, or trailer in front of the building setback line unless screened from view.
- (d) Keep or park any commercial vehicle used for the transportation of livestock or for the disposal of liquid or solid waste or that is carrying a refrigeration unit that is operating on a continuous or intermittent basis on the lot.

5.8.6.2 Irrespective of clause 5.8.6.1, the Local Government may grant planning approval for the parking of commercial vehicles, subject to the application achieving the following minimum criteria—

- (a) The vehicle forms an essential part of the occupation of an occupant of the dwelling;
- (b) The vehicle is to be parked behind the approved building setback at all times;
- (c) The lot exceeds 1,000m² in area;
- (d) Any associated materials or machinery is contained on the vehicle or accompanying trailer at all times and the activity does not cause nuisance due to the emission of noise, dust, light or other pollutants;
- (e) The vehicle(s) and activity are operated in accordance with the *Environmental Protection (Noise) Regulations 1997* and other statutes;
- (f) It will be housed in an approved outbuilding, or is effectively screened from view from outside the lot whilst parked; and
- (g) The vehicle, including any load, does not exceed four metres in height or 25 metres in length.

5.8.6.3 Any approval issued to park commercial vehicles is restricted to the specific person to whom it is granted and is not able to be transferred or assigned to any other person nor is it transferable upon sale of the premises.

5.8.7 Site Requirements

5.8.7.1 All development and use of land is to comply with the requirements and standards set out in Table 7 below—

Zone	Max. Plot Ratio	Min. Setbacks (metres)			Other Requirements
		Front	Rear	Side	
Residential	Refer to <i>Residential Design Codes</i> and adopted Structure Plans and LPP's				
Tourist Residential	Refer to <i>Residential Design Codes</i> and adopted Structure Plans and LPP's				
Future Urban	n/a	20	10	10	Site Requirements including setbacks may be varied by an adopted Structure Plan in accordance with R-Code density shown on the plan
Hotel/Motel	0.7	6	6	3	Refer also to Tourist Accommodation Strategy
Caravan Park	n/a	3	3	3	Refer also to the <i>Caravan and Camping Act/Regulations</i> and Tourist Accommodation Strategy
Regional Centre	2.0	Nil	Nil	Nil	Refer to LPP's
Regional Centre Mixed Business	0.8	3	Nil	Nil	Refer also to adopted Structure Plan and LPP's
Regional Centre Mixed Use	1.5	3	Nil	Nil	Refer to LPP's
Highway Commercial	0.6	7.5	Nil	Nil	Refer to LPP's
Neighbourhood Centre	0.6	7.5	5	5	Refer to LPP's
Local Centre	0.5	7.5	3	3	Refer to LPP's
General Industry	0.8	9	Nil	Nil	Refer also to Schedule 11—Industry Zone
Light Industry	0.8	9	Nil	Nil	Refer also to Schedule 11—Industry Zone
Rural Residential	Refer to Schedule 14—Rural Residential Zone				
Conservation	Refer to Schedule 12—Conservation Zone				
Rural Small Holding	n/a	15	10	10	Refer to LPP's
General Agriculture	n/a	15	10	10	Refer to LPP's
Priority Agriculture	n/a	15	10	10	Refer to LPP's
Rural Village	n/a	10	3	3	Refer to adopted Structure Plan
Yakamia Creek	n/a	10	10	5	Refer to LPP's
Special Use	Refer to Schedule 4—Special Use Zones				
Special Residential	Refer to Schedule 15: Special Residential Zone				

5.8.8 Bin and Refuse Storage Areas

5.8.8.1 The Local Government may require an area for bin and refuse storage associated with any group or multiple dwelling, tourist, commercial, or industrial use to be provided on-site.

5.8.8.2 All bin and refuse storage areas shall comply with the following requirements—

- Be located, constructed/drainage, paved and screened from public view to the satisfaction of the Local Government and;
- Be permanently retained for that exclusive use.

5.8.8.3 No person shall alter any bin and refuse storage area forming part of an approved development without having first obtained the subsequent planning approval of the Local Government.

5.8.9 Landscaping Requirements

5.8.9.1 All development shall provide areas of on-site landscaping as set out in Table 8 below—

Zone	Landscaping Area (% of site)
Residential	As per the <i>Residential Design Codes</i>

Table 8: Landscaping Requirements

Zone	Landscaping Area (% of site)
Tourist Residential	As per the <i>Residential Design Codes</i>
Future Urban	As per adopted Structure Plan
Hotel/Motel	10
Caravan Park	10
Regional Centre	2
Regional Centre Mixed Business	10
Mixed Use	5
Highway Commercial	10
Neighbourhood Centre	20
Local Centre	10
General Industry	10
Light Industry	10
Rural Residential	Refer to Schedule 14—Rural Residential Zone
Conservation	Refer to Schedule 12—Conservation Zone
Rural Village	As per adopted Structure Plan
Yakamia Creek	As determined by the Local Government
Special Use	Refer to Schedule 4—Special Use Zones
Special Residential	Refer to Schedule 15—Special Residential Zone

5.8.9.2 Where no defined landscaping requirement is specified in Table 8, the Local Government shall determine the amount of landscaping to be provided having regard to the nature of the proposed development.

5.8.9.3 When landscaping is required to be provided as part of a development, the Local Government may impose conditions concerning—

- (a) The position and type of plants;
- (b) The removal and disposal of environmental weeds;
- (c) Management of landscaping; and
- (d) The extent of landscaping located within the building setback areas.

5.8.9.4 No person shall alter any landscaping area, with the exception of any replanting or maintenance of approved areas, forming part of a planning approval for a development without having first obtained a subsequent planning approval from the Local Government.

5.8.9.5 Where the required landscaping area is not able to be provided, the Local Government may accept a cash-in-lieu payment for the provision of landscaping subject to—

- (a) The cash-in-lieu payment is to be not less than the estimated cost to the owner or the applicant of providing and constructing the landscaping area required by the Scheme; and
- (b) Payments made under clause 5.8.9.5(a) are to be paid into a civic landscaping fund to be used for the provision of landscaping within public places. The Local Government may use this fund to provide landscaping anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.

5.8.9.6 If an owner or applicant objects to the amount of costs or values determined by the Local Government under sub-clause 5.8.9.5(a), the matter shall be referred to the State Administrative Tribunal.

5.8.10 Landscaping of Demolished Building Sites

Where buildings are demolished within the Regional Centre, Hotel/Motel and Neighbourhood Centre zones and, for whatever reason, redevelopment of the site is delayed for more than six months; the following works are required to be carried out by the applicant—

- (a) The premises are cleared of all rubble, debris and demolition materials;
- (b) The site is levelled to the same level as the adjoin footpath and/or road and turfed so it can be mowed;
- (c) The site is landscaped with perimeter plantings (consisting of advanced specimens of fast growing species as determined by the Local Government); and
- (d) The site is maintained to ensure no sediment runoff from the site occurs.

5.9 Structure Plans, Development Contribution Plans and Local Development Plans

Note: This part of the Scheme includes the procedures for the preparation and approval of Structure Plans, Development Contribution Plans and Local Development Plans as well as setting out their application and powers/controls over scheme matters. They apply specifically to the Future Urban and Rural Village zones; however, they may be used for a variety of planning purposes by the City to facilitate orderly development over large areas or those within multiple ownership.

5.9.1 Structure Plan Areas

5.9.1.1 Interpretation

In clause 5.9, unless the context otherwise requires—

‘Proponent’ means any owner or owners of land to which the Proposed Structure Plan relates that has or have submitted that Proposed Structure Plan;

‘Proposed Structure Plan’ means a structure plan, which may apply to either a local area or a district, that has been prepared in accordance with clause 5.9.1.4; and

‘Structure Plan’ means a Proposed Structure Plan that has been approved by both the Western Australian Planning Commission and adopted by the local government under clause 5.9.1.5.15.

5.9.1.2 Purpose

- (a) To identify areas requiring comprehensive planning prior to subdivision and development.
- (b) To coordinate subdivision, land use and development in areas requiring comprehensive planning.

5.9.1.3 Structure Plan Requirements

The following provisions for the preparation Structure Plans exist until such time as such procedures are contained within a State Government Regulation or similar instrument, at which time the procedures contained within such Regulation or similar instrument shall apply.

5.9.1.3.1 The local government requires a Structure Plan for a Structure Plan Area, or for any particular part or parts of a Structure Plan Area, before recommending subdivision or approving development of land within the Structure Plan Area.

5.9.1.3.2 Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan, and any associated provisions contained in Schedule 13.

5.9.1.3.3 The Local Government or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the Local Government or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.

5.9.1.4 Preparation of Structure Plans

5.9.1.4.1 A Structure Plan may include plans and other documents.

5.9.1.4.2 A Structure Plan may, with the agreement of the Local Government, be prepared and implemented in stages.

5.9.1.4.3 A Structure Plan may relate to only part of a Structure Plan Area.

5.9.1.4.4 A Structure Plan is to contain such detail as, in the opinion of the Local Government, is required to satisfy the planning requirements of the Structure Plan Area and, without limiting the generality of the foregoing, may include the following details—

- (a) The area to which the Structure Plan applies;
- (b) In relation to the Rural Village zone and Future Urban zone the list of any additional land uses, including their permissibility, to that identified in Clause 5.5.3 and 5.5.17 respectively;
- (c) In relation to the Future Urban zone the proposed residential density code that will apply to the Structure Plan Area;
- (d) Key opportunities and constraints of the area including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;
- (e) The planning context for the Structure Plan Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;
- (f) Proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
- (g) The proposed indicative lot pattern and general location of any major buildings;
- (h) Estimates of future lots, dwellings, population, employment and retail floor space;
- (i) Provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
- (j) The proposed road network and hierarchy including connectivity between proposed/future and existing developments, public transport services and bicycle and pedestrian networks;
- (k) The timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions;
- (l) Details as appropriate relating to—
 - (i) Vehicular access and parking;
 - (ii) The location, orientation and design of buildings and the space between buildings;
 - (iii) Conservation areas;
 - (iv) Heritage places; and
 - (v) Special development control areas; and
- (m) Such other information as may be required by the Local Government.

5.9.1.4.5 In considering a Structure Plan for part of a Structure Plan Area, the Local Government may require the proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Structure Plan Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation.

5.9.1.5 Adoption and Approval of Structure Plans

5.9.1.5.1 A Proposed Structure Plan may be prepared by a proponent or the Local Government. Where prepared by a proponent, the Proposed Structure Plan is to be submitted to the Local Government.

5.9.1.5.2 Upon receiving a Proposed Structure Plan, the Local Government is to either—

- (a) Determine that the Proposed Structure Plan is satisfactory for advertising;
- (b) Determine that the Proposed Structure Plan is not to be advertised until further details have been provided or modifications undertaken; or
- (c) Determine that the Proposed Structure Plan is not satisfactory for advertising and give reasons for this to the Proponent.

5.9.1.5.3 If within 60 days of receiving a Proposed Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the Local Government, the Local Government has not made one of the determinations referred to in clause 5.9.1.5.2, it is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

5.9.1.5.4 (a) Where the Proponent is aggrieved by a determination of the Local Government under clause 5.9.1.5.2(b) or (c) or clause 5.9.1.5.3, the Proponent may request the Local Government by notice in writing to forward the Proposed Structure Plan to the Western Australian Planning Commission.

(b) Within 21 days of receiving a notice from the Proponent under clause 5.9.1.5.4(a), the Local Government is to forward to the Western Australian Planning Commission—

- (i) A copy of the Proposed Structure Plan;
- (ii) Details of the Local Government's determination including any modifications to the proposed Structure Plan required by the Local Government; and
- (iii) Any other information the Local Government considers may be relevant to the Western Australian Planning Commission's consideration of approval of the Proposed Structure Plan for advertising.

(c) Upon receiving a Proposed Structure Plan in accordance with clause 5.9.1.5.4(b), the Western Australian Planning Commission is to make one of the determinations referred to in clause 5.9.1.5.2 and advise the Local Government and Proponent accordingly.

(d) If the Western Australian Planning Commission requires modifications to the Proposed Structure Plan, it is to consult with the Local Government prior to making its determination under clause 5.9.1.5.4(c).

(e) If within 60 days of receiving a Proposed Structure Plan under clause 5.9.1.5.4(b), or such longer period as may be agreed in writing between the Proponent and the Western Australian Planning Commission, the Commission has not made one of the determinations referred to in clause 5.9.1.5.2, it is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

5.9.1.5.5 Where the Local Government, or the Western Australian Planning Commission under clause 5.9.1.5.4, has determined that the Proposed Structure Plan is satisfactory for advertising, the Local Government is to—

(a) Advertise, or require the Proponent to advertise, the Proposed Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 9.4 of the Scheme; and

(b) Give notice or require the Proponent to give notice in writing to—

- (i) All landowners affected by the Proposed Structure Plan; and
- (ii) Such public authorities and other persons as the Local Government nominates,

and such advertisement and notice are to explain the scope and purpose of the Proposed Structure Plan, when and where it may be inspected, and invite submissions to the Local Government by a specified date being at least 21 days from the date of the notice and advertisement.

5.9.1.5.6 Within seven days of determining that a Proposed Structure Plan is satisfactory for advertising, the Local Government is to forward a copy of the Proposed Structure Plan to the Western Australian Planning Commission.

5.9.1.5.7 The Local Government is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 5.9.1.5.5 is to either—

- (a) Adopt the Proposed Structure Plan with or without modifications; or
- (b) Refuse to adopt the proposed Structure Plan and give reasons for this to the Proponent.

5.9.1.5.8 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the Local Government, the Local Government has not made one of the determinations referred to in clause 5.9.1.5.7; it is deemed to have refused to adopt the Proposed Structure Plan.

5.9.1.5.9 Within 21 days of the Local Government making its determination under clause 5.9.1.5.7, or deemed refusal under clause 5.9.1.5.8, it is to forward to the Western Australian Planning Commission—

- (a) A summary of all submissions and comments received by the Local Government in respect of the Proposed Structure Plan, and the Local Government's decisions or comments in relation to these;
- (b) The Local Government's recommendation to the Western Australian Planning Commission to approve, modify or refuse to approve the Proposed Structure Plan; and
- (c) Any other information the Local Government considers may be relevant to the Western Australian Planning Commission's consideration of the Proposed Structure Plan.

5.9.1.5.10 The Western Australian Planning Commission is to either—

- (a) Approve the Proposed Structure Plan with or without modifications; or
- (b) Refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the Local Government.

5.9.1.5.11 If within 60 days of receiving the information referred to in clause 5.9.1.5.9, or such further time as may be agreed in writing between the Proponent and the Western Australian Planning Commission, the Commission has not made one of the determinations referred to in clause 5.9.1.5.10, it is deemed to have refused to approve the Proposed Structure Plan.

5.9.1.5.12 If the Western Australian Planning Commission approves the Proposed Structure Plan, it is to notify the Local Government and the Proponent of its decision within 14 days of the date of that decision.

5.9.1.5.13 If the Western Australian Planning Commission requires modifications to the Proposed Structure Plan, it is to consult with the Local Government prior to approving the Proposed Structure Plan under clause 5.9.1.5.10.

5.9.1.5.14 If the Local Government, following consultation with the Commission, is of the opinion that any modification to the Proposed Structure Plan is substantial, the Local Government may—

- (a) Readvertise the Proposed Structure Plan; or
- (b) Require the Proponent to readvertise the Proposed Structure Plan and,

thereafter, the procedures set out in clause 5.9.1.5.5 onwards are to apply.

5.9.1.5.15 As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Western Australian Planning Commission, the Local Government is to adopt the Proposed Structure Plan and forward a copy of the Structure Plan to—

- (a) The Proponent;
- (b) The Commission; and
- (c) Any other appropriate person or public authority which the Local Government thinks fit.

5.9.1.5.16 A Structure Plan is to be kept at the Local Government's administrative offices, and is to be made available for inspection by any member of the public during office hours.

5.9.1.6 Change and Departure from Structure Plan

5.9.1.6.1 The Local Government may adopt a minor change to or departure from a Structure Plan if, in the opinion of the Local Government, the change or departure does not materially alter the intent of the Structure Plan.

- 5.9.1.6.2 (a) The Local Government is to forward a copy of the minor change or departure to the Western Australian Planning Commission within 10 days from the date of adopting the minor change or departure.
- (b) If the Western Australian Planning Commission considers that the change or departure adopted by the Local Government under clause 5.9.1.6.1 materially alters the intent of the Structure Plan, then the Commission—
- (i) May require the Local Government to follow the procedures set out in clause 5.9.1.5 in relation to the change or departure; and
 - (ii) Is to notify the Local Government of this requirement within 10 days.

5.9.1.7 Local Development Plans

- 5.9.1.7.1 (a) (i) The Local Government or the Western Australian Planning Commission may, by notice in writing, require a person to prepare and submit to the Local Government a Local Development Plan within the time specified in the notice.
- (ii) A person may prepare and submit to the Local Government a Local Development Plan.
- (b) A Local Development Plan is to relate to a particular lot or lots and may be prepared and submitted—
- (i) To enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or a Structure Plan;
 - (ii) In place of a development approval required to comply with clause 2.5 of the *Residential Design Codes*; or
 - (iii) For any other planning purpose.
- (c) The Local Government is to—
- (i) Approve with or without conditions; or
 - (ii) Refuse to approve,
- the Local Development Plan.

- (d) If within 60 days of receiving a Local Development Plan under clause 5.9.1.7.1(a), or such longer period as may be agreed in writing between the person and the Local Government, the Local Government has not made one of the determinations referred to in clause 5.9.1.7.1(c), it is deemed to have refused to approve the Local Development Plan.
- (e) The Local Government is to forward a copy of the Local Development Plan to the Western Australian Planning Commission within 10 days of approving the Local Development Plan.
- (f) The Local Government's refusal to approve a Local Development Plan under clause 5.9.1.7 is not a valid reason for the Local Government to refuse to adopt, or the Western Australian Planning Commission to refuse to approve a Proposed Structure Plan under clause 5.9.1.5.15.

5.9.1.7.2 Subject to clause 5.9.1.7.1(b)(ii), once approved by the Local Government, the Local Development Plan is to be used as the basis for—

- (a) Making recommendations to the Western Australian Planning Commission on subdivision applications; and
- (b) Determining land use and development applications,

with respect to the land subject to the Local Development Plan.

5.9.1.7.3 A Local Development Plan may include details as to—

- (a) Building envelopes;
- (b) Distribution of land uses within a lot;
- (c) Private open space;
- (d) Services;
- (e) Vehicular access, parking, loading and unloading areas, storage yards and rubbish collection enclosures;
- (f) The location, orientation and design of buildings and the space between buildings;
- (g) Advertising signs, lighting and fencing;
- (h) Landscaping, finished site levels and drainage;
- (i) Protection of sites of heritage, conservation or environmental significance;
- (j) Special development controls and guidelines; and
- (k) Such other information considered relevant by the Local Government.

5.9.1.7.4 (a) An approved Local Development Plan may be modified or varied with the approval of the Local Government, but where there is a related Structure Plan, such modifications or variations are to conform with the intent of any related Structure Plan.

- (b) The Local Government is to forward a copy of the modification or variation to the Local Development Plan to the Western Australian Planning Commission within 10 days of approving the modification or variation.

5.9.1.8 Operation of Structure Plan

5.9.1.8.1 A Structure Plan shall commence operation when it is adopted by the Local Government pursuant to clause 5.9.1.5.15.

5.9.1.8.2 Where the Structure Plan identifies a list of permissible land uses that can be considered by the Local Government, such uses are to comply with the relevant standards and requirements as specified in the Scheme or the *Residential Design Codes*, notwithstanding that where the Local Government is of the opinion that the scheme standard or requirement can be varied, all procedures within Clause 5.2 are to be met.

5.9.1.8.3 Notwithstanding Clause 5.6.1.3 where an endorsed Structure Plan identifies a Residential Density Code, this density code shall apply to the development of that land.

5.9.1.8.4 The planning approval procedures including the procedures for the approval of uses and developments contemplated in the endorsed Structure Plan are to comply with the Scheme.

5.9.1.8.5 For land within the Future Urban zone, unless otherwise specified by the Structure Plan, the reserves, zones and uses (including provisions, standards and requirements) designated under an approved Structure Plan shall have the same force and effect as if enacted as part of the Scheme. Within the Future Urban zone, the reserves, zones and uses (including provisions, standards and requirements) of an approved Structure Plan shall prevail to the extent of any inconsistency with the Scheme but otherwise the Scheme continues to apply.

5.9.1.9 Appeals

5.9.1.9.1 The Proponent may appeal, in accordance with the *Planning and Development Act 2005*, any—

- (a) Determination or decision made by the Western Australian Planning Commission;
- (b) Requirement imposed by or modification sought by the Western Australian Planning Commission; or
- (c) Determinations deemed to have been made by the Western Australian Planning Commission under clauses 5.9.1.5.4 or 5.9.1.5.11

in the exercise of the Western Australian Planning Commission's powers under clause 5.9.

5.9.1.9.2 The Proponent may appeal, in accordance with the *Planning and Development Act 2005*, any decision made by the Local Government under clause 5.9.1.6.1.

5.9.1.9.3 A person who has submitted a Local Development Plan under clause 5.9.1.7 may appeal, in accordance with the *Planning and Development Act 2005*, any decision made by the Local Government under clauses 5.9.1.7.1 or 5.9.1.7.4.

5.9.1.10 Structure Plans and other Planning Instruments Adopted or Initiated under Previous Schemes

5.9.1.10.1 Where, pursuant to the requirements of the former City of Albany Town Planning Scheme No. 1A or 3 (the "Previous Schemes"), a Structure Plan, Precinct Plan, Subdivision Guide Plan, Outline Development Plan, Development Plan, Detailed Area Plan or any similar instrument (a "Planning Instrument") had been adopted and was operative at the date of the Gazettal of this Scheme, the planning instrument shall continue to have effect and may be amended or revoked as if it were a Plan under this Scheme.

5.9.1.10.2 Where under the previous Scheme the process of adopting a planning instrument had been commenced but was not complete at the date of Gazettal of this Scheme, the steps in the process undertaken pursuant to the previous Scheme shall be effective as if those steps were undertaken pursuant to this Scheme, and the remaining steps or steps in the process necessary for the adoption of the planning instrument may be completed pursuant to this Scheme, as if the planning instrument were a Structure Plan under this Scheme.

5.9.2 Development Contribution Areas

5.9.2.1 Development Contribution Areas are shown on the Scheme Map as DCA with a number and included in Schedule 13.

5.9.2.2 In respect of a Development Contribution Area shown on the Scheme Map, the provisions applying to the Development Contribution Area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.9.2.3 Interpretation

In clause 5.9.2, unless the context otherwise requires—

'Administrative costs' means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the Development Contribution Plan.

'Administrative items' means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the Development Contribution Plan, including legal, accounting, planning engineering, and other professional advice.

'Cost apportionment schedule' means a schedule prepared and distributed in accordance with clause 5.9.2.12.

'Cost contribution' means the contribution to the cost of infrastructure and administrative costs.

'Development Contribution Area' means shown on the scheme map as DCA with a number and included in Schedule 13.

'Development Contribution Plan' means a Development Contribution Plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this Clause 6 of the Scheme (as incorporated in Schedule 13 to this Scheme).

'Development contribution plan report' means a report prepared and distributed in accordance with clause 5.9.2.12.

'Infrastructure' means the standard infrastructure items (services and facilities set out in Appendix 1) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy.

'Infrastructure costs' means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

'Local Government' means the Local Government or local governments in which the development contribution area is located or through which the services and facilities are provided.

'Owner' means an owner of land that is located within a Development Contribution Area.

5.9.2.4 Purpose

The purpose of having Development Contribution Areas is to—

- (a) Provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) Ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the Development Contribution Area; and
- (c) Coordinate the timely provision of infrastructure.

5.9.2.5 Development Contribution Plan Required

A Development Contribution Plan is required to be prepared for each Development Contribution Area.

5.9.2.6 Development Contribution Plan Part of Scheme

The Development Contribution Plan is incorporated in Schedule 13 as part of this Scheme.

5.9.2.7 Subdivision, Strata Subdivision and Development

The Local Government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a Development Contribution Plan is not in effect, there is no approval to advertise a Development Contribution Plan, or that there is no other arrangement with respect to an owner's contribution towards the provision of community infrastructure.

5.9.2.8 Guiding Principles for Development Contribution Plans

The Development Contribution Plan for any Development Contribution Area is to be prepared in accordance with the following principles—

- (a) Need and the nexus
The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).
- (b) Transparency
Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.
- (c) Equity
Development contributions should be levied from all developments within a Development Contribution Area, based on their relative contribution to need.
- (d) Certainty
All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.
- (e) Efficiency
Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.
- (f) Consistency
Development contributions should be applied uniformly across a Development Contribution Area and the methodology for applying contributions should be consistent.
- (g) Right of consultation and review
Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.
- (h) Accountable
There must be accountability in the manner in which development contributions are determined and expended.

5.9.2.9 Recommended Content of Development Contribution Plans

5.9.2.9.1 The Development Contribution Plan is to specify—

- (a) The Development Contribution Area to which the Development Contribution Plan applies;
- (b) The infrastructure and administrative items to be funded through the Development Contribution Plan;
- (c) The method of determining the cost contribution of each owner; and
- (d) The priority and timing for the provision of infrastructure.

5.9.2.10 Period of Development Contribution Plan

A Development Contribution Plan shall specify the period during which it is to operate.

5.9.2.11 Land Excluded

In calculating both the area of an owner's land and the total area of land in a Development Contribution Area, the area of land provided in that Development Contribution Area for—

- (a) Highways and other major regional roads under the care and control of the relevant State Government authority;
- (b) Existing public open space;
- (c) Existing Government primary and secondary schools; and
- (d) Such other land as is set out in the Development Contribution Plan,

is to be excluded.

5.9.2.12 Development Contribution Plan Report and Cost Apportionment Schedule

5.9.2.12.1 Within 90 days of the Development Contribution Plan coming into effect, the Local Government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the Development Contribution Area.

5.9.2.12.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the Development Contribution Area, based on the methodology provided in the Development Contribution Plan, and shall take into account any proposed staging of the development.

5.9.2.12.3 The development contribution plan report and the cost apportionment schedule do not form part of the Scheme, but once adopted by the Local Government they are subject to review as provided under clause 5.9.2.13.

5.9.2.13 Cost Contributions Based on Estimates

5.9.2.13.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the Local Government and adjusted accordingly, if necessary.

5.9.2.13.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the Local Government—

- (a) In the case of land to be acquired, in accordance with clause 5.9.2.12; and
- (b) In all other cases, in accordance with the best and latest information available to the Local Government,

until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

5.9.2.13.3 The Local Government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.

5.9.2.13.4 Where any cost contribution has been calculated on the basis of an estimated cost, the Local Government—

- (a) Is to adjust the cost contribution of any owner in accordance with the revised estimated costs; and
- (b) May accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

5.9.2.13.5 Where an owner's cost contribution is adjusted under clause 5.9.2.13.4, the Local Government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

5.9.2.13.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the Local Government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the Local Government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.

5.9.2.13.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined—

- (a) By any method agreed between the Local Government and the owner; or
- (b) If the Local Government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the Local Government and owner.

5.9.2.14 Valuation

5.9.2.14.1 Clause 5.9.2.14 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

5.9.2.14.2 In clause 5.9.2.14—

'Value' means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arm's length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.

The net land value is to be determined by a static feasibility valuation model, using the working sheet model attached to this scheme. As part of that feasibility an appropriate profit and risk factor is to be determined from which a working sheet model attached to this scheme. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

'Valuer' means a licensed valuer agreed by the Local Government and the owner, or, where the Local Government and the owner are unable to reach agreement, by a valuer appointed by the President of the Western Australian Division of the Australian Property Institute.

5.9.2.14.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the Local Government requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.

5.9.2.14.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined—

- (a) By any method agreed between the Local Government and the owner; or
- (b) If the Local Government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under Part 14 of the *Planning and Development Act 2005*.

5.9.2.15 Liability for Cost Contributions

5.9.2.15.1 An owner must make a cost contribution in accordance with the applicable Development Contribution Plan and the provisions of clause 5.9.2.

5.9.2.15.2 An owner's liability to pay the owner's cost contribution to the Local Government arises on the earlier of—

- (a) The Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the Development Contribution Area;
- (b) The commencement of any development on the owner's land within the Development Contribution Area;
- (c) The approval of any strata plan by the Local Government or Western Australian Planning Commission on the owner's land within the Development Contribution Area; or
- (d) The approval of a change or extension of use by the Local Government on the owner's land within the Development Contribution Area.

5.9.2.15.3 Notwithstanding clause 5.9.2.15.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the Development Contribution Plan.

5.9.2.15.4 Where a Development Contribution Plan expires in accordance with clause 5.9.2.10, an owner's liability to pay the owner's cost contribution under that Development Contribution Plan shall be deemed to continue in effect and be carried over into any subsequent Development Contribution Plan which includes the owner's land, subject to such liability.

5.9.2.16 Payment of Cost Contribution

5.9.2.16.1 The owner, with the agreement of the Local Government, is to pay the owner's cost contribution by—

- (a) Cheque or cash;
- (b) Transferring to the Local Government or a public authority land in satisfaction of the cost contribution;
- (c) The provision of physical infrastructure;
- (d) Some other method acceptable to the Local Government; or
- (e) Any combination of these methods.

5.9.2.16.2 The owner, with the agreement of the Local Government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the Local Government.

5.9.2.16.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the Local Government, constitutes full and final discharge of the owner's liability under the Development Contribution Plan and the Local Government shall provide certification in writing to the owner of such discharge if requested by the owner.

5.9.2.17 Charge on Land

5.9.2.17.1 The amount of any cost contribution for which an owner is liable under clause 5.9.2.15, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the Local Government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

5.9.2.17.2 The Local Government, at the owner's expense and subject to such other conditions as the Local Government thinks fit, can withdraw a caveat lodged under clause 5.9.2.17.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

5.9.2.17.3 If the cost contribution is paid in full, the Local Government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 5.9.2.17.

5.9.2.18 Administration of Funds

5.9.2.18.1 The Local Government is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each Development Contribution Area into which cost contributions for that Development Contribution Area will be credited and from which all payments for the infrastructure costs and administrative costs within that Development Contribution Area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that Development Contribution Area.

5.9.2.18.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 5.9.2.18.1 is to be applied in the Development Contribution Area to which the reserve account relates.

5.9.2.18.3 The Local Government is to publish an audited annual statement of accounts for that Development Contribution Area as soon as practicable after the audited annual statement of accounts becomes available.

5.9.2.19 Shortfall or Excess in Cost Contributions

5.9.2.19.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular Development Contribution Area, the local government may—

- (a) Make good the shortfall;
- (b) Enter into agreements with owners to fund the shortfall; or
- (c) Raise loans or borrow from a financial institution,

but nothing in clause 5.9.2.19.1(a) restricts the right or power of the Local Government to impose a differential rate to a specified Development Contribution Area in that regard.

5.9.2.19.2 If there is an excess in funds available to the Development Contribution Area when all cost contributions have been made or accounted for in a particular Development Contribution Area, the Local Government is to refund the excess funds to contributing owners for that Development Contribution Area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that Development Contribution Area.

5.9.2.20 Powers of the Local Government

The Local Government in implementing the Development Contribution Plan has the power to—

- (a) Acquire any land or buildings within the Scheme Area under the provisions of the *Planning and Development Act 2005*; and
- (b) Deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

5.9.2.21 Arbitration

Subject to clauses 5.9.2.14.3 and 5.9.2.14.4, any dispute between an owner and the Local Government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

PART 6—SPECIAL CONTROL AREAS

6.1 Operation of Special Control Areas

6.1.1 The following special control areas are shown on the Scheme Maps—

- (a) Albany Airport Noise Special Control Area;
- (b) Public Drinking Water Sources Special Control Area;
- (c) Albany Port Special Control Area;
- (d) Albany Speedway Noise Special Control Area;
- (e) Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area;

6.1.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

6.2 Albany Airport Noise Special control Area

6.2.1 The purpose of the Albany Airport Noise Special Control Area is to—

- (a) Protect the continued operations of the Albany regional airport and its flight paths;
- (b) Control subdivision and development to minimise the potential for sensitive land uses to be undertaken within the special control area in accordance with the Australian Noise Exposure Forecast criteria and *AS 2021-2000: Acoustics—Aircraft Noise Intrusion—Building Siting and Construction*; and
- (c) Restrict the development of the residential uses and occupation of other buildings that may be adversely affected by aircraft noise in accordance with the Australian Noise Exposure Forecast (ANEF) criteria as follows—
 - (i) Acceptable for residential development: areas less than 20 ANEF.
 - (ii) Conditional for residential development: areas between 20—25 ANEF.
 - (iii) Unacceptable for residential development: areas greater than 25 ANEF.

6.2.2 In considering any application for planning approval, the Local Government shall have particular regard to—

- (a) The position of the premises and the ANEF level areas shown in the Special Control Area mapping and the associated Building Type Acceptability as set out in the following table—

ANEF Levels			
Building Type Acceptability	ANEF Level		
	<20	20—25	>25
Single House, Grouped/Multiple Swellings, Units, Flats	Acceptable	Conditionally acceptable	Unacceptable
Education Premises, School, University	Acceptable	Conditionally acceptable	Unacceptable
Hospital, Nursing Home	Acceptable	Conditionally acceptable	Unacceptable
Hotel/Motel, Tourism, Hostel	Acceptable	Conditionally acceptable	Conditionally acceptable
Public Building, Library, Courts	Acceptable	Conditionally acceptable	Conditionally acceptable
Commercial Building, Shops, Offices	Acceptable	Acceptable	Conditionally acceptable
Light, Manufacturing, Processing, General, Special and Other Industry	Acceptable	Acceptable	Acceptable

- Notes:*
1. *The ANEF Table above determines the acceptability of different building types and has been adapted from AS 2021-2000: Acoustics—Aircraft Noise Intrusion—Building Siting and Construction.*
 2. *The actual location of the 20 ANEF contour is difficult to define accurately, mainly because of variation in aircraft flight paths and the Local Government may apply the scheme controls for building sites outside but near to the 20 ANEF contour.*
 3. *Within 20 ANEF to 25 ANEF, the Local Government may recommend the incorporation of noise control features in the construction of residences contained within AS 2021:2000.*
- (b) Recommendations contained within AS 2021-2000: Acoustics—Aircraft Noise Intrusion—Building Siting and Construction; and
- (c) Advice of the relevant State Government authorities.

6.2.3 All development the subject of clause 6.2.2 is to be subject to the discretion of the Local Government notwithstanding that the use may be designated a 'P' use in the Zoning Table and the Local Government may exercise discretion as to the approval of the use.

6.2.4 The Local Government will refuse applications for development of any sensitive land uses within the >25 ANEF area.

6.2.5 The Local Government may refuse any application for planning approval or may approve the development of sensitive land uses within the 20—25 ANEF and <20 ANEF areas and impose conditions on the approval including requiring the applicant—

- (a) Incorporate noise attenuation measures into the design of the building; and/or
- (b) Register a notification on title advising of the potential for aircraft noise nuisance.

6.2.6 The Local Government will not support the rezoning of land within the 20—25 ANEF or above contour levels for any of the above sensitive uses (i.e. acceptable within the <20 ANEF Level) or subdivision which would permit development involving any increase in residential density above one dwelling for every 10 hectares, or any increase in occupational density of other noise-sensitive premises above that which would normally be expected for the equivalent rural residential development based on a 10 hectare minimum lot size.

6.3 Public Drinking Water Sources Special Control Areas

6.3.1 The purpose of the Public Drinking Water Sources Special Control Areas is to—

- (a) Assist in the implementation of any adopted Water Source Protection Plan for gazetted or proposed public drinking water source areas; and
- (b) Protect the area from uses and/or developments which may adversely impact on the quality and quantity of public drinking water sources.

6.3.2 There are three proclaimed Public Drinking Water Source areas designated on the Scheme Map as follows—

- Marbellup Brook Catchment Area
- South Coast Water Reserve
- Limeburners Creek Catchment Area

6.3.3 In considering an application for planning approval within the Public Drinking Water Sources Special Control Area, the Local Government shall have particular regard to—

- (a) The position of the premises shown in the Special Control Area mapping;
- (b) Recommendations contained within any adopted Water Source Protection Plan prepared by the relevant government authority affecting the area; and
- (c) Any advice on the proposal received from the relevant State Government authority.

Note: *In considering an application for planning approval within a drinking water source area, the Local Government will have regard to the recommendations in the Department of Water's Water Quality Protection Note 25 Land Use Compatibility in Public Drinking Water Sources Areas and the Western Australian Planning Commission Statement of Planning Policy 2.7 Public Drinking Water Source Policy in considering the likely impacts should the proposal proceed.*

6.4 Albany Port Special Control Area

6.4.1 The purpose of the Albany Port Special Control Area is to—

- (a) Protect the operation of the Albany Port and promote continued compatibility between Port activities and nearby residences;
- (b) Acknowledge existing approved residential developments within the Albany Port Special Control Area;
- (c) Enable continued urban development around the Port and where necessary require the incorporation of specific design and construction requirements to ensure noise levels within buildings can comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*; and
- (d) Encourage the Albany Port Authority to ensure future development within the port does not significantly increase the noise levels presently experienced at residences within the Special Control Area.

6.4.2 In considering an application for planning approval within the Albany Port Special Control Area, the Local Government shall have particular regard to—

- (a) Recognise that some of the existing building stock is of heritage or cultural value and it may not be appropriate to limit noise intrusion;
- (b) Acknowledge the port activities and its potential to impact upon existing residents;
- (c) Consider the position of the proposed development within the Special Control Area mapping;
- (d) Take into consideration the relevant Port Structure Plan; and
- (e) Give consideration to the provisions of the *Environmental Protection (Noise) Regulations 1997* and any advice on the proposal received from the Environmental Protection Authority.

6.4.3 The Local Government may grant planning approval and impose conditions on the approval including requiring the applicant—

- (a) Provides written acknowledgement that he/she accepts that the development is situated in a location that may experience increased noise levels and other impacts from the normal operations of the Albany Port from time to time;
- (b) Provides a specialist report (prepared by a suitably qualified acoustic consultant) to show that the proposed development can achieve the provisions of the *Environmental Protection (Noise) Regulations 1997*;
- (c) Where deemed necessary by the Local Government, incorporate one or more of the following design and construction methods/materials into the development—
 - (i) Locating habitable rooms such as bedrooms on the opposite side of dwelling to the port;
 - (ii) Locating non-habitable rooms such as laundries/bathrooms on the same side of the dwelling as the port;
 - (iii) Position main entrance and window openings away from port;
 - (iv) Restrict the total area of door (to have an automatic closure, be acoustically sealed and be solid core) and window openings (to be minimum of six millimetre laminated/toughened or three millimetre 'double-glazed' laminated/toughened glass) within the building walls facing the port;
 - (v) Provide wall and roof insulation to reduce sound transmission; or
 - (vi) The use of mechanical ventilation; and
- (d) A memorial to be placed on the Certificate of Title stating—
 - (i) The premises are subject to high noise levels from the port operations; and
 - (ii) Any residential development will be required to incorporate design and construction methods/materials to reduce noise impacts into the dwelling.

6.4.4 The Local Government may grant planning approval for non-habitable buildings to be developed within the Albany Port Special Control Area provided that the Local Government deems the development and/or land use compatible with the purpose of the Albany Port Special Control Area and any necessary noise attenuation measures have been incorporated into the design for the premises.

6.4.5 The Local Government shall request the Commission impose a condition on the approval for the creation of any new lot(s) created as a result of subdivision within the Albany Port Special Control Area be required to have a memorial placed on the Certificate of Title stating that the land is situated in a location that may experience increased noise levels and other impacts from the normal operations of the Albany Port from time to time.

6.5 Albany Speedway Noise Special Control Area

6.5.1 The purpose of the Albany Speedway Noise Special Control Area is to—

- (a) Allow for the ongoing operations of the Attwell Park Speedway and encourage the operators to incorporate additional noise attenuation measures to reduce noise egress into adjoining residential locations;
- (b) Acknowledge and recognise the approved residential developments that exist within the Albany Speedway Noise Special Control Area;
- (c) Ensure that new developments within the Special Control Area incorporate measures to reduce noise impacts from the speedway.

6.5.2 In considering an application for planning approval within the Albany Speedway Noise Special Control Area, the Local Government shall have particular regard to—

- (a) Recognise existing dwellings constructed within the Special Control Area prior to these controls;
- (b) Acknowledge the seasonal and part-time nature of the speedway activities and its potential to impact upon existing residents;
- (c) Consider the position of the proposed development within the Special Control Area mapping; and
- (d) Give consideration to the provisions of the *Environmental Protection (Noise) Regulations 1997* and any advice on the proposal received from the Environmental Protection Authority.

6.5.3 The Local Government may grant planning approval and impose conditions on the approval to require the applicant to incorporate design and construction methods/materials to reduce noise impacts into the dwelling.

6.5.4 The Local Government may grant planning approval for non-habitable buildings to be developed within the Albany Speedway Noise Special Control Area provided that the Local Government deems the development and/or land use compatible with the purpose of the Albany Speedway Noise Special Control Area and any necessary noise attenuation measures have been incorporated into the design for the premises.

6.5.5 The Local Government shall request the Commission impose a condition on the approval for the creation of any new lots created as a result of subdivision within the Albany Speedway Noise Special Control Area be required to have a memorial placed on the Certificate of Title stating that the land may be subject to temporary high noise levels from activities conducted at the Attwell Park Speedway.

6.6 Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area

6.6.1 The purpose of the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area is to—

- (a) To protect the Wastewater Treatment Plant present and future operations from potential conflict with incompatible development and land uses.

6.6.2 The Local Government will refuse applications for residential land use or development of any other incompatible uses which would, in the opinion of the Local Government, suffer adverse impacts from the emissions of odours from the plant and this shall include any part of a premises that is partially within or projects into the Special Control Area.

6.6.3 In considering an application for planning approval within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area, the Local Government shall have particular regard to—

- (a) The nature and position of the proposed development within the Special Control Area mapping;
- (b) The compatibility of the proposed development with odour emissions from the Wastewater Treatment Plant; and
- (c) Any specific advice and recommendations on the proposal received from the Water Corporation.

6.6.4 The Local Government may grant planning approval for non-habitable buildings to be developed within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area provided that the Local Government deems the development and/or land use compatible with the purpose of the Special Control Area and any necessary measures have been incorporated into the design for the premises.

6.6.5 The Local Government shall not support the further subdivision of any land within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area such where it will create a greater potential for future land use conflict to be generated between sensitive uses and the odour buffer around the Wastewater Treatment Plant.

6.6.6 Where subdivision is supported within the Special Control Area, the Local Government shall request the Commission impose a condition on the approval for the creation of any new lots created as a result of subdivision within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area to be required to have a memorial notice placed on the Certificate of Title advising that the land may be subject to odour emissions from the adjoining/nearby Water Corporation Wastewater Treatment Plant.

6.7 Spencer Park Improvement Special Control Area

6.7.1 The purpose of the Spencer Park Improvement Special Control Area is to facilitate mixed use development as part of an upgrade of the Spencer Park Neighbourhood Centre and enable higher residential densities surrounding the centre.

6.7.2 For the land contained within the Spencer Park Improvement Special Control Area designated on the Scheme Map, the following provisions shall apply—

Whole Precinct

6.7.3 Despite anything else in the Scheme, a Structure Plan and/or Local Development Plan is to be prepared in accordance with clause 5.9 of the Scheme before any subdivision or development of land within the Spencer Park Improvement Special Control Area may occur.

6.7.4 The Structure Plan and/or Local Development Plan are to define—

- (a) Precinct and sub-precinct boundaries;
- (b) Precinct and sub-precinct character statements;
- (c) Whole of precinct objectives for each element; and
- (d) Development provisions by sub-precinct.

6.7.5 All development within the Spencer Park Improvement Special Control Area shall demonstrate, to the satisfaction of the Local Government, consistency with both the the relevant sub-precinct provisions and the Structure Plan and/or Local Development Plan objectives. Where any objective conflicts with the relevant sub-precinct development provisions, the development provisions shall take precedence.

6.7.6 Overall Built Form Design Requirements—

- (a) All service areas shall be screened from view from the adjacent street (not including ROWs);
- (b) All openings to adjacent streets shall be of a vertical proportion of at least 2:1, or composed of similarly proportioned glazing panels; and

- (c) All street frontages shall incorporate at least two wall materials or colours to provide visual interest.

6.7.7 Floorspace Limits

Retail developments in the Spencer Park Improvement Special Control Area are subject to overall net lettable area (NLA) floorspace limits for the Spencer Park Neighbourhood Centre under clause 5.5.10 of the Scheme.

Central Sub-Precinct

6.7.8 The land within the Central Sub-Precinct is designated on the Scheme Map as *R80 (C)*.

6.7.9 Notwithstanding those land uses generally permissible under Table 1: Zoning Table, within the Central Sub-Precinct the following uses are 'D' discretionary uses—

- Child Care Premises
- Club Premises
- Consulting Rooms
- Fast Food Outlet
- Hotel
- Medical Centre
- Multiple Dwelling
- Office
- Restaurant
- Shop
- Tavern

6.7.10 Notwithstanding those land uses generally permissible under Table 1: Zoning Table, within the Central Sub-Precinct the following uses are 'X' not permitted—

- Residential development below the density of the R60 residential density code
- Single House

6.7.11 The following general provisions apply in the Central Sub-precinct—

(a) Maximum plot ratio: 1.75:1

(b) Height—

Maximum of three storeys with a maximum building height of 12 metres as per Category C in Table 3 of the *Residential Design Codes*.

Variations to the maximum heights will only be considered where ground floor heights are increased to facilitate commercial use in mixed use buildings. The maximum increase in such cases shall be one metre.

(c) Minimum setbacks from primary and secondary streets—

Non-residential uses and any floors above: Nil

Ground floor residential and any floors above: 2.5 metres

Side/rear setbacks: Nil

(d) Vehicle access—

Only from ROW where available. Where access from a ROW is not possible, vehicle crossovers for car parking shall be limited to one per street for each lot.

(e) On-site car parking provision—

Retail: 1 bay per 25m² GFA

Other commercial: 1 bay per 30m²

Residential: 1.5 bays per dwelling (of which one bay shall be assigned for each dwelling)

(f) Landscaping—

In lieu of minimum on-site provision, a development contribution shall be made to the Local Government towards landscaping upgrades in the adjacent streets at a prescribed rate per m² of site area.

(g) Built Form Design Requirements—

(i) Ground floor commercial uses shall incorporate full height glazing (floor level to at least 2.4 metres above floor level) for 75% of the building frontage to adjacent streets.

(ii) All commercial street frontages built to within 2.5m of the front boundary shall incorporate a verandah or roof overhang to provide pedestrian shelter over the adjacent footpath with a minimum footpath overhang of 3 metres and a minimum height of 3 metres.

(h) Additional 'Main Street' Sub-precinct provisions—

The following additional provisions shall apply to development fronting Hardie Road (between Angove Road and Mokare Road)—

(i) No residential uses shall be permitted at ground floor level;

(ii) Ground floor commercial uses shall incorporate full height glazing (floor level to at least 2.4 metres above floor level) for 85% of the building frontage to adjacent streets;

- (iii) All ground floor tenancies must have a primary entrance to Hardie Road; and
- (iv) An additional development contribution for landscaping shall apply at a prescribed rate per linear metre of street frontage to Hardie Road.

Mixed Use Sub-Precinct

6.7.12 The land within the Mixed Use Sub-Precinct is designated on the Scheme Map as *R60 (MU)*.

6.7.13 Notwithstanding those land uses generally permissible under Table 1: Zoning Table, within the Mixed Use Sub-Precinct the following land uses are 'D' discretionary uses—

- Consulting Rooms
- Home Business
- Medical Centre,
- Office (limited to a maximum NLA of 150m² per unit)
- Single House

6.7.14 Notwithstanding those land uses generally permissible under Table 1: Zoning Table, within the Central Sub-Precinct the following uses are 'X' not permitted—

- Residential development below the density of the R40 residential density code.

6.7.15 The following general provisions apply in the Mixed Use Sub-Precinct—

- (a) Maximum plot ratio: 1.5:1
- (b) Height—

Maximum of three storeys with a maximum building height of 12 metres as per Category C in Table 3 of the *Residential Design Codes*.

Variations to the maximum heights will only be considered where ground floor heights are increased to facilitate commercial use in mixed use buildings. The maximum increase in such cases shall be one metre.

- (c) Minimum Setbacks—

Primary and Secondary Streets: 2.5 metres

Side: Nil

Rear: 4.5 metres (except for ROWs).

- (d) Vehicle Access—

Only from ROW where available. Where access from a ROW is not possible, vehicle crossovers shall be limited to one per street for each lot. Part of Lots 28 & 29 Pretious Street/Hardie Road shall be reserved for a public laneway.

- (e) On-site Car Parking—

Commercial: 1 bay per 30m² NLA

Residential: 1.5 bays per dwelling (of which one bay shall be assigned for each dwelling)

- (f) Landscaping—

In lieu of minimum on-site provision, a development contribution shall be made to the Local Government towards landscaping upgrades in the adjacent streets at a prescribed rate per m² of site area.

- (g) Built Form Design Requirements—

- (i) Ground floor commercial uses shall incorporate full height glazing (floor level to at least 2.4 metres above floor level) for 60% of the building frontage to adjacent streets.

- (ii) All commercial street frontages built to within 2.5 metres of the front boundary shall incorporate a verandah or roof overhang to provide pedestrian shelter over the adjacent footpath with a minimum footpath overhang of 3 metres and a minimum height of 3 metres.

- (h) Development of a Single House on a lot shall only be permitted where—

- (i) In the opinion of the Local Government, it is consistent with the sub-precinct objectives;

- (ii) Design and location on the lot is such that further development of the site to achieve the required minimum (R40) density over the lot is not compromised;

- (iii) An area suitable for or adaptable to a home-based workspace or office is incorporated at street level; and

- (iv) If subdivision is proposed, construction is completed to plate height prior to WAPC approval of a Deposited Plan or Strata Plan.

Residential Inner-Frame Sub-Precinct

6.7.16 The land within the Residential Inner-Frame Sub-Precinct is designated on the Scheme Map as *R60 (IF)*.

6.7.17 Notwithstanding those land uses generally permissible under Table 1: Zoning Table, within the Residential Inner-Frame Sub-Precinct the following land uses are 'D' discretionary uses—

- Single House

6.7.18 Notwithstanding those land uses generally permissible under Table 1: Zoning Table, within the Residential Inner-Frame Sub-Precinct the following land uses are 'X' not permitted—

- Residential development below the density of the R40 residential density code.

6.7.19 The following general provisions apply in the Residential Inner-Frame precinct—

- (a) Maximum plot ratio 1:1
- (b) Height—
Maximum of three storeys with a maximum building height of 12 metres as per Category C in Table 3 of the *Residential Design Codes*.
- (c) Minimum Setbacks—

Primary Street:	4 metres
Secondary Street:	1.5 metres
Side/Rear:	as per the <i>Residential Design Codes</i>
- (d) Vehicle Access—
Vehicle crossovers shall be limited to one per street (not including ROWs) for each lot.
- (e) On-site Car Parking—
As per the *Residential Design Codes*
- (f) Landscaping—
In lieu of minimum on-site provision, a development contribution shall be made to the Local Government towards landscaping upgrades in the adjacent streets at a prescribed rate per m² of site area.
- (g) Development of a Single House—
Development of a Single House on a lot shall only be permitted where—
 - (i) In the opinion of the Local Government, it is consistent with the sub-precinct objectives;
 - (ii) Design and location on the lot is such that further development of the site to achieve the required minimum (R40) density over the lot is not compromised;
 - (iii) If subdivision is proposed, construction is completed to plate height prior to WAPC approval of a Deposited Plan or Strata Plan.

Residential Outer-Frame Sub-Precinct

6.7.20 The land within Residential Outer-Frame Sub-Precinct is designated on the Scheme Map as *R40 (OF)*.

6.7.21 Notwithstanding those land uses generally permissible under Table 1: Zoning Table, within the Residential Outer-Frame Sub-Precinct the following land uses are 'D' discretionary uses—

- Single House

6.7.22 Notwithstanding those land uses generally permissible under Table 1: Zoning Table, within the Residential Inner-Frame Sub-Precinct the following land uses are 'X' not permitted—

- Residential development below the density of the R30 residential density code.

6.7.23 The following general provisions apply in the Residential Outer-Frame Sub-Precinct—

- (a) Plot Ratio—
As per the *Residential Design Codes*
- (b) Height—
Two storeys as per Category B in Table 3 of the *Residential Design Codes*
- (c) Setbacks—
As per the *Residential Design Codes* for the R40 residential density code
- (d) Vehicle Access—
As per the *Residential Design Codes*
- (e) On-site Car Parking—
As per the *Residential Design Codes*
- (f) Fencing—
As per the *Residential Design Codes*

PART 7—HERITAGE PROTECTION

7.1 Heritage List

7.1.1 The Local Government is to establish and maintain a Heritage List to identify those places within the Scheme area which are of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2 In the preparation of the Heritage List, the Local Government is to—

- (a) Have regard to the *Municipal Heritage Inventory* prepared by the Local Government under s.45 of the *Heritage of Western Australia Act 1990*; and
- (b) Include on the Heritage List such of the entries on the *Municipal Heritage Inventory* as it considers to be appropriate.

7.1.3 In considering a proposal to include a place on the Heritage List, the Local Government is to—

- (a) Notify in writing the owner and occupier of the place and provide them with a copy of the description proposed to be used under clause 7.1.1 and the reasons for the proposed entry;

- (b) Invite submissions on the proposal from the owner and occupier of the place within 21 days of the day the notice is served;
- (c) Carry out such other consultations as it thinks fit; and
- (d) Consider any submissions made and resolve to enter the place on the Heritage List with or without modification or reject the proposal after consideration of the submissions.

7.1.4 Where a place is included on the Heritage List, the Local Government is to give notice of the inclusion to the Western Australian Planning Commission, the relevant State Government authority and to the owner and occupier of the place.

7.1.5 The Local Government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

7.1.6 The Local Government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 7.1.3.

7.1.7 All places contained in Appendix VIII—Schedule of Places of Heritage Value within Town Planning Scheme No. 1A are deemed to be included in the new Heritage List without following the procedures set out in clause 7.1.3.

Note: 1. The purpose and intent of the heritage provisions are—

- (a) *To facilitate the conservation of places of heritage value; and*
- (b) *To ensure as far as possible that development occurs with due regard to heritage values.*

2. A 'place' is defined in Schedule 1 and may include works, buildings and contents of buildings.

7.2 Designation of a Heritage Area

7.2.1 If, in the opinion of the Local Government, special planning control is needed to conserve and enhance the cultural heritage significance and character of an area, the Local Government may, by resolution, designate that area as a Heritage Area.

7.2.2. The Local Government is to—

- (a) Adopt for each heritage area a Local Planning Policy which is to comprise—
 - (i) A map showing the boundaries of the Heritage Area;
 - (ii) A record of places of heritage significance; and
 - (iii) Objectives and guidelines for the conservation of the Heritage Area; and
- (b) Keep a copy of the Local Planning Policy for any designated Heritage Area with the Scheme documents for public inspection.

7.2.3. If a Local Government proposes to designate an area as a Heritage Area, the Local Government is to—

- (a) Notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the heritage area;
- (b) Advertise the proposal by—
 - (i) Publishing a notice of the proposed designation once a week for two consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) Erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
 - (iii) Such other methods as the Local Government considers appropriate to ensure widespread notice of the proposal; and
- (c) Carry out such other consultation as the Local Government considers appropriate.

7.2.4. Notice of a proposal under clause 7.2.3(b) is to specify—

- (a) The area subject of the proposed designation;
- (b) Where the proposed Local Planning Policy which will apply to the proposed Heritage Area may be inspected; and
- (c) In what form and in what period (being not less than 21 days from the day the notice is published or the sign is erected, as the case requires) submissions may be made.

7.2.5. After the expiry of the period within which submissions may be made, the Local Government is to—

- (a) Review the proposed designation in the light of any submissions made; and
- (b) Resolve to adopt the designation with or without modification, or not to proceed with the designation.

7.2.6. If the Local Government resolves to adopt the designation, the Local Government is to forward a copy of the designation to the relevant State Government authority, the Western Australian Planning Commission and each owner of land affected by the designation.

7.2.7. The Local Government may modify or revoke a designation of a Heritage Area.

7.2.8. Clauses 7.2.3 to 7.2.6 apply, with any necessary changes, to the amendment of a designation of a Heritage Area.

7.3. Heritage Agreements

The Local Government may, in accordance with the *Heritage of Western Australia Act 1990*, enter into a heritage agreement with an owner or occupier of land or a building for the purpose of binding the land or affecting the use of the land or building insofar as the interest of that owner or occupier permits.

- Note:*
1. A heritage agreement may include a covenant intended to run with the land relating to the development or use of the land or any part of the land.
 2. Detailed provisions relating to heritage agreements are set out in the *Heritage of Western Australia Act 1990*.

7.4. Heritage Assessment

Despite any existing assessment on record, the Local Government may require a heritage assessment to be carried out prior to the approval of any development proposed in a heritage area or in respect of a heritage place listed on the Heritage List.

7.5. Variations to Scheme Provisions for a Heritage Place or Heritage Area

Where desirable to—

- (a) Facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under clause 7.1.1; or
- (b) Enhance or preserve heritage values in a heritage area designated under clause 7.2.1,

the Local Government may vary any site or development requirement specified in the Scheme or the *Residential Design Codes* by following the procedures set out in clause 5.2.

PART 8—DEVELOPMENT OF LAND

8.1 Requirement for Planning Approval to Commence Development

Subject to clause 8.2, all development on land zoned and reserved under the Scheme requires the prior approval of the Local Government. A person must not commence or carry out any development without first having applied for and obtained the planning approval of the Local Government under Part 9.

- Notes:*
1. The planning approval of the Local Government is required for both the development of land (subject of this Part) and the use of land (subject of Part 4).
 2. Development includes the erection, placement or display of any advertisements.

8.2 Permitted Development

Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of Local Government—

- (a) The carrying out of cut and fill, provided it does not exceed a 600 millimetre change to natural ground level and it is not within an area identified in clause 5.3.7.
- (b) The carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is—
 - (i) Located in a place that has been registered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) The subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*;
 - (iii) Included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) Approved for an industrial or commercial use and the alteration will result in a change of use or an increase in the overall floor area.
- (c) The erection on a lot of a Single House including any ancillary outbuildings and swimming pools, except where—
 - (i) It is not the first dwelling erected on the lot;
 - (ii) The proposal requires the exercise of discretion by the Local Government under the Scheme to vary the provisions of the *Residential Design Codes* or Scheme;
 - (iii) The development will be located in a Heritage Area or a place included on the Heritage List;
 - (iv) The development is within an area the subject of an adopted Local Planning Policy;
 - (v) The proposed dwelling is a Relocated Dwelling;
 - (vi) The lot does not have access to an existing constructed public road;
 - (vii) The development is proposed to be outside an approved Building Envelope;
 - (viii) The proposed dwelling will be located within 80 metres of a Heavy Freight Route;
 - (ix) The development is within a Special Control Area;
 - (x) The dwelling will be in the Rural Residential, Special Residential, Rural Small Holding or Conservation zone;
 - (xi) The development is located on a lot within a flood prone area;
 - (xii) The development is less than the prescribed setbacks from watercourses; or
 - (xiii) The lot is within an area identified as having acid sulfate risk.
- (d) The demolition of any building or structure except where the building or structure is—
 - (i) Located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
 - (ii) The subject of an Order under Part 6 of *Heritage of Western Australia Act 1990*;
 - (iii) Included on the Heritage List under clause 7.1 of the Scheme; or
 - (iv) Located within a Heritage Area designated under the Scheme.

- (e) A Home Office;
- (f) Any works which are temporary and in existence for less than 48 hours or such longer time as the Local Government agrees;
- (g) The erection of any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included on the Heritage List or in a Heritage Area designated under the Scheme; and
- (h) Any rural works/activity for example but not limited to ploughing, fencing, seeding, spraying, constructing a dam and harvesting undertaken as part of permitted agricultural/rural use.

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under the Planning and Development Act 2005.

8.3 Amending or Revoking a Planning Approval

The Local Government may, on written application from the owner of land in respect of which planning approval has been granted, revoke or amend the planning approval, prior to the commencement of the use or development subject of the planning approval.

8.4 Unauthorised Existing Developments

8.4.1 The Local Government may grant planning approval to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

8.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning approval, and the continuation of the development unlawfully commenced is taken to be lawful development upon the grant of planning approval.

- Notes:*
1. *Applications for approval to an existing development are made under Part 9.*
 2. *The approval by the Local Government of an existing development does not affect the power of the Local Government to take appropriate action for a breach of the Scheme or the Act in respect of the commencement or carrying out of development without planning approval.*

PART 9—APPLICATIONS FOR PLANNING APPROVAL

9.1 Form of Application

9.1.1 An application for planning approval for one or more of the following—

- (a) A use or commencement of development on a Local Reserve under clause 3.4;
- (b) Commencement of a 'P' use which does not comply with all relevant development standards and requirements of the Scheme as referred to in clause 4.3.2;
- (c) Commencement of a 'D' use or an 'A' use as referred to in clause 4.3.2;
- (d) Commencement of a use not listed in the Zoning Table under clause 4.4.2(b);
- (e) Alteration or extension of a non-conforming use under clause 4.9;
- (f) A change of a non-conforming use under clause 4.9;
- (g) Continuation of a non-conforming use under clause 4.12;
- (h) Variation of a site or development requirement under clause 5.5;
- (i) Commencement of development under clause 8.1;
- (j) Continuation of development already commenced or carried out under clause 8.4;
- (k) A subsequent planning approval pursuant to an approval under clause 10.8.1;
- (l) The erection, alteration, placement or display of an advertisement, and
- (m) The approval for a designated building envelope under clause 5.8.3,

is, subject to clause 9.1.2, to be made in the form prescribed in Schedule 6 and is to be signed by the owner, and accompanied by such plans and other information as is required under the Scheme.

9.1.2 An application for the erection, alteration, placement or display of an advertisement is to be accompanied by the additional information set out in the form prescribed in Schedule 7.

9.2 Accompanying Material

Unless the Local Government waives any particular requirement every application for planning approval is to be accompanied by—

- (a) A plan or plans to a scale of not less than 1:500 showing—
 - (i) The location of the site including street names, lot number(s), north point and the dimensions of the site;
 - (ii) The existing and proposed ground levels over the whole of the land subject of the application and the location, height and type of all existing structures, and structures and vegetation proposed to be removed;
 - (iii) The existing and proposed use of the site, including proposed hours of operation, and buildings and structures to be erected on the site;
 - (iv) The existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (v) The location, number, dimensions and layout of all parking bays intended to be provided;

- (vi) The location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
- (vii) The location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop those areas;
- (viii) The nature and extent of any open space and landscaping proposed for the site;
- (ix) The location, type and condition of any vegetation on the site;
- (x) An assessment of the site's fire hazard; and
- (xi) Any waterways or drains which traverse or are located adjacent to the site;
- (b) Plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
- (c) Any specialist studies that the Local Government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, land capability/suitability assessment or urban design studies; and
- (d) Any other plan or information that the Local Government may reasonably require to enable the application to be determined.

9.3 Additional Material for Heritage Matters

Where an application relates to a place entered on the Heritage List or within a Heritage Area, the Local Government may require an applicant to provide one or more of the following to assist the Local Government in its determination of the application—

- (a) Street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) A detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Local Government exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot.

9.4 Advertising of Applications

9.4.1 Where an application is made for planning approval to commence a use or commence or carry out development which involves a use which is—

- (a) An 'A' use under clause 4.3.2;
- (b) A use not listed in the Zoning Table,

the Local Government is not to grant approval to that application unless notice given in accordance with clause 9.4.3.

9.4.2 Despite clause 9.4.1, where an application is made for a purpose other than a purpose referred to in that clause, the Local Government may require notice to be given in accordance with clause 9.4.3.

9.4.3 The Local Government may give notice or require the applicant to give notice of an application for planning approval in one or more of the following ways—

- (a) Notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the Local Government are likely to be affected by the granting of planning approval stating that submissions may be made to the Local Government by a specified date being not less than 21 days from the day the notice is served;
- (b) Notice of the proposed use or development published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Local Government by a specified date being not less than 21 days from the day the notice is published;
- (c) A sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 21 days from the day the notice is erected.

9.4.4 The notice referred to in clause 9.4.3(a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the Local Government.

9.4.5 Any person may inspect the application for planning approval referred to in the notice and material accompanying that application at the offices of the Local Government.

9.4.6 After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is the later, the Local Government is to consider and determine the application.

PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS

10.1 Consultation with Other Authorities

10.1.1 In considering an application for planning approval the Local Government may consult with any other statutory, public or planning authority or any other interested party it considers appropriate.

10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the Local Government is to consult that authority before making its determination.

10.2 Matters to be considered by the Local Government

The Local Government in considering an application for planning approval is to have due regard to such of the following matters as are in the opinion of the Local Government relevant to the use or development the subject of the application—

- (a) The aims and provisions of the Scheme and any other relevant town planning schemes operating within the Scheme area;
- (b) The requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (c) Any approved statement of planning policy of the Western Australian Planning Commission;
- (d) Any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) Any relevant policy or strategy of the Western Australian Planning Commission or any relevant planning policy adopted by the Government of the State;
- (f) Any Local Planning Policy adopted by the Local Government under clause 2.4, any heritage policy statement for a designated Heritage Area adopted under clause 7.2.2, and any other plan or guideline adopted by the Local Government under the Scheme;
- (g) In the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (h) The conservation of any place that has been—
 - (i) Registered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a heritage area; or
 - (ii) Included on the relevant State Government authority's database of Aboriginal Heritage Sites or any other Aboriginal Heritage Study adopted by the Local Government.
- (i) The compatibility of a use or development with its setting;
- (j) Any social issues that have an effect on the amenity of the locality;
- (k) The cultural significance of any place or area affected by the development;
- (l) The likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (m) Whether the land to which the application relates is unsuitable for the proposal by reason of it being, or being likely to be, subject to flooding, tidal inundation, subsidence, landslip, bush fire or any other risk;
- (n) The preservation of the amenity of the locality;
- (o) The relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (p) Whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (q) The amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (r) Whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (s) Whether public utility services are available and adequate for the proposal;
- (t) Whether adequate provision has been made for access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);
- (u) Whether adequate provision has been made for access by aged or disabled persons;
- (v) Whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;
- (w) Whether the proposal is likely to cause soil erosion or land degradation;
- (x) The potential loss of any community service or benefit resulting from the planning approval;
- (y) Any relevant submissions received on the application;
- (z) The comments or submissions received from any authority consulted under clause 10.1.1; and
- (aa) Any other planning consideration the Local Government considers relevant.

10.3 Determination of Applications

In determining an application for planning approval the Local Government may—

- (a) Grant its approval with or without conditions; or
- (b) Refuse to grant its approval.

10.4 Form and Date of Determination

10.4.1 As soon as practicable after making a determination in relation to the application, the Local Government is to convey its determination to the applicant in the form prescribed in Schedule 9 and the date of determination is to be the date given in the notice of the Local Government's determination.

10.4.2 Where the Local Government refuses an application for planning approval the Local Government is to give reasons for its refusal.

10.5 Term of Planning Approval

10.5.1 Where the Local Government grants planning approval for the development of land—

- (a) The development approved is to be substantially commenced within two years, or such other period as specified in the approval, after the date of determination; and
- (b) The approval lapses if the development has not substantially commenced before the expiration of that period.

10.5.2 A written request may be made to the Local Government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 10.5.1.

10.6 Temporary Planning Approval

Where the Local Government grants planning approval, the Local Government may impose a condition limiting the period of time for which the approval is granted.

Note: A temporary planning approval is where the Local Government grants approval for a limited period for example where the land may be required for some other purpose in the future, and is different to the term of planning approval which is the period within which the development must commence.

10.7 Scope of Planning Approval

Planning approval may be granted—

- (a) For the use or development for which the approval is sought;
- (b) For that use or development, except for a specified part or aspect of that use or development; or
- (c) For a specified part or aspect of that use or development.

10.8 Approval Subject to Later Approval of Details

10.8.1 Where an application is for a development that includes the carrying out of any building or works, the Local Government may grant approval subject to matters requiring the subsequent planning approval of the Local Government. These matters may include the siting, design, and external appearance of the buildings, means of access, landscaping, and such other matters as the Local Government thinks fit.

10.8.2 In respect of an approval requiring subsequent planning approval, the Local Government may require such further details as it thinks fit prior to considering the application.

10.8.3 Where the Local Government has granted approval subject to matters requiring the later planning approval of the Local Government, an application for approval of those matters must be made not later than two years after the date of the determination of the first approval, or such other period as is specified in the approval.

10.9 Deemed Refusal

10.9.1 Subject to clause 10.9.2, an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the Local Government within 60 days of the receipt of the application by the Local Government, or within such further time as is agreed in writing between the applicant and the Local Government.

10.9.2 An application for planning approval which is the subject of a notice under clause 9.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the Local Government within 90 days of the receipt of the application by the Local Government, or within such further time as is agreed in writing between the applicant and the Local Government.

10.9.3 Despite an application for planning approval being deemed to have been refused, the Local Government may issue a determination in respect of the application at any time after the expiry of the period specified in clause 10.9.1 or 10.9.2, as the case requires, and that determination is as valid and effective from the date of determination as if it had been made before the period expired.

10.10 Appeals

An applicant aggrieved by a determination of the Local Government in respect of the exercise of a discretionary power under the Scheme may apply for review to the State Administrative Tribunal in accordance with the *Planning and Development Act 2005*.

PART 11—ENFORCEMENT AND ADMINISTRATION

11.1 Powers of the Local Government

11.1.1 The Local Government in implementing the Scheme has the powers to—

- (a) Enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matter pertaining to the Scheme;
- (b) Acquire any land or buildings within the Scheme area under the provisions of the scheme or the *Planning and Development Act 2005*; and
- (c) Deal with or dispose of any land which it has acquired under the provisions of the Scheme or the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

11.1.2 An employee of the Local Government authorised by the Local Government may, at all reasonable times and with such assistance as may be required, enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

11.2 Removal and Repair of Existing Advertisements

11.2.1 Where an existing advertisement at, or at any time after, the coming into force of the Scheme, is, in the opinion of the Local Government, in conflict with the amenity of the locality, the Local Government may by written notice (giving clear reasons) require the advertiser to remove, relocate, repair, adapt or otherwise modify the advertisement.

11.2.2 Where, in the opinion of the Local Government, an advertisement has deteriorated to a point where it is in conflict with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the Local Government may by written notice require the advertiser to—

- (a) Repair, repaint or otherwise restore the advertisement to a standard specified by the Local Government in the notice; or
- (b) Remove the advertisement.

11.2.3 For the purpose of clauses 11.2.1 and 11.2.2 any notice is to be served on the advertiser and is to specify—

- (a) The advertisement the subject of the notice;
- (b) Full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
- (c) The period, being not less than 60 days from the date of the Local Government's determination, within which the action specified is to be completed by the advertiser.

11.2.4 A person on whom notice is served under this clause may apply for a review of the determination of the Local Government to the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*.

11.3 Delegation of Functions

11.3.1 The Local Government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the Chief Executive Officer, within the meaning of those expressions under the *Local Government Act 1995*, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.2 The Chief Executive Officer may delegate to any employee of the Local Government the exercise of any of the Chief Executive Officer's powers or the discharge of any of the Chief Executive Officer's duties under clause 11.3.1.

11.3.3 The exercise of the power of delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

11.3.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in s.5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

11.4 Person Must Comply with Provisions of the Scheme

A person must not—

- (a) Contravene or fail to comply with the provisions of the Scheme;
- (b) Use any land or commence or continue to carry out any development within the Scheme area—
 - (i) Otherwise than in accordance with the Scheme;
 - (ii) Unless all approvals required by the Scheme have been granted and issued;
 - (iii) Otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
 - (iv) Otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the Local Government under the Scheme with respect to that building or that use.

Note: The *Planning and Development Act 2005* provides that *inter alia*—

A person who—

- (a) *Contravenes the provisions of the Scheme;*
- (b) *Commences, continues or carries out any development otherwise than in accordance with the provisions of the planning scheme; or*
- (c) *Commences, continues or carries out any such development otherwise than in accordance with a condition imposed under the Act or scheme or otherwise fails to comply with such condition,*

commits an offence.

Under s.223 of the Act, the general penalty for a person who commits an offence is liable to a fine of \$200,000 and, in the case of a continuing offence, a further fine of \$25,000 for each day during which the offence continues.

11.5 Compensation

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under Part 11 of the *Planning and Development Act 2005*—

- (a) In any case, within 6 months of the date of publication of notice of the approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) Where the land has been reserved for a public purpose and—
 - (i) An application made under the Scheme for approval to carry out development on the land is refused; or
 - (ii) An application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used for no purpose other than a public purpose,

not later than six months after the application is refused or the permission granted.

11.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under sub-clause 11.5.1.

Note: A claim for compensation under Part 11 of the *Planning and Development Act 2005* may be made in the Form No. 7 in Appendix A of the *Town Planning Regulations 1967*.

11.6 Purchase or Taking of Land

11.6.1 If, where compensation for injurious affection is claimed under the *Planning and Development Act 2005*, the Local Government elects to purchase or take the land compulsorily the Local Government is to give written notice of that election to the claimant within three months of the claim for compensation being made.

11.6.2 The Local Government may deal with or dispose of land acquired by it for the purpose of a Local Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the use for which it is reserved.

Note: Sections 190 and 191 of the *Planning and Development Act 2005* empower the Local Government to purchase or compulsory acquire land comprised in a Scheme.

11.7 Notice for Removal of Certain Buildings

11.7.1 Under s.214 of the *Planning and Development Act 2005*, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

11.7.2 The Local Government may recover expenses under s.214 of the *Planning and Development Act 2005* in a court of competent jurisdiction.

Schedule 1

DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

1. General Definitions

In the Scheme—

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

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

building envelope means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained;

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

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

Commission means the Western Australian Planning Commission;

conservation has the same meaning as in the *Heritage of Western Australia Act 1990*;

cultural heritage significance has the same meaning as in the *Heritage of Western Australia Act 1990*;

development means the development or use of any land, including—

- (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land;

- (b) the carrying out on the land of any excavation, or other works;
- (c) in the case of a place to which a Conservation Order made under s.59 of the *Heritage of Western Australia Act 1990* applies, any act or thing that:
 - (i) is likely to change the character of that place or the external appearance of any building; or
 - (ii) would constitute an irreversible alteration of the fabric of any building;

dry industry means an industry that produces low amounts of waste (solid, liquid or gas) as a result of operations;

floor area has the same meaning as in the *Building Code of Australia 1996* published by the Australian Building Codes Board;

frontage when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the *Residential Design Codes*; and
- (b) purposes other than residential purposes, means the road alignment at the front of a lot, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;

Gazettal date, in relation to a Scheme, means the date on which the Scheme is published in the *Gazette* under s.87 of the *Planning and Development Act 2005*;

health consultant(s) means a qualified person that provides professional health services including chiropract, chiropractor, dentist, dietician, osteopath, psychologist, physiotherapist, podiatrist, optometrist, naturopath, masseur, herbalist or practitioner of a like nature;

height when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning as in the *Residential Design Codes*; or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;

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

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 premises on the same land used for—

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

incidental to any of those industrial operations;

Land Capability Analysis means a report prepared in accordance with Department of Agriculture and Food WA publications *Land Evaluation Standards for Land Resource Mapping* and *Land Capability Assessment Methodology* to identify the general capability of a site to sustain the proposed use and inform the applicant of potential land management issues to be addressed;

Local Government means the City of Albany;

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

lot has the same meaning as in the *Planning and Development Act 2005* but does not include a strata or survey strata lot;

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

net lettable area (nla) means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

non-conforming use has the same meaning as it has in s.172 of the *Planning and Development Act 2005*;

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;
- (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land;
- (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 from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;

place, in Part 7 (Heritage Protection) has the same meaning as it has in the Heritage of Western Australia Act 1990;

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

PLUC categories mean the Planning Land Use Categories prepared by the Department of Planning to classify land use activities;

PLUC 5 means any retail activity which involves the sale of goods from a shop located separate to and/or in a shopping centre (and other than those included in PLUC 6 Other Retail) including: Adult Products, Antique and Second-hand Merchandise, Beauty Salons, Bicycle Sales, Booksellers, Bread and Cake Stores, Business and Computing Equipment, Cameras/Photographic Sales, Clothing Hire and Sales, Confectionery/Tobacconists, Deli's, Department Stores—Retail, Duty Free Stores, Electronic Equipment and Parts, Dressmaking, Firearms, Fish/Seafood Retail, Florists, Footwear, Fruit and Vegetables Retail, Furniture and Home Furnishings, Markets, General Merchandise Retail, General Stores, Health Foods, Household Appliances, Hardware, Kitchenware, Leather Goods/Saddlery, Liquor Store, Meat & Fish Retail, Men's/Boys Clothing, Hairdressers, Music Store, Newsagent, Pets/Pet Supplies, Pharmacies, Photographic Services, Restaurants/Cafes, Function Centres, Sporting Goods/Trophies, Stationers, Supermarket and Grocers, Takeaway Food Outlets, Toys and Hobby Sales, Watchmaker/Jeweller and Weight Reducing Salons. These activities are counted as retail shopping floorspace and it is this floorspace area that is used to determine maximum floorspace areas referred to in the Neighbourhood/Local Centres zones;

PLUC 6 means any of these retail activities that are not normally accommodated in a shopping centre and by virtue of their scale and special nature, the goods of these activities separate them from the Shop/Retail category including: Agricultural Equipment Retail, Aircraft and Accessories, Boat/Caravan/Trailer Hire, Caravan Dealers, Chemical Sales, Coke/Coal/Firewood Sales, Container Sales, Electrical Construction Materials, Equipment Hire, Floor Coverings Retail, Fuel sales, Furniture Store, Hardware Retail, Hay/Grain/Feed Retail, Heating, Plumbing and Refrigeration Equipment Sales, Ice, Light Fittings Retail, Livestock Retail, Marine Craft & Accessories, Motor Cycles Dealers, Motor Vehicle Parts/Rentals/New and Second-hand Sales, Nurseries Retail, Paint/Glass/Wallpapers, Swimming Pools, Tiles, Tyres/Batteries and Accessories and Wholesaling.

precinct means a definable area where particular planning policies, guidelines or standards apply;

predominant use means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary;

premises means land or buildings;

Residential Design Codes means the *Residential Design Codes* in Appendix 2 to the Western Australian Planning Commission *Statement of Planning Policy No. 1—State Planning Framework Policy* as amended from time to time;

retail means the sale or hire of goods or services to the public;

substantially commenced means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;

watercourse has the same meaning as it has in the *Rights in Water and Irrigation Act 1914*;

wholesale means the sale of goods or materials to be sold by others;

zone means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

2. Land Use Definitions

In the Scheme—

aged or dependent persons' dwellings has the same meaning given to the term in the *Residential Design Codes*;

aged persons' village means a building or group of buildings consisting of either—

- (a) an aged persons' home; or
- (b) an aged persons' home and aged persons' dwellings,

and which includes buildings or parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care;

agriculture—extensive means premises used for the raising of stock or crops but does not include agriculture—intensive or animal husbandry—intensive;

agriculture—intensive means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruits or nuts;
- (b) the establishment and operation of plant or fruit nurseries; or
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms);

Agroforestry means land, other than a tree plantation, used commercially for tree production in conjunction with traditional agriculture activities such as grazing and cropping where—

- (a) Individual stands/sections do not exceed 10 hectares in size;
- (b) Boundaries of individual stands/sections are separated by a minimum of 100m;
- (c) The total area of all such plantings does not exceed 30% of an individual land holding.

amusement parlour means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than two amusement machines operating within the premises;

ancillary accommodation has the same meaning given to the term in the *Residential Design Codes*;

animal establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre;

animal husbandry—intensive means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots;

aquaculture has the same meaning given to the term in the *Fish Resources Management Act 1994*;

bed and breakfast/farmstay means a dwelling, used by a resident of the dwelling, to provide accommodation for no more than six guests away from their normal place of residence on a short-term commercial basis within the dwelling and may include the provision of meals;

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

boarding/guest/lodging house means a building developed for accommodating more than six guests in individual or shared sleeping quarters with common sanitary/cooking facilities and may include the provision of meals;

camping ground shall have the same meaning as given the term in the *Caravan and Camping Grounds Act 1995* and means an area of land on which camps, but not caravans, are situated for habitation;

caravan park shall have the same meaning as given the term in the *Caravan Parks and Camping Grounds Act 1995*; and means an area of land on which caravans, or caravans and camps, are situated for habitation;

caretaker's dwelling means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;

car park means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

cemetery means premises used for the burial or cremation of bodies and shall include areas set aside for chapels, parks/gardens, car parking, buildings and other works required for the operation of the cemetery which are approved under the provisions of the *Cemeteries Act 1986*;

chalet/cottage unit means a building that is used or provided for use for holiday accommodation purposes and is generally developed as self-contained building(s);

child care premises has the same meaning as given the term in the *Child Care Services Act 2007*;

cinema/theatre means premises where the public may view a motion picture or theatrical production;

civic use means premises used by a Government department, an instrumentality of the Crown, or the Local Government, for administrative, recreational or other purposes;

club premises means premises used by a legally constituted club or association or other body of persons united by a common interest;

community purpose means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;

consulting rooms means premises used by no more than two health practitioners for the investigation or treatment of human injuries or ailments and for general outpatient care.

convenience store means premises—

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods;
- (b) operated during hours which include, but may extend beyond, normal trading hours;
- (c) which provide associated parking; and
- (d) the floor area of which does not exceed 300m² net lettable area;

corrective institution means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

display home means a dwelling used for the purpose of displaying and showing house types available within a subdivision;

dry cleaning premises means premises used for the cleaning of garments and other fabrics by chemical processes;

educational establishment means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;

exhibition centre means premises used for the display or display and sale of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;

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

farm workers accommodation means a dwelling or any other form of accommodation such as a caravan or the like necessary for the operation of a farming enterprise and restricted to occupation by an employee of the farm;

fast food outlet means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;

fuel depot means premises used for the storage and sale in bulk of solid, liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into a vehicle for final use of such fuel from the premises;

funeral parlour means premises used to prepare and store bodies for burial or cremation;

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

grouped dwelling has the same meaning given to the term in the *Residential Design Codes*;

harbour installations means premises used for the purposes of loading, unloading and maintaining ships;

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

home business means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (a) does not employ more than two people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50m²;
- (d) does not involve the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone;

home occupation means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which—

- (i) does not employ any person not a member of the occupier's household;
- (ii) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (iii) does not occupy an area greater than 20m²;
- (iv) does not display a sign exceeding 0.2m²;
- (v) does involve the retail sale, display or hire of goods of any nature;
- (vi) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than two tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (vii) does not involve the use of an essential service of greater capacity than normally required in the zone;

home office means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not—

- (a) entail clients or customers travelling to and from the dwelling;
- (b) involve any advertising signs on the premises; or
- (c) require any external change to the appearance of the dwelling.

home store means any shop with a net lettable area not exceeding 100 m² attached to a dwelling and which is operated by a person resident in the dwelling;

hospital means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;

hotel means premises providing accommodation the subject of a hotel licence under the *Liquor Control Act 1988*, and may include a betting agency on those premises, but does not include a tavern or motel;

industry—cottage means a trade or light industry producing arts and craft goods which does not fall within the definition of a home occupation and which—

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted within an outbuilding which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50m²; and
- (e) does not display a sign exceeding 0.2m² in area;

industry—extractive means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar material from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining;

industry—general means an industry other than a cottage, extractive, light, mining, rural or service industry;

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 do not cause any injury to or adversely affect the amenity of the locality;
- (b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;

industry—mining means land used commercially to extract minerals from the land;

industry—rural means—

- (a) an industry handling, treating, processing or packing rural products; or
- (b) a workshop servicing plant or equipment used for rural purposes.

industry—service means—

- (a) an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

live/work units means a building designed and constructed with a combination of both—

- (a) a work space area (used for commercial and/or light/service industries with an office) or similar activities; and
- (b) a residential dwelling area occupied by the operator of the work space area;

lunch bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;

marina means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina;

marine filling station means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

motor vehicle/boat repair means premises used for or in connection with—

- (a) electrical and mechanical repairs, or overhauls to vehicles and/or boats; or
- (b) repairs to tyres,

but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;

market means premises used for the display and sale of goods from stalls by independent vendors;

medical centre means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, minor medical and surgical treatment, and counselling);

motel means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises licensed under the *Liquor Control Act 1988*;

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

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

multiple dwelling has the same meaning given to the term in the *Residential Design Codes*;

night club means premises—

- (a) used for entertainment with or without eating facilities; and
- (b) licensed under the *Liquor Control Act 1988*;

nursing home means premises in which persons receive medical and domestic care during a long illness or infirmity or in which persons reside during convalescence from an illness;

office means premises used for administration, clerical, technical, professional or other like business activities;

panel beating/spray painting means premises used for the repair of damaged vehicles including panel beating, spray painting and/or chassis reshaping;

park home park has the same meaning as in the *Caravan Parks and Camping Grounds Regulations 1997*;

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

port facilities shall have the same meaning as given the term in the *Port Authorities Act 1999*;

port services shall have the same meaning as given the term in the *Port Authorities Act 1999*;

port works shall have the same meaning as given the term in the *Port Authorities Act 1999*;

public utility means any work or undertaking constructed or maintained by a government agency or the Local Government as may be required to provide water, sewerage, electricity, gas, drainage or other similar services;

reception centre means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes—

recreation—private means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;

relocated dwelling means a dwelling which has been previously constructed on a building site whether within the district or elsewhere and whether occupied or not, but does not include a prefabricated or purpose built transportable dwelling;

residential building has the same meaning as given the term in the *Residential Design Codes*;

restaurant means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons and includes a restaurant licensed under the *Liquor Control Act 1988*;

restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*;
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity;

rural pursuit means any premises used for—

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or
- (d) the sale of produce grown solely on the lot,

but does not include Agriculture—Extensive or Agriculture—Intensive;

service station means premises used for—

- (a) the retail sale of petroleum products, motor vehicles accessories and goods of an incidental/convenience retail nature; and
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles,

but does not include premises used for a transport depot, panel beating, spray-painting, major repairs or wrecking;

shop means premises used to sell goods by retail, hires goods, or provides services of a personal nature (including a hairdresser or beauty therapist) but does not include a showroom or fast food outlet;

showroom means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, office equipment and supplies or goods of a bulky nature;

single bedroom dwelling has the same meaning given to the term in the *Residential Design Codes*;

single house has the same meaning given to the term in the *Residential Design Codes*;

storage means premises used for the storage of goods, equipment, plant or materials;

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

telecommunications infrastructure means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with a telecommunications network;

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

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

tree plantation has the same meaning as plantation in the *Code of Practice for Timber Plantations in Western Australia (August, 2006)* published by the Forest Industries Federation (WA) Inc, but does not mean agroforestry;

veterinary centre means premises used to diagnose animal diseases, or disorders to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

warehouse means premises used to store or display goods and may include sale by wholesale;

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

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

zoo means land and buildings used for the keeping, breeding or display of fauna.

Schedule 2

ADDITIONAL USES

[cl.4.5]

No.	Description of Land	Additional Use	Conditions
AU1	Lot 20 (Pt. 5918) Two Peoples Bay Road, Kalgan Diagram 092903	Caretaker's Dwelling Chalet/Cottage Units Recreation—Private Restaurant Shop Zoo Incidental Uses	<ol style="list-style-type: none"> 1. Development shall be generally in accordance with the Development Guide Plan endorsed by the CEO. 2. The recreation—private use shall be limited to an equestrian establishment. 3. The restaurant use shall be limited to providing a service for patrons of the premises and shall only operate during daylight hours. 4. The shop use shall be limited and incidental to the predominant use of the property as determined by the Local Government. 5. The developer/operator acknowledges that the property is adjoining/nearby to land zoned for agriculture on which agricultural pursuits and activities take place and the development shall be designed, sited and undertaken in such a manner so as not to cause conflict in land use and/or adversely impact on the rural amenity of the area. 6. All buildings shall be clad with materials and colours which blend with the landscape to the satisfaction of the Local Government. 7. All development shall incorporate fire control measures to the satisfaction of the Local Government and all buildings shall comply with <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i>. 8. All trees and existing vegetation shall be retained unless their removal is approved by the Local Government.
AU2	Lot 28 (Pt. 779) Albany Highway, McKail Plan 029387	Holiday Accommodation Chalet/Cottage Units Caretakers Dwelling Incidental Uses	<ol style="list-style-type: none"> 1. Development shall be generally in accordance with the Development Guide Plan endorsed by the CEO. 2. The City will consider the progress of the Albany Ring Road and shall have regard to any implications the proposal may have on the ring road alignment. 3. Maximum of seven holiday accommodation units is permitted to be developed. 4. All buildings shall be setback a minimum of 20 metres from the side and rear boundaries.

No.	Description of Land	Additional Use	Conditions
			<p>5. All development being undertaken with the full knowledge that—</p> <p>(a) The proposal is adjoining/nearby to General Agriculture zoned land on which agricultural pursuits and activities take place. The development of the proposed holiday accommodation and tourist activities shall be designed, sited and undertaken to prevent negative impacts or restrictions on the continued operation of these agricultural pursuits; and</p> <p>(b) The land may be affected by aircraft noise associated with the nearby Albany Airport and future uses shall not compromise the future operations of the Albany Airport.</p> <p>6. Access arrangements to Albany Highway are to be to the satisfaction of the Local Government in consultation with the relevant State Government authority.</p> <p>7. Minor variations may be permitted by Local Government after following the procedures in Clause 9.4 of the Scheme.</p>
AU3	Lot 7 (Pt. 416) Nanarup Road, Nanarup Plan 019527	Holiday Accommodation Chalet/Cottage Units Grouped Dwelling	<p>1. Development shall be generally in accordance with the Development Guide Plan endorsed by the CEO.</p> <p>2. Maximum of 10 Chalet/Cottage Units and maximum of two grouped dwelling units is permitted to be developed.</p> <p>3. No additional vehicular crossovers to Nanarup Road are permitted.</p> <p>4. All stormwater drainage shall be accommodated on-site and no direct discharge shall be permitted to the Nanarup Road Reserve.</p> <p>5. Where potable water is to be supplied to the units solely utilising rainwater catchment and storage, the Local Government shall require a minimum storage volume of 55,000 litres per unit.</p> <p>6. Landscaping shall be undertaken to screen the development from Nanarup Road.</p> <p>7. All buildings shall be set back a minimum of 60 metres from Nanarup Road.</p> <p>8. The maximum height of all buildings shall not exceed 7.5 metres to minimise the visual impacts of such buildings from Nanarup Road.</p> <p>9. The use of pale, white, off-white or reflective materials and finishes such as zincalume will not be permitted.</p> <p>10. The implementation of appropriate fire control measures as determined by the Local Government.</p> <p>11. Minor variations may be permitted by Local Government after following the procedures in Clause 9.4 of the Scheme.</p>
AU4	Lot 400 Coombes Road, Kronkup Plan 049231	Caretaker's Dwelling Educational Establishment Restaurant	<p>1. Building design, colours and materials, colours shall be undertaken to blend the building(s) within the site.</p> <p>2. All development shall be set back a minimum of 20 metres from Coombes Road and 10 metres from all other boundaries.</p> <p>3. The habitable/public buildings shall be provided with an approved potable water supply with a minimum capacity of</p>

No.	Description of Land	Additional Use	Conditions
			<p>92,000 litres per unit /building which may be supplied from a roof catchment and tank storage system.</p> <p>4. Implementation of a Fire Management Plan which incorporates the existing fire access track that traverses the property to the area's firebreak network and the owner is responsible to maintain the firebreak. Permanent access along the fire access track shall be provided at all times and any fencing and/or gates shall only be permitted at the discretion of the Local Government.</p>
AU5	Lot 233 Barnesby Drive, Yakamia Diagram 098565	Office Showroom Service Industry Medical Clinic Professional Office	<p>1. Development shall be generally in accordance with the Development Guide Plan endorsed by the CEO.</p> <p>2. Minor variations may be permitted to the Development Guide Plan by the Local Government after following the procedures in Clause 9.4 of the Scheme.</p>
AU6	Lot 66 cnr. Jeffries Street/Albany Highway; Lot 65 Jeffries Street; Lot 39 Albany Highway; Lot 36 Verdi Street, Lot 46 cnr. Verdi Street/Albany Highway; Lot 66 Verdi Street; and Lots 17, 18, 19, Pt. 1 and 124 Albany Highway, Mount Melville	Showroom Office Shop Warehouse	<p>1. Development to comply with the provisions of the Regional Centre Mixed Business zone.</p> <p>2. Shared access for vehicles and pedestrians through the sites to be provided.</p> <p>3. Shared car parking areas between the front building setback and road reserve will be required and reciprocal rights of access to be provided to control access/egress onto Albany Highway.</p> <p>4. Pedestrian connections between front and rear of the premises to be incorporated into the development.</p> <p>5. All development shall be designed to maintain the outlook from the residences behind the sites.</p> <p>6. Any necessary fencing along Albany Highway shall be designed and constructed to be visually permeable.</p> <p>7. Landscaping of the car parking areas to screen adjoining residential lots.</p> <p>8. Minor variations may be permitted by the Local Government after following the procedures in Clause 9.4 of the Scheme.</p>
AU7	Lots 52, 6, 7, 19, 4, 1013, 23, 6, 7, 44, 4, 32, 311, 312, 61, 2, 33, 1, 4, 3, 2, and 1 Albany Highway, Mount Melville	Office Consulting Room Medical Centre	<p>1. Development to comply with the provisions of the Residential zone, except for car parking which shall be provided in accordance with the requirements for the Regional Centre zone.</p> <p>2. Access to Lot 6 and 7 (off Crossman Street) to be by way of a joint crossover & access/egress to Lot 8 to be restricted to Crossman Street.</p> <p>3. Shared car parking areas will be required and reciprocal rights of access to be provided to control access/egress onto Albany Highway.</p> <p>4. Pedestrian connections between front and rear of the premises to be incorporated into the development.</p> <p>5. Any necessary fencing along Albany Highway shall be designed and constructed to be visually permeable.</p> <p>6. Landscaping of the car parking areas to screen adjoining residential lots.</p> <p>7. Additions, extensions and redevelopment of any of the subject lots (except Lot 1013) shall ensure the scale & character of the residential housing is retained.</p>

No.	Description of Land	Additional Use	Conditions
AU8	Portion Lot 30 Nanarup Road, Kalgan Plan 047989	Holiday Accommodation (maximum 6 chalets) Caretaker's Dwelling Recreation— private Other incidental or non-defined activities considered appropriate to the Local Government	<p data-bbox="884 237 1399 394">8. Additions, extensions and redevelopment of the existing building on Lot 1013 shall be undertaken to maintain to retain window details, scale and character of the original building as a local landmark building.</p> <p data-bbox="884 394 1399 472">9. Minor variations may be permitted by the Local Government after following the procedures in Clause 9.4 of the Scheme.</p> <p data-bbox="884 479 986 512">General</p> <p data-bbox="884 512 1399 636">1. Development of the site to be in accordance with the Development Guide Plan endorsed by the CEO along with any variations as may be approved by the Local Government.</p> <p data-bbox="884 642 1262 676">Parking, Access and Drainage</p> <p data-bbox="884 676 1399 777">2. A minimum of one car parking bay shall be provided per holiday accommodation unit, which shall be marked out adjacent to each unit.</p> <p data-bbox="884 777 1399 833">3. No more than one access point onto Nanarup Road shall be permitted.</p> <p data-bbox="884 833 1399 911">4. Stormwater drainage shall be accommodated on-site to the Local Government's satisfaction.</p> <p data-bbox="884 918 1107 952">Fire Management</p> <p data-bbox="884 952 1399 1005">5. Areas to remain under pasture shall be maintained in a low fuel condition.</p> <p data-bbox="884 1005 1399 1207">6. The Local Government may require the installation/provision of smoke detectors, gutter guards, downpipe plugs, fire extinguishers and fire blankets within all holiday accommodation units and compliance of all new habitable buildings with <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i>.</p> <p data-bbox="884 1207 1399 1330">7. Fire access tracks and emergency exits being constructed to the requirements of the relevant State Government authority, and should be available for usage at all times.</p> <p data-bbox="884 1330 1399 1487">8. Appropriate low fuel zones shall be maintained around all habitable buildings in accordance with the <i>Planning for Bush Fire Protection Guidelines Edition 2, May 2010</i>, or any document superseding it.</p> <p data-bbox="884 1487 1399 1621">9. Emergency access and emergency gate being constructed to the requirements of the relevant State Government authority, and should be available for usage at all times.</p> <p data-bbox="884 1628 1102 1662">Effluent Disposal</p> <p data-bbox="884 1662 1399 1830">10. Effluent disposal shall be undertaken to the satisfaction of the Local Government and the relevant State Government authority with approved effluent disposal systems. Alternative Treatment Unit systems may be required to service the proposed development.</p> <p data-bbox="884 1836 1267 1892">Building Location, Design and Construction</p> <p data-bbox="884 1892 1399 1946">11. All buildings shall be setback a minimum of 100 metres from Nanarup Road.</p> <p data-bbox="884 1946 1399 2024">12. Setbacks to all other boundaries shall be 20 metres except where otherwise dictated on the Development Guide Plan.</p> <p data-bbox="884 2024 1399 2103">13. Buildings shall not exceed 7.5 metres in height, which is measured vertically from the natural ground level.</p>

No.	Description of Land	Additional Use	Conditions
			<p>14. The maximum habitable floor area for each individual holiday accommodation unit is to be 140m².</p> <p>15. Buildings shall be located where possible in cleared areas in order to minimise removal of significant trees.</p> <p>16. New buildings shall be designed and constructed using colours and materials that, in the opinion of the Local Government, blend with the landscape and are in keeping with the rural amenity of the area.</p>
AU9	Lot 21 Tennessee Road South, Lowlands Plan 029361	Caretaker's Dwelling Holiday Accommodation (Chalet/Cottage Units) Restaurant Incidental Uses	<p>1. Maximum of three Chalet/Cottage Units are permitted to be developed.</p> <p>2. The restaurant use shall be limited to a maximum of 70 seats.</p> <p>3. The developer/operator acknowledges that the proposal is adjoining/nearby to Priority and General Agriculture zoned land on which agricultural pursuits and activities take place. The development of the proposed holiday accommodation and tourist activities shall be designed, sited and undertaken to prevent negative impacts or restrictions on the continued operation of these agricultural pursuits.</p> <p>4. No additional vehicular crossovers from Tennessee Road South are permitted.</p> <p>5. All stormwater drainage shall be accommodated on-site.</p> <p>6. Where portable water is to be supplied to the chalet units solely using rainwater catchment and storage, the Local Government shall require a minimum storage volume of 55,000 litres per unit.</p> <p>7. All buildings shall be set back a minimum of 50 metres from Tennessee Road South and 10 metres from all other lot boundaries.</p> <p>8. Tree/shrub planting and/or landscaping shall be undertaken to screen the development from Tennessee Road South and adjoining properties and shall be maintained by the developer/operator.</p> <p>9. Where necessary, planting and/or landscaping areas shall be fenced to protect them from stock.</p> <p>10. The use of pale, white, off-white or reflective materials and finishes such as zincalume will not be permitted.</p> <p>11. The implementation of appropriate fire control measures as determined by the Local Government.</p> <p>12. All new buildings utilising materials, finishes, tonings and facades in sympathy with Emily's Kitchen (cottage theme).</p> <p>13. The Chalet/Cottage units shall not exceed 140m² (including verandahs, balconies and carports).</p> <p>14. Minor variations may be permitted by the Local Government after following the procedures in Clause 9.4 of the Scheme.</p>
AU10	Lot 504 The Esplanade, Lower King Plan 018060	Hotel Motel	<p>1. Commercial (restaurant) activity to be located on the ground floor.</p> <p>2. Hotel/Motels are to incorporate design elements that—</p> <p>(a) Compliment the architectural and historic character of the locality;</p> <p>(b) Avoids bulk;</p> <p>(c) Pertains to the sun;</p>

No.	Description of Land	Additional Use	Conditions
			<ul style="list-style-type: none"> (d) Maintains vistas for other buildings and the public within the locality; (e) Complies with Table 3, category 'B' of the Residential Design Codes. (f) Provides opportunities for outdoor active movement amongst natural vegetation.
AU11	Lots 77, 78 and 79 Festing Street; Part Lot 76 Festing Street; Part Lot 10 Festing Street; Lot 221 Melville Street and Part Lot 220 Melville Street; Part Lot 207 and Part Lot 208 Mill Street, Albany	Residential R60 Restaurant	<ol style="list-style-type: none"> 1. Development to the R30 residential density code standard is permitted. 2. Development to the R60 standard may be permitted by the Local Government subject to the preparation of detailed design guidelines to the Local Government's satisfaction. 3. Original facade and support walls (circa 1924) to be retained together with representative elements of the industrial building located immediately behind the facade to the satisfaction of the Local Government and in accordance with the guidance of the <i>Municipal Heritage Inventory</i>. 4. Child Care Premises or Restaurant may be permitted within the original structure as described in Condition 3, after public notice of application has been given in accordance with clause 9.4. 5. Access to the site from Mill Street to be centred on the original historic facade. 6. External vehicular access to the site is to be provided from both Mill Street and Melville Street to provide a through function. 7. Building development and design must address the street to the satisfaction of the Local Government. 8. Development fronting Festing Street and Melville Street shall be provided with access from the internal road. 9. Complementary fencing shall be provided along Festing Street and Melville Street and be in accordance with the City of Albany Local Laws relating to Fencing and the <i>Residential Design Codes</i>. 10. Building development shall be restricted to 2 storeys plus a loft and is not to exceed the maximum height for Category B as specified in the <i>Residential Design Codes</i> unless otherwise approved by the Local Government. Any variation will be determined in accordance with the <i>Residential Design Codes</i> and any detailed design guidelines adopted by the Local Government. 11. Prior to the development or subdivision of the site, a remediation and validation assessment for soil, groundwater and vapour is to be prepared and all necessary remediation works completed to the satisfaction of the relevant State Government Authority and the Local Government.
AU12	Lot 14 Spencer Street, Albany Diagram 065464	Residential R60 Shop Office	<ol style="list-style-type: none"> 1. Development to the R60 standard may be permitted by the Local Government subject to the preparation of detailed design guidelines to the Local Government's satisfaction. 2. Despite anything else in the Scheme, all development will be subject to the following conditions— <ul style="list-style-type: none"> (a) Development of the site is to incorporate commercial land uses

No.	Description of Land	Additional Use	Conditions
			<p>such as Office and Shop on the ground floor of any building fronting Spencer Street.</p> <p>(b) Development or subdivision of the site will be supported by the Local Government only where an overall Development Guide Plan has been approved.</p> <p>3. The Development Guide Plan shall ensure that—</p> <p>(a) When determining building height the 'natural ground level' shall be the finished floor level of the existing buildings;</p> <p>(b) Buildings fronting Frederick Street are to have a residential character and scale;</p> <p>(c) The provision of a view corridor from Frederick Street to the Penny Post building and existing oak tree on Lot 1 Stirling Terrace immediately to the south;</p> <p>(d) Service vehicles entry and exit to the site be limited to the access point onto Spencer Street;</p> <p>(e) Access through to Cheynes Cottage is retained; and</p> <p>(f) A staging programme that allows the subject site to be subdivided into a limited number of 'super lots' that may be developed independently but in a coordinated fashion. Any further subdivision of the 'super lots' is subject to the individual super lot being developed to 'plate height'.</p> <p>4. The Development Guide Plan is to provide details on—</p> <p>(a) Number and type of commercial tenancies;</p> <p>(b) Location and number of dwelling units;</p> <p>(c) Location and number of car parking bays and driveways;</p> <p>(d) Details of landscaping, bin storage and utility areas;</p> <p>(e) Building scale, form, materials, roof pitches and detailing; and</p> <p>(f) Height of buildings and location of balconies.</p> <p>5. The original facade (circa 1948) facing Spencer Street and the corner of Spencer Street and Frederick Street is to be retained to the satisfaction of the Local Government.</p> <p>6. The following architectural elements of the former site office fronting Spencer Street are to be retained in order to represent the historic land use as far as is practical—</p> <p>(a) The space is to be a minimum of three roof trusses deep;</p> <p>(b) Retain the clerestory windows along the south facing wall of the building;</p> <p>(c) Retain the north wall of the space; and</p> <p>(d) Provide a similar sense of space that reflects the previous historical office use on this portion of the subject site.</p> <p>7. Vehicular access is to be limited to one access point per street.</p>

No.	Description of Land	Additional Use	Conditions
			8. Development is to conform to the City of Albany <i>Historic Town Design Policy</i> or any subsequent adopted Local Planning Policy.
AU13	Lot 402 Le Grande Avenue, Orana Plan 037217	Park Home Park	<ol style="list-style-type: none"> 1. For that portion of the Special Site developed as a 'Park Home Park' development shall be exclusively for park homes in accordance with the <i>Caravan Park and Camping Act 1995</i>. 2. Caravans, annexes, tents and motorised homes shall not be permitted. 3. All park homes shall be externally clad using a vinyl weatherboard over four millimetre ply unless approval to vary this requirement is granted by the Local Government. 4. No park home shall be fitted with a satellite dish or aerial, other than domestic TV or radio receivers. 5. No fencing of sites or lease areas shall be permitted. 6. The maximum density of park homes within the zone shall be sixty (60) dwellings per hectare. 7. Development of the park home park is to be generally in accordance with <i>Development Guide Plan No. 95-70-01</i> or any variations approved by the Local Government.
AU14	Lot 44 Redmond Street, Redmond Plan 187712	Shop	<ol style="list-style-type: none"> 1. All development shall require planning approval from the Local Government. 2. The shop use is restricted to a maximum of 200 m² NLA floor area.
AU15	Lot 9500 Henry Street, Warrenup Plan 057378	Holiday Accommodation Caretaker's Dwelling	<ol style="list-style-type: none"> 1. All development and land use shall be generally in accordance with the Development Guide Plan endorsed by the CEO. 2. There shall be a maximum of eight guest bedrooms permitted for holiday accommodation purposes within the existing dwelling. 3. The landowner shall undertake landscaping of the site and fencing of the remnant vegetation to the satisfaction of the Local Government.
AU16	Lot 7 Bon Accord Road, Lower King Diagram 070402	Industry— Cottage Recreation— Private Restaurant	<ol style="list-style-type: none"> 1. All development shall require planning approval from the Local Government. 2. The Recreation—Private use shall be limited to the existing development of a nine-hole golf course. 3. The restaurant use shall be limited to providing a service for patrons of the premises and shall only operate during daylight hours.
AU17	Lot 104 Cockburn Road, Mira Mar Plan 300002	Medical Clinic	<ol style="list-style-type: none"> 1. On-site car parking to be provided in accordance with the Local Government's car parking requirements.
AU18	Lot 18 (No. 850) Frenchman Bay Road, Big Grove	Holiday Accommodation Chalet/Cottage Units Reception Centre	<ol style="list-style-type: none"> 1. All development and land use shall require planning approval from the Local Government and shall be generally in accordance with a Development Guide Plan prepared by the proponents and endorsed by the CEO.
AU19	Lot 14 Pioneer Road, Centennial Park	Medical Centre Hospital and other ancillary medical/health services	<ol style="list-style-type: none"> 1. All development and land use shall require planning approval from the Local Government.

No.	Description of Land	Additional Use	Conditions
AU20	No. 183 (Lot 35) Albany Highway, Mount Melville	Fast Food Outlet	1. All development and land use shall require planning approval from the Local Government.
AU21	No's 50-54 Earl Street, Albany	Restaurant Tavern	Preserve historic buildings.
AU22	No's 36, 38 and 40 South Coast Highway and 1 Barrett Street (Lots 22, 23 and 24 South Coast Highway and Lot 47 Barrett Street), Orana Plantagenet Location 220, Albany	Shop	1. All new development is to have due regard to the adjoining Residential zone and the Local Government may impose conditions to protect the residential amenity of the locality.
AU23	Portion of Albany Town Lot 141 (No. 41- 45) Grey Street East, Albany	Professional Offices	1. Car parking is to provided based on the clause 5.8.5.1 for Office. 2. The accessway and car parking area to be designed and constructed to the Local Government's specification and satisfaction. 3. All storm-water runoff to be contained on-site to the Local Government's specifications and satisfaction. 4. Retention of the existing cottage with all improvements/extensions complying with the Local Government's Design Guidelines.
AU24	Strata Lots 14 and 15 of Lot 2 North Road, Albany	Consulting Rooms	1. Development conditions of Consulting Rooms to apply.
AU25	Lot 25 (No. 60) Spencer Street, Albany	Club premises Motel Office Restaurant	1. Masonic Hall to be retained. 2. Preparation of a Conservation Plan and design guidelines by a suitably qualified heritage professional covering preservation, restoration and/or adaptive reuse of the Masonic Hall and the appropriate location and positioning of surrounding land use and development, to the satisfaction of the Local Government and the relevant State Government authority. 3. Proposed development plans are to have regard for the amenity of adjacent residential development. 4. All uses shall be subject to the relevant Scheme provisions.
AU26	Lots 50 and 51 (No's 227 and 229) Middleton Road, Mount Clarence	Medical Clinic	1. On site car parking to be provided in accordance with the Local Government's car parking requirements. 2. All car parking shall be designed in such a way that access is taken solely from Middleton Road, with the exception of the existing seven staff bays which have their access from Luke Lane. 3. All development on the subject lots shall be compatible with height bulk and scale of surrounding uses and developments.
AU27	Lot 25 Lancaster Road; Lots 60, 59, 35, 37, 58 and 57 Albany Highway, McKail	Multiple Dwellings (A) Grouped Dwellings (A) Educational Establishment (A) Home Business (A) Office (A)	1. A Preliminary Site Investigation (PSI) is to be carried out prior to any application to subdivide or develop the land. The PSI and any necessary detailed site investigations, management plans and/or remediation are to be prepared and undertaken in accordance with the requirements of the relevant State Government authority. 2. Subdivision and development is to be in accordance with a Local Development Plan approved and adopted by the Local Government. The plan is to incorporate

No.	Description of Land	Additional Use	Conditions
			<p>the relevant State Government authority access requirements and provide for any potential impact on residential or other sensitive uses from the continuation of the current use of Lot 23 Lancaster Road and traffic noise from Albany Highway.</p> <ol style="list-style-type: none"> 3. The R40 code and Mixed Use development requirements, as set out in the <i>Residential Design Codes</i>, shall apply to the development of dwellings in conjunction with commercial and/or other non-residential uses within the Additional Use site. 4. A total maximum retail net lettable area (NLA) of 600m² plus a maximum floorspace of 200m² for a restaurant shall apply within the Local Centre zone. 5. A total maximum floorspace of 400m² shall apply to all permissible non-Shop/Retail commercial and professional uses within the Additional Use site.
AU28	Bayonet Head North (Oyster Harbour III) Neighbourhood Centre site on Lot 27 Stranmore Boulevard; Lot 73 Lower King Road; and portion of Lots 9004 and 42 (proposed as Lots 65-70) on the corner of Stranmore Boulevard and Lower King Road, Bayonet Head	Single House Grouped Dwelling Multiple Dwelling Child Care Premises	<ol style="list-style-type: none"> 1. Single House, Grouped Dwelling and Multiple Dwelling uses shall be processed as 'A' uses. Child Care Premises shall be a 'P' use.
AU29	Lot 90 Menang Drive, Willyung	Service Station	<ol style="list-style-type: none"> 1. No stormwater is to be discharged into the Menang Drive drainage system; 2. Access from Menang Drive is to be shared with the adjoining lot to the west and located in the position of the existing approved crossover; 3. Suitable turn treatments in accordance with the <i>AUSTROADS Guide to Traffic Engineering Practice—Part 5: Intersections at Grade</i>, are to be installed on Menang Drive; 4. A Traffic Management Plan is to be submitted in conjunction with any development application. The plan is to consider the transport needs and impact of the development on the Main Roads network and on all users.
AU30	Lot 19 (No. 812) Frenchman Bay Road, Big Grove	Caravan Park Holiday Accommodation Caretakers dwelling	<ol style="list-style-type: none"> 1. All development and land use shall require planning approval from the Local Government and shall be generally in accordance with a Development Guide Plan prepared by the proponents and endorsed by the CEO.

Schedule 3
RESTRICTED USES

[cl.4.6]

No.	Description of Land	Restricted Use	Conditions
RU1	Lots 94, 100 and 9001 Down Road, Drome	Biomass Energy Plant Engineered Strand Lumber Plant Silviculture Wood-product Manufacturing Office Railway	<p>General</p> <ol style="list-style-type: none"> 1. All development to be generally in accordance with the Development Guide Plan endorsed by the CEO, subject to minor variations which may be approved by the Local Government. 2. In addition, development is to be generally in accordance with the Environmental Management Plan for the land approved by the Local Government and the relevant State Government authority. <p>Environmental Management</p> <ol style="list-style-type: none"> 3. Environmental management is to be implemented by the applicants within the framework provided by the Environmental Management Plan for the land approved by the Local Government and the relevant State Government authority. 4. Within this framework, individual proposals by industries seeking to locate in this Restricted Use zone may be required to address the following— <ol style="list-style-type: none"> (a) Demonstrate that sustainability principles have been incorporated in their proposal; (b) Demonstrate that environmental impact criteria can be met within the management area on a cumulative basis in accordance with its sound power assigned level in the Environmental Management Plan; (c) Comply with guidelines in the Landscaping and Visual Resource Management Plan; (d) Establish a Spill Response Procedure; (e) Prepare a Traffic Management Strategy; (f) Comply with fire management guidelines <i>Planning for Bushfire Protection</i> and <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i>; (g) Prepare a Fire Safety Study and Emergency Response Plan specific to that industry and implement all necessary risk mitigation measures; (h) Prepare a Water Supply Management Strategy in consultation with the Water Corporation and the relevant State Government authority (Groundwater extraction will not be considered a desirable water supply option); (i) Prepare a Dust Management Strategy for the construction phase of the development; (j) Prepare a Noise Management Strategy for the construction phase; (k) Prepare a Waste Management Strategy; and (l) Prepare a Hazardous Materials Management Strategy including a Quantitative Risk Assessment (QRA).

No.	Description of Land	Restricted Use	Conditions
			<p>5. The Local Government may waive the requirement for any of the above investigations where it can demonstrate that the proposal would have minimal or insignificant impacts.</p> <p>6. The management of the undeveloped portion of the site which contains the creekline and remnant vegetation shall be the subject of an agreement between landowners, which is to be arranged by the State Government land development agency to the Local Government's satisfaction.</p> <p>Service Infrastructure</p> <p>7. Potable water supply shall be provided to the satisfaction of the Local Government and the relevant State Government authority with all sampling, analysis and/or treatment costs being borne by the applicant.</p> <p>8. All stormwater runoff, effluent disposal and drainage from individual development proposals shall be in accordance with the Environmental Management Plan.</p> <p>9. The provision of infrastructure specifically required for the use of the land by any industry shall be the responsibility of that industry.</p> <p>10. The above condition does not fetter the Western Australian Planning Commission in determining the standard of any infrastructure required in relation to the subdivision of the subject land.</p> <p>Fire Management</p> <p>11. The Local Government shall require at the development stage—</p> <ul style="list-style-type: none"> (a) The provision of strategic perimeter firebreaks, constructed and maintained to a standard suitable for all year access by heavy duty fire appliances and two wheel drive vehicles; (b) Limited parkland clearing around all structures to establish low fuel areas which shall be kept free of debris and maintained to a suitable standard; (c) Measures to be undertaken by individual landowners to maintain satisfactory low fire fuel on their lots; and (d) The subdivider to make arrangements to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of <i>Planning for Bushfire Protection</i> and AS 3959—<i>Construction of Buildings in Bushfire Prone Areas</i> and the requirement for industry specific fire safety studies under the Environmental Management Plan. <p>Visual Impact Management</p> <p>12. All development including infrastructure, driveways and buildings shall be established in accordance with the Local Government's requirements for Visual Resource Protection.</p> <p>13. Building facades, setbacks and the use of the setback areas shall be in accordance with the general provisions of the scheme, subject to the Local Government</p>

No.	Description of Land	Restricted Use	Conditions
			<p>exercising its discretion to vary these requirements if there is no prejudicial affect on overall amenity of the area.</p> <p>14. The Local Government shall require the implementation and maintenance of the landscaping and tree/shrub planting in accordance with the Landscaping and Visual Resource Management Plan as a condition of development approval.</p> <p>Access And Car Parking</p> <p>15. On-site car parking bays will be provided in accordance with the general provisions of the scheme or one for every person employed, whichever is the greater.</p> <p>16. Car parking can be placed between the landscape setback and the building line.</p> <p>17. Driveway widths and turning circles are to suit these and other functional requirements.</p> <p>18. Access to the timber processing precinct and within the precinct shall be by means of sealed roads constructed to the Local Government's satisfaction.</p> <p>19. All service and storage areas are to be set back behind the front building line and screened as far as is possible so as not to be visible from the road.</p> <p>Development within the Buffer Area</p> <p>20. No dwelling house, permanent dwelling unit or habitable structure shall be constructed within the Industrial Buffer Area identified on the Scheme Map.</p>
RU2	Lot 1423 and Reserve 49354 (Lot 7031) Swarbrick Street, Emu Point	Aquaculture Club Premises Harbour Installations Marina Marine Filling Station Restaurant	Development requirements for the individual uses shall be determined by the Local Government upon application.
RU3	Lot 2 Hanrahan Road, Mount Elphinstone Plan 230541	Fertiliser Storage and Manufacturing Plant with associated uses.	<p>1. All activities are to be contained within appropriate buffers, as defined by the <i>Environmental Protection Act 1986</i>.</p> <p>2. Prior to supporting development at the site, assessments need to be taken and not limited to the following—</p> <p>(a) An assessment of the soil to determine if there are any contaminants and/or acid sulfates;</p> <p>(b) An assessment of the vegetation to determine if the vegetation is worth protecting and</p> <p>(c) An assessment of the quality and quantity of the hydrology on the site.</p> <p>3. Where acid sulfate soils have been identified, a management plan is to be written to identify how development and acid sulfate soils are managed,</p> <p>4. Where contamination of the soil or hydrology has been identified, development is to be undertaken in accordance with the <i>Contaminated Sites Act 2003</i>.</p> <p>5. Development is required to retain the post development hydrology as close as possible to the predevelopment hydrology.</p> <p>6. A buffer distance (free of development) of 100 metres is to be maintained adjacent to Hanrahan and Lower Denmark Roads.</p>

No.	Description of Land	Restricted Use	Conditions
RU4	Lots 895, 1, 2, 1156 and 1157 Woolstores Place, Mount Elphinstone	Warehouse or other ancillary Light Industrial uses	<ol style="list-style-type: none"> Activities are to be totally contained within the existing built fabric. No additional development is to be supported on the site.

Schedule 4
SPECIAL USE ZONES

[cl.4.7]

No.	Description of Land	Special Use	Conditions
SU1	Pt. Lot 660 La Perouse Road, Goode Beach Plan 036832	Holiday Accommodation (Chalets)	<ol style="list-style-type: none"> Prior to commencement of development of the special uses on the site, the owner/developer shall submit an overall Development Guide Plan to the Local Government for endorsement. The Development Guide Plan shall provide details on the development for the site including— <ol style="list-style-type: none"> Achieving a low-key holiday accommodation development commensurate (maximum 10 Chalet/Cottage Units) with the fragile coastal nature of the area; Buildings being clustered together; Siting of buildings and access roads within degraded/cleared areas to minimise clearing required for servicing and built development; The buildings to be sited away from the eastern boundary with the coastline to protect coastal processes and the significant sand dunes in this area; Building density, design, colours and materials to blend the buildings within the site; Coastal setbacks and Foreshore Management Plan; On-site stormwater drainage, effluent disposal methods and impacts on Lake Vancouver hydrology; Potable water supply; Implementation of a Fire Management Plan incorporating the existing fire access tracks within the area; and Any additional controls required to be implemented to ensure the proposal complies with the objective of providing low-key holiday accommodation on the site.
SU2	Lot 200 Hayn Road, Goode Beach Plan 049833	Caretaker's Dwelling Chalet/Cottage Units Home Occupation Recreation— Private Restaurant Shop	<ol style="list-style-type: none"> All subdivision, development and land use shall be generally in accordance with the Development Guide Plan endorsed by the CEO. There shall be a maximum of 12 Chalet/Cottage Units permitted to be developed. The shop shall have a maximum 100m² retail NLA. The home occupation shall not occupy an area greater than 130m². The recreation private use shall be limited and incidental to the predominant use of the property as determined by the Local Government.

No.	Description of Land	Special Use	Conditions
			<ol style="list-style-type: none"> 6. All buildings shall be setback a minimum 10 metres from lot boundaries unless a greater setback is shown on the Development Guide Plan. 7. Dwellings shall not exceed 7.5 metres in height and be located, designed and constructed utilising materials, finishes and tonings in sympathy with the rural amenity of the area and views towards the site from Quaranup Road. 8. The Local Government shall not permit the use of unpainted zincalume and/or white, off-white colours for external cladding of buildings. 9. Chalet/Cottage Units shall not exceed 110m² (excluding verandahs, carports and storage areas). 10. All dwellings and chalet/cottage units shall be designed and constructed in accordance with <i>AS 3959—Construction of Buildings in Bushfire Prone areas</i>. 11. All fencing shall be of post and rail/wire construction. 12. No vehicular crossovers to/from La Perouse Road are permitted. 13. On-site effluent disposal from the units shall utilise an approved alternative treatment units that retain nutrients. 14. Tree/shrub planting and the eradication of environmental weeds shall be undertaken and maintained by the developer/operator. 15. Preparation and implementation of a Fire Management Plan which incorporates fire access tracks, low fuel areas, building design/construction, individual hose reels, fire blankets/extinguishers and fire fighting water supplies. The firebreaks shall be designed to connect directly to the chalet units and allow for emergency access through the site from Quaranup Road to La Perouse Road. No buildings are permitted north of this connection. 16. All chalet/cottage units shall be connected to the Water Corporation reticulated water supply network. Supplementary water supplies may be obtained from rainwater collection and storage. 17. Amenities shall include recreational facilities for children which are protected from the weather. Such facilities may be enclosed and/or located in the amenities area as shown on the Development Guide Plan. 18. The amenities area shall include a building for communal and/or recreational activities. 19. The Local Government may request the Commission require the subdivider complete an Unexploded Ordnance Field Verification Study prior to soil disturbance and/or subdivision works commencing. 20. All subdivision and development works shall be stabilised and rehabilitated to prevent wind erosion from occurring. 21. Minor variations may be permitted by the Local Government after following the procedures in Clause 9.4 of the Scheme. 22. The Local Government may request the Western Australian Planning Commission to impose a condition at the

No.	Description of Land	Special Use	Conditions
SU3	Reserve 50239 (Location 8099) and Reserve 36721 (Location 7900) Whaling Station Road; and Reserve 45115 (Location 7901) Murray Road, Torndirrup	Museum Marine Interpretative Centre Aquaculture	<p>time of subdivision for the ceding of the Public Open Space as shown on the Development Guide Plan.</p> <ol style="list-style-type: none"> 1. Planning Approval <ol style="list-style-type: none"> (a) Prior to the commencement of any development including clearing of vegetation, erection of fencing and earthworks, the proponents shall apply for and obtain a Planning Consent from the Local Government; (b) Prior to determining an application for Planning Consent the City shall advertise the application for public comment for a period of 21 days and refer it to relevant State Government authorities for advice. (c) The City shall not grant approval to any development on the land unless it is in accordance with a Development Guide Plan (as provided by Special Provision 7 (e) which has been approved by both the City and the Western Australian Planning Commission. 2. Application for Planning Consent Submission Requirements <p>The application for Planning Consent shall demonstrate compliance with the development requirements outlined under Condition 3 below and include the following details—</p> <ol style="list-style-type: none"> (a) A detailed and professional Visual Analysis and Visual Impact Assessment of the site and the proposed development, with particular emphasis on the various public vantage points in the Torndirrup National Park, King George Sound, public roads and other relevant areas; (b) A detailed analysis of the topography, vegetation and drainage of the site; (c) A survey for Aboriginal Archaeological and Ethnographic Sites; (d) An Opportunities and Constraints Map based on the visual and site analyses and survey referred to under Condition 2 (a) (b) and (c); (e) A 'Development Guide Plan' based on the opportunities and constraints map which delineates— <ol style="list-style-type: none"> (i) 'Development Envelopes', 'Development Exclusion Areas' and a 'Foreshore Protection and Recreation Area'; (ii) All the proposed development including but not limited to proposed buildings, tanks and ponds, accessways and parking areas, effluent disposal systems, fences, pumping stations, pipes, drainage areas, signage and treeplanting; and (iii) Precise details of the areas, heights, elevations, materials, colours and proposed staging of all development. (f) Details on the quantity and quality of the water/effluent proposed to be disposed of from the site.

No.	Description of Land	Special Use	Conditions
			<p>3. Development Requirements</p> <p>(a) All development on the site shall be planned in close consultation with a professionally qualified Landscape Planner, the Local Government, relevant State Government authorities, and be designed to have the absolute minimum possible impacts on the visual qualities of the site as viewed from the relevant public vantage points identified in the visual analysis, and on the topography and native vegetation;</p> <p>(b) Development requirements shall be to the satisfaction of the Local Government and include the following—</p> <ul style="list-style-type: none"> (i) Careful siting of buildings and associated development to ensure it is located in the least visually sensitive areas, avoids silhouetting and minimises the need for clearing of native vegetation and the disturbance of fauna habitat; (ii) Minimising cut and fill, and the storage and replacement of topsoil to aid in the revegetation of areas disturbed during siteworks; (iii) Limiting the height of the development above natural ground levels as measured at the footprints of the buildings through the use of low profile buildings or establishing floor levels below the natural ground surface; (iv) The use of building and surfacing (eg access and parking) materials which match the colours and textures of, or actually make use of, the native vegetation which characterises the site; (v) Where necessary (based on the visual analysis) the planting and maintenance of appropriate species of native vegetation to screen or minimise the visual impact of the development; (vi) The maintenance of a vegetated visual buffer along the entire Whaling Station Road frontage of the site; (vii) All fencing being confined to the Development Envelope; (viii) All access/egress to/from the development being confined to Frenchman Bay Road; (ix) The use of effluent disposal systems which provide for the retention of nutrients and other pollutants on site to the satisfaction of the local government; and (x) All signage being appropriate to the surrounds. <p>4. Discharge Water Quality</p> <p>The approval of the relevant State Government authority is required for the</p>

No.	Description of Land	Special Use	Conditions
			<p>discharging of all water or effluent from the site and the installation of any intake and outlet pipes.</p> <p>5. Foreshore Protection and Recreation Area Within the area to be designated as a 'Foreshore Protection and Recreation Area' on the Development Guide Plan—</p> <p>(a) Unimpeded free public access shall be permitted;</p> <p>(b) Development shall be confined to that which would facilitate public use of the foreshore and shall be consistent with the need to retain a vegetated dune as a natural buffer against coastal erosion; and</p> <p>(c) Pipes and pumps may be permitted provided such equipment is concealed from view and areas disturbed during construction are stabilised and rehabilitated with native vegetation to the satisfaction of the Local Government and the relevant State Government authority.</p> <p>6. Upkeep and Appearance of the Site The site shall be kept in a neat and tidy condition at all times and all materials shall be stored in a manner that avoids detriment to the appearance of the site, to the satisfaction of the Local Government.</p> <p>7. All development shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour. Wherever metal cladding is used it shall be olive or green tonings.</p> <p>8. No development shall exceed five metres in height above the natural ground level.</p> <p>9. Measures shall be taken to ensure that the visual impacts of any development on the site (including car parking areas and pedestrian/vehicle access) are minimised.</p> <p>10. No processing will be permitted.</p> <p>11. Discharges to the ocean will not be permitted unless approval has been granted by the Environmental Protection Authority and the Local Government.</p> <p>12. Removal of vegetation/soil shall be minimised and shall be carried out to alleviate any potential for erosion.</p> <p>13. Within the designated 'Foreshore Protection and Recreation Area' shown on the leased area plan, development shall—</p> <p>(a) Be confined to uses that facilitate public enjoyment of the foreshore; and</p> <p>(b) Retain a vegetated dune as a natural buffer against coastal erosion; and</p> <p>(c) Pumps/pipes and associated equipment may be located within the area provided such equipment is located underground and no disturbance shall occur on the vegetated foreshore dune.</p> <p>14. The following conditions apply to development on Reserve 50239 (Location 8099)—</p> <p>(a) All development including clearing, fencing and earthworks requires planning consent.</p> <p>(b) Prior to determining any application for planning approval, the Local</p>

No.	Description of Land	Special Use	Conditions
			<p>Government shall undertake consultation in accordance with clause 9.4 and consult with relevant State Government authorities.</p> <p>(c) All development shall comply with a Development Guide Plan adopted by the Local Government in consultation with the Western Australian Planning Commission.</p> <p>(d) All development shall—</p> <ul style="list-style-type: none"> (i) Be designed to blend with the location and minimise impacts on the visual qualities of the site when viewed from relevant public vantage points; (ii) Ensure buildings are sited in the least visually sensitive areas, avoid silhouetting and minimises clearing; (iii) Minimise cut and fill and retaining topsoil for revegetation works on the site; (iv) Limit the height of development and buildings on the site; (v) Incorporate colours and finishes to match the natural vegetation colours of the area; (vi) Incorporate landscaping to screen and minimise the impact of the buildings; (vii) maintain a vegetated buffer along Whaling Station Road; (viii) Confine fencing to the approved development envelope; and (ix) Confine access/egress to Frenchman Bay Road. <p>15. No discharge of water and/or effluent from the site, or installation of any intake and outlet pipes, is permitted without the approval of the relevant government authority and shall be undertaken in accordance with any conditions placed on the approval.</p> <p>16. Within the area designated as 'Foreshore Protection and Recreation Area'—</p> <ul style="list-style-type: none"> (a) Unimpeded free public access shall be permitted; (b) All development shall be confined to ensure public use of the foreshore and to retain a vegetated dune to protect against coastal erosion; and (c) Pumps/pipes may be permitted provided they are concealed from view and affected areas are stabilised and rehabilitated with native species. <p>17. The overall site and individual developments being kept in a neat and tidy condition at all times and all materials and equipment being stored in a manner to enhance the appearance of the site to the satisfaction of the Local Government.</p>
SU4	Lot 52 Millbrook Road, King River Plan 029890	Tavern Caretaker's Dwelling Single House	Development requirements shall be as determined by the Local Government upon application.
SU5	Lot 501 Alison Parade, Bayonet Head Plan 301490	Caravan Park Aged Persons Accommodation	Development requirements shall be as determined by the Local Government upon application.

No.	Description of Land	Special Use	Conditions
SU6	Lot 301 (Pt. Location 5756) Millbrook Road, Millbrook Plan 048157	Aquaculture Blacksmith Workshop Caretaker's Dwelling Holiday Accommodation (Chalet/Cottage Units) Microbrewery Recreation—Private Restaurant Rural Pursuit Zoo (Farmyard Animal Display) Incidental Uses	<ol style="list-style-type: none"> 1. All subdivision and development shall generally be in accordance with the Development Guide Plan adopted by the Local Government and endorsed by the CEO. 2. All development shall be subject to the issuing of planning approval. 3. Maximum of six Chalet/Cottage Units are permitted to be developed. 4. All buildings shall be set back a minimum distance of 50 metres from Millbrook Road and all other setbacks shall be as indicated on a Policy Guide Plan. 5. All buildings shall be designed and constructed of natural materials (i.e. timber, rammed earth, and brick) and use tonings in keeping with the rural amenity of the area. The Local Government shall refuse to approve walls and rooves constructed of reflective materials including zincalume and/or white, off white colours. 6. Buildings shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. 7. Boundary fencing shall be of rural construction such as post and strand to the satisfaction of the Local Government. 8. The Local Government shall require the preparation and implementation of a landscaping and tree/shrub planting plan as a condition of development approval. 9. The Local Government will require the subdivider provide for a reciprocal right of access over the northern site access leg for western portions of Lot 5756. 10. Parking shall be provided in the ratio of two bays per chalet. Other parking, access and manoeuvring shall be to the Local Governments satisfaction. 11. Stormwater drainage shall be accommodated on site to the Local Governments satisfaction and no off-site discharge shall be permitted. 12. A minimum of 25 bays shall be provided adjacent to the Microbrewery/Restaurant building. 13. Wastewater disposal for the Microbrewery shall comply with the <i>National Water Quality Management Strategy: Effluent Management Guidelines for Australian Wineries and Distilleries (1998)</i>. 14. Water supplies to the Chalet/Cottage Units, Microbrewery or Restaurant shall be provided to the satisfaction of the Local Government. 15. Alternative emergency egress shall be available at all times via a fire access track linking to Millbrook Road as shown on the Development Guide Plan to the satisfaction of the Local Government. 16. A hardstand draughting point is to be provided at the lake to provide adequate fire emergency water supplies. 17. The Local Government may request the preparation and implementation of a detailed bushfire protection plan at the subdivision and/or development stage.

No.	Description of Land	Special Use	Conditions
SU7	Strata 037046 (No. 256) Lot 101 and Pt. Lot 102 Cosy Corner Road, Kronkup	Holiday Accommodation (Chalet/Cottage Units) Caretaker's Dwelling Recreation—Private Shop Incidental Uses	<ol style="list-style-type: none"> 1. All subdivision and development to be generally in accordance with a Development Guide Plan endorsed by the CEO. 2. The Local Government requires that the Strata Management Statement reflects the requirements of these Conditions. 3. All development shall be subject to the issuing of planning approval. 4. The shop shall have a maximum 150m² retail NLA. 5. Applications shall be accompanied by complete details of colours, finishes, materials and detailed strata lot site improvement plans. 6. Chalet length of stay shall be limited to three months in any 12 month period, and such restriction shall be noted on the titles of the chalet strata lots. 7. All buildings shall be setback a minimum 10 metres from Cosy Corner Road. 8. All other setbacks shall be as indicated on the Development Guide Plan along with any variations as may be approved by the Local Government. 9. All buildings shall be designed and constructed of natural materials (i.e. timber, rammed earth, and brick) and use tonings in keeping with the rural amenity of the area. The Local Government shall refuse to approve walls and rooves constructed of reflective materials including zincalume and/or white, off white colours. 10. Buildings shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. The maximum height of any outbuildings will be at the discretion of the Local Government in order to minimise the visual impacts of such buildings when viewed from Cosy Corner Road. 11. Chalet floor areas (including carport/storage) shall not exceed 140m². 12. All development shall conform with the adopted Chalet Design Guidelines to the satisfaction of the Local Government. 13. No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If boundary fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of the Local Government. 14. The Local Government shall require the preparation and implementation of a landscaping and tree/shrub planting plan as a condition of development approval. 15. The clearing of vegetation within the Cosy Corner Road reserve shall not be permitted. 16. The fencing of individual strata lot boundaries shall not be permitted. 17. No direct access will be permitted to Cosy Corner Road. 18. The Local Government will require reciprocal access over the northern site access leg for Lot 102. 19. Parking shall be provided in the ratio of two bays per chalet. Other parking, access and manoeuvring shall be to the Local Governments satisfaction.

No.	Description of Land	Special Use	Conditions
			<ol style="list-style-type: none"> 20. Stormwater drainage shall be accommodated on site to the Local Governments satisfaction and no direct discharge shall be permitted to Cosy Corner Road Reserve. 21. Implementation of appropriate fire control measures as determined by the Local government. 22. All wastewater effluent disposal devices and treatment fields shall be located on strata common property lots and the Body Corporate shall be responsible for all maintenance of wastewater effluent disposal devices and treatment fields. 23. All costs of water quality testing, monitoring and supply shall be the responsibility of the Body Corporate. 24. Water tanks shall be painted or coloured an appropriate shade of brown or green or suitably screened with vegetation to the satisfaction of the Local Government. 25. Any water storage and supply facilities located on Lot 102 shall be protected by easements to the Local Governments satisfaction. 26. A minimum of 10% of the site area shall be retained as recreational areas as shown on the Development Guide Plan. The recreational area(s) shall include recreational facilities for children which are protected from the weather. Such facilities may be enclosed and/or located in the games/activities room as shown on the Development Guide Plan.
SU8	Pt. Lot 22 Willyung Road, Willyung Plan 045717	Caretaker's Dwelling Chalet/Cottage Units Recreation— Private Incidental Uses	<ol style="list-style-type: none"> 1. Maximum of 12 Chalet/Cottage Units are permitted to be developed. 2. Prior to commencement of development of the additional uses on the site, the owner/developer shall submit an overall Development Guide Plan to the Local Government for adoption. 3. All development shall be subject to the issuing of planning approval. 4. Applications shall be accompanied by complete details of colours, finishes, materials and detailed site improvement plans. 5. Chalet length of stay shall be limited to three months in any 12 month period. 6. All buildings shall be located within existing cleared areas and shall be setback a minimum 20 metres from any revegetation areas. 7. All Chalet/Cottage Units shall be located outside the 1:100 year floodplain shown the Subdivision Guide Plan for SR11. 8. All buildings shall be designed and constructed of natural materials (i.e.; timber, rammed earth, and brick) and use tonings in keeping with the rural amenity of the area. The Local Government shall refuse to approve walls and rooves constructed of reflective materials including zinalume and/or white, off white colours. 9. Buildings shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. The maximum height of any outbuildings will be at the discretion of the Local Government.

No.	Description of Land	Special Use	Conditions
			<p>10. Chalet floor areas (including carport/storage) shall not exceed 140m².</p> <p>11. No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If boundary fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of the Local Government.</p> <p>12. The Local Government shall require the preparation and implementation of a landscaping and tree/shrub planting plan as a condition of development approval.</p> <p>13. Parking shall be provided in the ratio of two bays per chalet. Other parking, access and manoeuvring shall be to the Local Governments satisfaction.</p> <p>14. Stormwater drainage shall be accommodated on site to the Local Governments satisfaction and no direct discharge shall be permitted to the foreshores of local creeks and/or rivers.</p> <p>15. Implementation of appropriate fire control measures as determined by the Local government.</p> <p>16. All wastewater effluent disposal devices shall be alternative treatment units suitable for nutrient retention and located to minimise the potential for nutrient export.</p> <p>17. A potable water supply is required and all costs of water quality testing, monitoring and supply shall be the responsibility of the landowner.</p> <p>18. Water tanks shall be painted or coloured an appropriate shade of brown or green or suitably screened with vegetation to the satisfaction of the Local Government.</p>
SU9	Lot 1 cnr. Ashwell Street/Albany Highway, Mount Melville Diagram 028986	Service Station	<p>1. Remediation works as may be required are to occur in accordance with the <i>Contaminated Sites Act 2003</i>.</p> <p>2. All land use and development requires the planning approval of the Local Government.</p>
SU10	Lot 48 Albany Highway, Mount Melville Diagram 031565	Service Station	<p>1. Remediation works as may be required are to occur in accordance with the <i>Contaminated Sites Act 2003</i>.</p> <p>2. All land use and development requires the planning approval of the Local Government.</p>
SU11	Lot 305 Middleton Beach Road, Middleton Beach Plan 222003	Service Station	<p>1. Remediation works as may be required are to occur in accordance with the <i>Contaminated Sites Act 2003</i>.</p> <p>2. All land use and development requires the planning approval.</p>
SU12	Lots 1 and 288 Lion Street, Centennial Park	Club Premises Medical Clinic Sports Centre Health Studio	All land use and development requires the planning approval of the Local Government.
SU13	Lots 1 and 2 Frenchman Bay Road, Frenchman Bay Diagram 077269	Caravan Park Caretaker's Dwelling Holiday Accommodation Shop	<p>1. All land use and development shall be consistent with a Development Guide Plan prepared by the landowner and adopted by the Local Government.</p> <p>2. Despite anything contained in the Zoning Table, Shop, Office and Restaurant may only be permitted by the Local Government subject to that land use being incidental to an approved Caravan Park or Holiday Accommodation use.</p> <p>3. All development on the land is to be setback a minimum of 75 metres from the</p>

No.	Description of Land	Special Use	Conditions
			<p>horizontal setback datum (HSD). A greater setback may be required if recommended by any relevant public authority or in an applicable policy.</p> <p>4. All development on the land is to be setback a minimum of 65 metres from the western boundary (which setback corresponds with the catchment associated with the Vancouver Springs) unless, having regard to technical information concerning the potential impact of development on the Vancouver Springs catchment, a lesser distance is supported by the relevant public authority and approved by the Local Government.</p> <p>5. A Foreshore Management Plan shall be prepared in accordance with Western Australian Planning Commission State Planning Policy 2.6 <i>State Coastal Planning Policy</i> to the satisfaction of the Local Government. The foreshore management plan must designate the extent of the foreshore reserve and such land shall be ceded to the Crown free of cost.</p> <p>6. A memorial is to be placed on the Certificates of Title for the land advising that the land is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years.</p> <p>7. All development on the Land shall be connected to the reticulated sewerage/wastewater system provided by a licensed reticulated sewerage/wastewater disposal and treatment provider unless an alternative treatment system appropriate for the scale of the proposed development and acceptable to the relevant State Government authority can be provided to the satisfaction of the Local Government.</p> <p>8. All development on the Land shall be connected to reticulated water supplied by a licensed reticulated water provider.</p> <p>9. A Fauna Management Plan is to be prepared to the satisfaction of the relevant State Government authority as a condition of development approval. The plan is to include management to minimise impact on fauna, measures to address injury to fauna, translocation of fauna under permit from the site where necessary, and identification of approved translocation sites for fauna.</p> <p>10. A Fire Management Plan is to be prepared in accordance with Western Australian Planning Commission <i>Planning for Bush Fire Protection Guidelines</i> in consultation with the relevant State Government authorities with regard to the Torndirrup National Park, and approved by the Local Government prior to development.</p> <p>11. The public coastal reserve is to be clearly identified from the private land by a clear demarcation.</p> <p>12. All development to comply with any Local Government Policy applicable to the Land.</p> <p>13. Development within the eastern portion of the Land having an area of approximately 3000m² and which is shown more particularly in COA</p>

No.	Description of Land	Special Use	Conditions
			<p><i>Frenchman Bay Plan 14-10-11 Site Constraints Plan</i>, shall conform to the following requirements in addition to those preceding—</p> <p>(a) All development within 75 metres of the HSD shall not be developed otherwise than in accordance with a Foreshore Management Plan adopted by the Local Government, and in any case shall not be used for car parking or developed with any substantial structure (i.e. no structure that requires a building licence).</p> <p>(b) In the area immediately to the south of the land affected by the Foreshore Management Plan, a 15 metre deep section will only be capable of development at a single storey height above natural ground level. Any commercial facilities permissible under the scheme must be developed in this section, and are not permitted elsewhere.</p> <p>(c) Development to a maximum height of two storeys above natural ground level may be permitted behind (to the south of) the section which is limited to single storey development.</p>
SU14	Pt. Reserve 22698 and Location 1461 Mermaid Avenue, Emu Point	Restaurant Convenience Store	All land use and development requires the planning approval of the Local Government.
SU15	Albany Princess Royal Harbour Foreshore	Entertainment Precinct Within the Entertainment Precinct (1) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply— Entertainment Centre 'P' Market 'D' Restaurant 'P' Shop 'P' Office 'A' Accommodation Precinct Within the Accommodation Precinct (2) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply— Motel 'P' Shop 'D' Office 'A' Restaurant 'D' Commercial Precinct Within the Commercial Precinct (3)	<p>1. Purpose The purpose of the Albany Princess Royal Harbour Foreshore Special Use Zone is to manage the development and use of the area in such a way that the surrounding marine environment and port and transport land uses is not impacted upon.</p> <p>2. Development Objectives All development within the zone is to—</p> <p>(a) Reflect a maritime context;</p> <p>(b) Cater for pedestrian flow;</p> <p>(c) Provide adequate onsite parking and vehicle access;</p> <p>(d) Provide a safe and secure environment for all members of the community;</p> <p>(e) Ensure building scale, materials, and colours which complement the existing CBD building stock;</p> <p>(f) Use materials that ensure longevity in a harsh marine environment;</p> <p>(g) Not use roof tiles;</p> <p>(h) Not use low pitch roofs concealed by parapet walls;</p> <p>(i) House mechanical services within the building or roof space;</p> <p>(j) Mitigate traffic noise in accommodation buildings;</p> <p>(k) Be set back a minimum of 25 metres from princess royal drive;</p> <p>(l) Contain all waste storage and delivered goods within the associated buildings;</p> <p>(m) Position car parking on the northern side;</p> <p>(n) Not utilise basement parking;</p> <p>(o) Provide disability access; and</p>

No.	Description of Land	Special Use	Conditions
		<p>shown on the Guide Plan adopted for the zone the following land uses and permissibility apply—</p> <p>Shop 'P' Office 'D' Restaurant 'D' Museum 'D' Harbour Precinct</p> <p>Within the Harbour Precinct (4) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply—</p> <p>Marina 'P' Harbour Installations 'P' Marine Filling Station 'D' Town Jetty</p> <p>Within the Town Jetty (5) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply—</p> <p>Restaurant 'D' Shop 'D' Office 'A'</p>	<p>(p) Provide public art to complement the maritime theme.</p> <p>3. Individual Precinct Requirements</p> <p>Within the individual precincts contained on the Guide Plan adopted for the zone, the following requirements and standards shall apply—</p> <p>(a) Entertainment Precinct (1)</p> <p>(i) Building Height</p> <ol style="list-style-type: none"> The Entertainment Centre is located on the eastern half of Precinct 1. The fly tower is the tallest component of the Entertainment centre and is not to exceed 24 metres. Development on the western half of this precinct (Lot 2) is not to exceed two storeys. <p>(ii) Plot Ratio Maximum plot ratio shall be 0.5.</p> <p>(iii) Car Parking Fifteen car bays shall be provided on Lot 1 and 130 car bays shall be provided on Lot 2.</p> <p>(iv) Setbacks (Lot 1) The following minimum setbacks apply—</p> <ul style="list-style-type: none"> 25 metres from Princess Royal Drive; 5 metres from western boundary; 5 metres from promenade; 4 metres from POS boundaries; and 4 metres from eastern boundary. <p>(v) Setbacks (Lot 2) The following minimum setbacks apply—</p> <ul style="list-style-type: none"> 25 metres from Princess Royal Drive; 4 metres from POS boundaries; 4 metres from western boundary; and Nil setbacks from all other boundaries. <p>(b) Accommodation Precinct</p> <p>(i) Land Use Despite anything contained in the Zoning Table, Shop, Office and Restaurant may only be permitted by the Local Government subject to that land use being incidental to an approved Motel use.</p> <p>(ii) Building Height Buildings are to be at a maximum height of 5 metres.</p> <p>(iii) Plot Ratio Maximum plot ratio shall be 1.5.</p> <p>(iv) Car Parking Car parking is to be provided at the following ratio—</p> <ul style="list-style-type: none"> One per employee +; One per 3m² bar area +; One per 4 seats in dining area +;

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> • One per bedroom +; • One per 4m² other public areas; and • One bicycle parking facility for every 10 car bays. <p>(v) Setbacks The following minimum setbacks apply—</p> <ul style="list-style-type: none"> • 25 metres from Princess Royal Drive; • 12 metres from eastern boundary; and • Nil setbacks from all other boundaries. <p>(c) Commercial Precinct</p> <p>(i) Building Height Buildings are to be a maximum height of two storeys.</p> <p>(ii) Plot Ratio Maximum plot ratio shall be 0.5.</p> <p>(iii) Car Parking Car parking is to be provided at the ratio of one bay per 20m² gross floor area.</p> <p>(iv) Setbacks The following minimum setbacks apply—</p> <ul style="list-style-type: none"> • 25 metres from Princess Royal Drive; • 12 metres from eastern boundary; • 2.5 metres from western boundary; and • Nil setbacks from all other boundaries. <p>(d) Harbour Precinct</p> <p>(i) Building Height Buildings are to be a maximum height of one storey.</p> <p>(ii) Car Parking Car parking shall incorporate 45 permanent car bays to boat trailer hard stand area.</p> <p>(iii) Setbacks The following minimum setbacks apply—</p> <ul style="list-style-type: none"> • 2.5 metres from eastern boundary. <p>(e) Town Jetty Precinct</p> <p>(i) Land Use Despite anything contained in the Zoning Table, Office may only be permitted subject to that land use being incidental to an approved Shop or Restaurant use.</p> <p>(ii) Building Height Buildings are to be a maximum height of one storey.</p> <p>(iii) Plot Ratio Maximum plot ratio shall be 0.35.</p> <p>(iv) Car Parking Car parking shall incorporate 145 car parking bays to be provided along the old Town Jetty.</p>

No.	Description of Land	Special Use	Conditions
			<p><i>Note: The Minister for the Environment has placed ministerial conditions that apply to this area and any future development is required to comply with those conditions (Minister of Environment Statement 787—issued 19 February 2009).</i></p>
SU16	Lots 731 and 732 Wellington Street, Centennial Park P224159	Residential R60 All uses permissible in the Residential zone with permissibility as designated for that zone in Table 1—Zoning Table.	<ol style="list-style-type: none"> 1. A development setback from the boundary to the Yakamia Drain (Reserve 34381, Lot 1262) will apply to all buildings. The distance of this setback is to be determined by the Local Government in consultation with the relevant State Government authority at the time of subdivision and/or development and is to take into account— <ul style="list-style-type: none"> • The potential for flooding of the Yakamia Drain; • Any future drainage or flood mitigation works undertaken or planned on the site or in the locality; and • The application of water sensitive urban design principles to maintain adequate stormwater quality prior to it entering Yakamia Creek. 2. The Western Australian Planning Commission may impose a condition at the time of subdivision, or the local government may impose a condition at the time of development requiring the developer to provide drainage and landscaping details that detail the— <ul style="list-style-type: none"> • Need for any treatment or upgrade of the open drain as a result of the development; • Proposed interface between the creek and the private land; and • Manner and responsibility for any works to be undertaken by the developer, the Local Government or other parties. 3. The Western Australian Planning Commission may require a detailed site assessment for acid sulfate soils, in accordance with the relevant State Government authority guidelines, to be lodged with an <i>Acid Sulfate Soils Self Assessment Form</i> to accompany any application for subdivision, and may after consultation with the relevant State Government authority impose a condition at the time of development for the preparation and implementation of an Acid Sulfate Soil Management Plan. 4. The Local Government may require a detailed site assessment for acid sulfate soils, in accordance with the relevant State Government authority guidelines, to be lodged with any development application and may after consultation with the relevant State Government authority impose a condition at the time of development for the preparation and implementation of an Acid Sulfate Soil Management Plan. 5. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision or the Local Government may impose a condition at the time of development for the removal

No.	Description of Land	Special Use	Conditions
			<p>of surface soils and replacement with compacted clean sand and sub-surface drainage to the satisfaction of the Local Government.</p> <p>6. The Local Government may impose a condition at the time of development requiring noise attenuation measures and/or the preparation and implementation of a noise management plan.</p> <p>7. Prior to the development and/or subdivision of the land, the proponent is required to prepare design guidelines for the site to the satisfaction of the Local Government and such guidelines shall address matters including (but not limited to)—</p> <ul style="list-style-type: none"> • Building construction, including glazing, door treatments, roof form, walls, ceilings, construction and use of fixed openings; • House design, including the siting of outdoor entertaining areas as well as less noise sensitive internal rooms; • The design interface of Yakamia Creek and Centennial Park recreation area which shall accommodate passive surveillance principles; • Boundary fencing details; • Access and parking requirements; • Landscaping, including the use of water sensitive urban design techniques; and • ‘Quiet house’ design.
SU17	Lot 734 Barker Road, Centennial Park Plan 222019	Tourist Residential R60	<p>1. Notwithstanding the permissibility of land uses within the Zoning Table, the permissibility of uses is as follows—</p> <ul style="list-style-type: none"> • Chalets ‘D’ • Club Premises ‘D’ • Grouped Dwelling ‘D’ • Holiday Accommodation ‘D’ • Hotel ‘A’ • Motel ‘D’ • Multiple Dwelling ‘D’ • Recreation—Private ‘D’ • Residential Building ‘D’ • Single House ‘D’ <p>2. All other land uses not listed in condition 1 above are deemed to be ‘X’ not permitted uses.</p> <p>3. The symbols used in conditions 1 and 2 above have the same meaning as those set out in clause 4.3 of the Scheme.</p> <p>Noise Attenuation</p> <p>4. (a) While lawful operating industrial uses remain within a 450m radius of the land, the Local Government will require, at subdivision and/or development stage, the landowner/developer to undertake and implement all noise attenuation measures necessary to ensure—</p> <ul style="list-style-type: none"> • Outdoor noise exposure levels are reduced to <LAeq 55dB (Day: 6.00am—10pm); and <LAeq 50dB (Night: 10pm—6.00am); and

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> • All noise sensitive development is designed and constructed to comply with the relevant 'satisfactory' design sound level specified by <i>AS 2107:2000 Acoustics—Recommended Design Sound Levels and Reverberation Times for Building Interiors.</i> <p>(b) Noise attenuation measures may include but are not limited to—</p> <ul style="list-style-type: none"> (i) Lodgement of an acoustic report specific to the proposed development design; (ii) Construction of an acoustic wall along the southern boundary; (iii) Detailed design guidelines and method of implementation; (iv) Design and construction requirements including— <ul style="list-style-type: none"> (a) Location of outdoor areas away from noise sources(s); (b) Glazing—laminated glass to specified thickness, limited window areas, fixed windows and/or compression seals; (c) Doors—solid with appropriate materials, seals and glazing; (d) Walls—double brick or solid masonry; (e) Ceiling insulation—appropriate layers and materials; (f) Location of less noise sensitive rooms closer to noise source; (g) No fixed openings to bathroom/toilets; (h) Forced ventilation. (v) Notification to prospective purchasers and on all Certificates of Title advising of the potential noise impacts and the requirement for appropriate noise attenuation measures. <p>Yakamia Creek</p> <p>5. As a condition of development approval the developer shall provide drainage and landscaping details which—</p> <ul style="list-style-type: none"> • Detail the need for any treatment or upgrade of the open drain as a result of the development; • Detail the proposed interface between the creek and the private land; and • Detail the manner and responsibility for any works to be undertaken by the developer, the Local Government or other parties.
SU18	Lot 22 Link Road, McKail Plan 029387	Caretaker's Dwelling Restaurant	1. All development shall be generally in accordance with the Development Guide Plan endorsed by the CEO.

No.	Description of Land	Special Use	Conditions
		Zoo	<ol style="list-style-type: none"> 2. All development including any intensification or change of use shall require planning approval. 3. All buildings shall be setback a minimum 15 metres from the front boundary and 3 metres from all other lot boundaries. 4. The Local Government shall not permit the use of unpainted zincalume and/or white, off-white colours for external cladding of buildings. 5. On-site effluent disposal from the units shall utilise an approved alternative treatment units that retain nutrients. 6. Tree/shrub planting shall be undertaken and maintained by the developer/operator all existing vegetation is to be retained. 7. Implementation of appropriate fire control measures as determined by the Local Government. 8. All development being undertaken with the full knowledge that— <ol style="list-style-type: none"> (a) The proposal is adjoining/nearby to General Agriculture zoned land on which agricultural pursuits and activities take place. The development of the proposed holiday accommodation and tourist activities shall be designed, sited and undertaken to prevent negative impacts or restrictions on the continued operation of these agricultural pursuits; and (b) The land may be affected by aircraft noise associated with the nearby Albany Airport and future uses shall not compromise the future operations of the Albany Airport. 9. Access arrangements to Albany Highway are to be to the satisfaction of the Local Government in consultation with the relevant State Government authority.
SU19	Lot 119 and portion of Lot 120 Lower Denmark Road, Elleker Diagram 089583	Caretaker's Dwelling Holiday Accommodation Home Occupation Restaurant Service Station Shop Incidental Uses	<ol style="list-style-type: none"> 1. All development including any intensification or change of use shall require planning approval. 2. All development to incorporate appropriate on-site effluent disposal utilising an approved alternative treatment units that retain nutrients and the Local Government will not approve any use that cannot adequately dispose of wastewater on the site.
SU20	Lot 7250 Gwydd Close, Elleker Plan 213369	Caretaker's Dwelling Holiday Accommodation (Chalet/Cottage Units) Community Centre Manager's Residence	<ol style="list-style-type: none"> 1. All subdivision and development shall be generally in accordance with the Development Guide Plan endorsed by the CEO. 2. All development including any intensification or change of use shall require planning approval. 3. The Local Government requires that the Strata Management Statement reflects the requirements of these Conditions. 4. The primary use of the development is for a health retreat and all other uses shall be ancillary and incidental to that use. 5. The Chalet/Cottage Units are to be used for clients of the health retreat. Chalet length of stay shall be limited to three months in any 12 month period, and such restriction shall be noted on the titles of the chalet strata lots.

No.	Description of Land	Special Use	Conditions
			<ol style="list-style-type: none"> 6. Tree/shrub planting shall be undertaken and maintained by the developer/operator between chalets and Gwydd Close and all existing vegetation is to be retained. 7. A potable water supply shall be provided to the satisfaction of the Local Government and the relevant State Government authority and all costs of water quality testing, monitoring and supply shall be the responsibility of the landowner or Body Corporate. 8. Water tanks shall have a minimum capacity of 55,000 litres. 9. Gwydd Close shall be upgraded to a sealed standard at the development stage. 10. Stormwater drainage shall be accommodated on site to the Local Governments satisfaction and no direct discharge shall be permitted to Gwydd Close. 11. Implementation of appropriate fire control measures as determined by the Local government including standpipe and access to the lake for fire fighting water emergency supplies. 12. On-site effluent disposal from the units shall utilise an approved alternative treatment units that retain nutrients. 13. All wastewater effluent disposal devices and treatment fields shall be located on strata common property lots and the Body Corporate shall be responsible for all maintenance of wastewater effluent disposal devices and treatment fields.
SU21	Lot 200 (Pt. 6511) Two Peoples Bay Road, Kalgan Plan 061156	Aquaculture Caretaker's Dwelling Holiday Accommodation Recreation—Private (Botanical Golf/Driving Range, Fishing, Animal Park, Equestrian) Restaurant Rural Pursuit Zoo Incidental Uses	<ol style="list-style-type: none"> 1. All subdivision and development shall be generally in accordance with the Development Guide Plan endorsed by the CEO. 2. All development including any intensification or change of use shall require planning approval. 3. The landowner acknowledges that the property is located in a predominantly rural area and that the amenity of the land may be affected by adjoining rural pursuits and the development of the proposed holiday accommodation and tourist activities shall be designed, sited and undertaken to prevent negative impacts or restrictions on the continued operation of these agricultural pursuits. 4. There shall be a maximum of 12 Chalet/Cottage Units permitted to be developed. 5. On-site car parking shall be provided in accordance with Scheme requirements. 6. No more than two crossovers onto Two Peoples Bay Road shall be permitted. 7. Stormwater drainage shall be accommodated on-site to the Local Governments satisfaction. 8. A potable water supply shall be provided to the satisfaction of the Local Government and the relevant State Government authority. 9. The Local Government may require the implementation of environmental management practices including nutrient and pesticide uses and stocking rates in approving any rural uses.

No.	Description of Land	Special Use	Conditions
			<p>10. Tree/shrub planting as shown on the Development Guide Plan shall be undertaken to screen the development from adjoin properties and Two Peoples Bay Road and maintained by the developer/operator and all existing vegetation is to be retained.</p> <p>11. Implementation of appropriate fire control measures as determined by the Local Government.</p> <p>12. On-site effluent disposal from the units shall utilise an approved alternative treatment units that retain nutrients.</p> <p>13. All buildings shall be setback a minimum 20 metres from Two Peoples Bay Road and all other lot boundaries unless a lesser setback is shown on the Development Guide Plan.</p> <p>14. Dwellings shall not exceed 7.5 metres in height and be located, designed and constructed utilising materials, finishes and tonings in sympathy with the existing Nipper's cafe and to complement the rural amenity of the area.</p> <p>15. Chalet/Cottage Units shall not exceed 140m² (excluding verandahs, carports and storage areas).</p> <p>16. Any dwellings and Chalet/Cottage Units within 15 metres from a medium or 40 metres from a high fire hazard shall be designed and constructed in accordance with AS 3959—<i>Construction of Buildings in Bushfire Prone Areas</i>.</p>
SU22	Lot 2 (Pt. 4889) Albany Highway, Drome Diagram 058244	Single House ('P') Animal Establishment (Equestrian Establishment/St ables) ('D') Caretaker's Dwelling (only permitted in accordance with Clause 1.3) Home Business (D) Home Occupation (D) Recreation— Private (D) Rural Pursuit (D) Grouped Dwelling (only permissible in the case of a strata subdivision)	<p>1. General</p> <p>1.1 The purpose of the zone is to create a high quality, special interest, low density living environment developable for horse owners with access to communal infrastructure and to centralised management; controlled through scheme provisions and complemented by a strata management plan.</p> <p>1.2 Subdivision and development of the site is to be in accordance with a Subdivision Guide Plan endorsed by the CEO along with any minor variations that might be approved by the local Government and the Western Australian Planning Commission for the subject land prior to subdivision and development.</p> <p>1.3 No more than 77 Single Houses (plus a Caretaker's Dwelling located on common property if a Survey Strata Equestrian proposal is undertaken) shall be permitted on the site. The minimum strata lot size shall be 2000m² with a minimum lot size of a one hectare where green title subdivision is proposed.</p> <p>1.4 The developer shall prepare an acoustic report to the satisfaction of the Local Government in consultation with the relevant State Government authorities at the time of subdivision and/or development to ensure separation of dwellings from Albany Highway meets the requirements of the <i>Environmental Protection Act</i> and relevant Noise Regulations.</p> <p>2. Services</p> <p>2.1 No direct access will be permitted to Albany Highway.</p>

No.	Description of Land	Special Use	Conditions
			<p>2.2 The Local Government may request the Commission to impose a condition at the time of subdivision requiring a contribution to the upgrading of Gunn Road and the intersection of Gunn Road and Albany Highway to the satisfaction of the Local Government in consultation with the relevant State Government authority.</p> <p>2.3 Stormwater drainage shall be accommodated on-site and a Drainage, Nutrient and Irrigation Management Plan to the specifications of the Local Government in consultation with the relevant State Government authority will be required to be submitted as part of any development or subdivision application.</p> <p>2.4 All lots are to be connected to the Water Corporation reticulated water system.</p> <p>3. Effluent Disposal Effluent disposal shall be the responsibility of the individual landowner and shall be undertaken to the satisfaction of the Local Government and the relevant State Government authority with approved effluent disposal systems. Alternative Treatment Unit systems will be required to service the proposed development.</p> <p>4. Landscaping and Fencing 4.1 At the development and/or subdivision application stage for green title subdivision, a landscaping plan shall be prepared and implemented to the satisfaction of the Local Government. 4.2 The applicant is to retain existing mature trees on site where practical. 4.3 Boundary fencing shall be of rural construction, such as post and rail or wire. Restricted use of colorbond or wooden picket fencing may be approved for service areas and private courtyards in close proximity to the residence.</p> <p>5. Fire Management 5.1 The Local Government will require the preparation and implementation of a Fire Management Plan to the satisfaction of the Local Government in consultation with the relevant State Government authority as part of any Strata or Subdivision Application and/or Application for Planning Approval. 5.2 Areas to remain under pasture shall be maintained in a low fuel condition. 5.3 Fire access tracks and emergency exits are to be constructed to the requirements of the relevant State Government authority and should be available for usage at all times.</p> <p>6. Building Location, Design and Construction 6.1 All buildings should be setback a minimum of 20 metres from Albany Highway or as otherwise required by the endorsed acoustic report. 6.2 All habitable buildings are to be setback 40 metres from adjoining Lot 401 and Lot 5. 6.3 In the case of green title subdivision, in addition to the requirements of 6.1 and 6.2 above all buildings shall be setback 20m from lot boundaries abutting public</p>

No.	Description of Land	Special Use	Conditions
			<p>road frontages and 10 metres from all other lot boundaries.</p> <p>6.4 Other setbacks for strata title development shall be as indicated on the Development Guide Plan along with any variations as may be approved by the Local Government.</p> <p>6.5 Dwellings and outbuildings shall be designed and constructed of materials and using colours in keeping with the rural amenity of the area. The Local Government shall not approve walls and roofs constructed of reflective materials such as unpainted zincalume and off-white colours.</p> <p>6.6 Dwelling houses shall not exceed 7.5 metres in height, which is measured vertically from the natural ground level.</p> <p>7. Notification of Prospective Owners Provision shall be made to the satisfaction of the Local Government to ensure prospective purchasers of land within Special Use Zone 22 are given a copy of these Special Provisions prior to entering into an agreement to acquire any property.</p> <p>8. Application for Planning Approval</p> <p>8.1 Any use and construction of buildings including associated works such as filling, excavation, and construction of retaining walls and the removal of vegetation shall require planning approval.</p> <p>9. Keeping of Animals</p> <p>9.1 Notwithstanding any other condition, in the event of green title subdivision the keeping of one horse per hectare will be permitted.</p> <p>9.2 Keeping of all animals is subject to the following conditions—</p> <ul style="list-style-type: none"> (i) The keeping of animals shall not result in the removal or damage of revegetation and trees or result in soil degradation and dust pollution; (ii) Where in the opinion of the Local Government the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust pollution or soil degradation, notice may be served on the owner of the said land, requiring immediate removal of those animals specified in the notice for a period specified in the notice; (iii) When notice has been served on a landowner in accordance with this clause the Local Government may also require the land to be fully rehabilitated within three months of serving the notice; and (iv) In the event that such action is not undertaken, the Local Government may carry out such works as are deemed necessary, with all costs being borne by the landowner. <p>10. Development in Survey Strata Form for Equestrian or Other Approved Purposes In the case of survey strata subdivision the following conditions shall apply in addition to the above:</p>

No.	Description of Land	Special Use	Conditions
			<p>Communal Facilities</p> <p>10.1 Communal facilities shall include an equestrian centre and agistment area, caretakers dwelling, rural type fencing and bridle paths and shall be constructed to the satisfaction of the Local Government.</p> <p>10.2 All development of communal facilities shall be subject to the issue of Planning Approval.</p> <p>10.3 Development of communal facilities within common property shall be completed to a stage satisfactory to the Local Government prior to the issue of strata titles.</p> <p>10.4 When the strata application is made, the Local Government will only recommend approval to the Western Australian Planning Commission when a strata management plan has been prepared demonstrating the ongoing management of the site and addressing issues including—</p> <ul style="list-style-type: none"> • The ongoing maintenance and future replacement of communal infrastructure including bridle paths, fencing and landscaping; • Appointment of an on-site manager and the establishment of centralised management of the development; • Appropriate management measures for the equine park and strata lots; • Acknowledgement by prospective owners that the development is a special interest equine development and that lot owners cannot complain of reasonable activity related to those special interests, or take any action that interrupts those special interest activities; • Any other matter deemed to be consistent with these Special Conditions to the satisfaction of the Local Government. <p>Building Location, Design And Construction</p> <p>10.5 All dwellings shall comply with Design Guidelines that are to be submitted at the time of lodging the planning application for the communal facilities to the satisfaction of the Local Government.</p>
23	Lot 1004 Viasra Drive, Lange	Aged Persons' Village Consulting Room Hospital Medical Centre Nursing Home and other ancillary health and support uses approved by the Local Government	<p>1. All development and land use shall require planning approval from the Local Government and shall be generally in accordance with an approved Structure Plan and/or Local Development Plan and Design Guidelines prepared by the proponents and endorsed by the Local Government.</p> <p>2. The Design Guidelines shall address—</p> <ul style="list-style-type: none"> • Building height and bulk; • Setbacks and noise mitigation; • Building design and windows, openings and street frontages/facades;

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> • Materials and colours; • Access, loading/servicing areas and car parking; • Landscaping, public art and signage. <p>3. The development of the land shall be subject to preparation and implementation of a Stormwater Management Plan.</p> <p>4. No direct vehicular access to Chester Pass Road is permitted.</p>
24	Lot 123, (No. 145) Albany Highway, Mount Melville	Service Station	<p>1. Remediation works as may be required are to occur in accordance with the <i>Contaminated Sites Act 2003</i>.</p> <p>2. All land use and development requires the planning approval of the Local Government.</p>

Schedule 5

EXEMPTED ADVERTISEMENTS

[cl.8.2(f)]

Land Use and/or Development	Exempted Sign Type & No. (Includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated).	Maximum Area
Dwellings	One professional nameplate as appropriate.	0.2m ²
Home Business or Home Occupation	One advertisement sign describing the nature of the home business or home occupation.	0.5m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement sign detailing the function and/or activities of the institution involved.	0.5m ²
Cinemas/Theatres	Two advertisement signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	No sign is to exceed 5m ²
Shops, Showrooms and Other Uses appropriate to a Shopping Area	All advertisement signs affixed to the building below the top of the awning or, in the absence of any awning, below a line measured at 5 metres from the ground floor level of the building.	Not applicable
Industrial and Warehouse Premises	<p>A maximum of four advertisements signs applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall or other building.</p> <p>A maximum of two freestanding advertisement signs not exceeding five metres in height above ground level.</p>	<p>Total area of such advertisements not to exceed 15m²</p> <p>Total area of such advertisements not to exceed 10m² and individual advertisement signs are not to exceed 6m²</p>
Racecourses, Major Racing Tracks, Sports Stadia, Major Sporting Grounds and Complexes	All advertisement signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not applicable
Public Places and Reserves	<ul style="list-style-type: none"> • Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or Local Government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body; • Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway 	Not applicable

Land Use and/or Development	Exempted Sign Type & No. (Includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated).	Maximum Area
	<p>where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Local Government; and</p> <ul style="list-style-type: none"> • Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein. 	
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon the railway station.	No sign is to exceed 2m ²
Advertisements within Buildings	All advertisement signs placed or displayed within buildings, which cannot be seen by a person outside of those buildings.	Not applicable
All Classes of Buildings other than Dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Other Signs	Refer to Local Planning Policy <i>Signs</i> .	Not applicable
Temporary Signs	Exempted Sign Type & No. (Includes non-illuminated signs unless otherwise stated).	Maximum Area
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows—</p> <ul style="list-style-type: none"> (a) Dwellings (b) Multiple Dwellings, Shops, Commercial and Industrial Properties (c) Large Developments or Redevelopment Projects involving Shopping Centres, Offices or Other Buildings exceeding three storeys in height. 	<ul style="list-style-type: none"> (a) One advertisement sign per street frontage containing details of the project and the contractors undertaking the construction work; (b) One sign as for (a) above; and (c) One sign as for (a) above and one additional sign showing the name of the project builder 	<ul style="list-style-type: none"> (a) 2m²; (b) 5m²; and (c) 10m² (main sign) & 5m² (additional sign)
Sales of Goods or Livestock	One advertisement sign per lot displayed for a period not exceeding three months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
<p>Property Transactions (advertisement signs displayed only for the duration of the period over which property transactions are offered and negotiated) as follows—</p> <ul style="list-style-type: none"> (a) Dwellings (b) Multiple Dwellings, Shops, Commercial and Industrial Properties 	<ul style="list-style-type: none"> (a) One advertisement sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is displayed; (b) One advertisement sign as for (a) above; and (c) One advertisement sign as for (a) above. 	<ul style="list-style-type: none"> (a) 2m²; (b) 5m²; and (c) 10m²

Land Use and/or Development	Exempted Sign Type & No. (Includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated).	Maximum Area
(c) Large Properties comprised of Shopping Centres, Buildings in excess of four storeys and Rural Properties in excess of five hectares		
Display Homes (advertisement signs displayed only for the duration of the period over which homes are on display for public inspection)	One advertisement sign for each dwelling on display plus one additional advertisement sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² (individual sign) 5m ² (additional sign)
Other Signs	Refer to Local Planning Policy <i>Signs</i> .	Not applicable

Schedule 6

FORM OF APPLICATION FOR PLANNING APPROVAL

[cl.9.1.1]

APPLICATION FOR PLANNING APPROVAL

OWNER DETAILS

NAME: _____

ADDRESS: _____

POSTCODE: _____

PHONE: _____ (Work) _____ (Home) _____ (Mobile)
 _____ (Facsimile) _____ (E-mail)

CONTACT PERSON: _____

SIGNATURE: _____

DATE: _____

SIGNATURE: _____

DATE: _____

The signature of the owner(s) is required on all applications. This application will not proceed without that signature.

APPLICANT DETAILS

NAME: _____

ADDRESS: _____

POSTCODE: _____

PHONE: _____ (Work) _____ (Home) _____ (Mobile)
 _____ (Facsimile) _____ (E-mail)

CONTACT PERSON FOR CORRESPONDENCE: _____

SIGNATURE: _____

DATE: _____

PROPERTY DETAILS

LOT NO: _____

HOUSE NO: _____

LOCATION NO: _____

DIAGRAM OR PLAN No: _____

CERTIFICATE OF TITLE Vol: _____

Folio: _____

TITLE ENCUMBRANCES (for example easements, restrictive covenants): _____

STREET NAME: _____

SUBURB: _____

NEAREST STREET INTERSECTION: _____

EXISTING BUILDINGS/LAND USE

DESCRIPTION OF PROPOSED DEVELOPMENT AND/OR USE: _____

NATURE OF ANY EXISTING BUILDINGS AND/OR USE: _____

APPROXIMATE COST OF PROPOSED DEVELOPMENT: _____

ESTIMATED TIME OF COMPLETION: _____

OFFICE USE ONLY

Acceptance Officer's initials—

Date received—

Reference Number: _____

Schedule 7**ADDITIONAL INFORMATION FOR ADVERTISEMENTS**

[cl.9.1.2]

ADDITIONAL INFORMATION FOR ADVERTISEMENTS*Note: To be completed in addition to the Application for Planning Approval form.*

1. DESCRIPTION OF PROPERTY UPON WHICH ADVERTISEMENT IS TO BE DISPLAYED INCLUDING FULL DETAILS OF ITS PROPOSED POSITION WITHIN THAT PROPERTY:
-
-

2. DETAILS OF PROPOSED SIGN:

- a) TYPE OF STRUCTURE ON WHICH ADVERTISEMENT IS TO BE ERECTED (I.E. FREESTANDING, WALL MOUNTED, OTHER):
-

- b) HEIGHT: _____

WIDTH: _____

DEPTH: _____

- c) COLOURS TO BE USED:
-

- d) HEIGHT ABOVE GROUND LEVEL:

- (TO TOP OF ADVERTISEMENT):

- (TO UNDERSIDE):

- e) MATERIALS TO BE USED: _____
-

ILLUMINATED: YES/NO

If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source:

3. PERIOD OF TIME FOR WHICH ADVERTISEMENT IS REQUIRED:
-
-

4. DETAILS OF ANY SIGNS (IF ANY) TO BE REMOVED IF THIS APPLICATION IS APPROVED:
-
-

NOTE: THIS APPLICATION SHOULD BE SUPPORTED BY A PHOTOGRAPH OR PHOTOGRAPHS OF THE PREMISES SHOWING THE PROPOSED POSITION FOR THE ADVERTISEMENT SUPERIMPOSED THEREON AND THOSE ADVERTISEMENTS TO BE REMOVED, AS DETAILED IN SECTION 4 ABOVE.

SIGNATURE OF ADVERTISER(S): _____ DATE: _____
(IF DIFFERENT FROM LANDOWNERS)

Schedule 8

NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL

[cl.9.4.4]

PLANNING AND DEVELOPMENT ACT 2005*CITY OF ALBANY***NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL**

THE LOCAL GOVERNMENT HAS RECEIVED AN APPLICATION TO USE AND/OR DEVELOP LAND FOR THE FOLLOWING PURPOSE AND PUBLIC COMMENTS ARE INVITED.

LOT NO: _____ STREET: _____ SUBURB: _____

PROPOSAL: _____

DETAILS OF THE PROPOSAL ARE AVAILABLE FOR INSPECTION AT THE LOCAL GOVERNMENT OFFICE, NORTH ROAD, ALBANY DURING OFFICE HOURS. COMMENTS ON THE PROPOSAL MAY BE SUBMITTED TO THE LOCAL GOVERNMENT IN WRITING ON OR BEFORE THE _____ DAY OF _____.

SIGNED: _____ DATED: _____

FOR AND ON BEHALF OF THE CITY OF ALBANY.

THIS ADVERTISING IS TO PROVIDE THE PUBLIC WITH AN OPPORTUNITY TO VIEW THE PROPOSAL AND IT SHOULD NOT BE CONSTRUED THAT FINAL APPROVAL WILL BE GRANTED

Schedule 9

NOTICE OF DETERMINATION ON APPLICATION FOR PLANNING APPROVAL

[cl.10.4.1]

PLANNING AND DEVELOPMENT ACT 2005*CITY OF ALBANY***DETERMINATION ON APPLICATION FOR PLANNING APPROVAL**

LOCATION: _____

LOT: _____ PLAN/DIAGRAM: _____

Vol No.: _____ Folio No.: _____

APPLICATION DATE: _____ RECEIVED ON: _____

DESCRIPTION OF PROPOSED DEVELOPMENT—

THE APPLICATION FOR PLANNING APPROVAL IS—

GRANTED SUBJECT TO THE FOLLOWING CONDITIONS—

REFUSED FOR THE FOLLOWING REASONS:

CONDITION/REASONS FOR REFUSAL—

Note 1 If the development that is the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the determination, the approval shall lapse and be of no further effect.

Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the Local Government having first been sought and obtained.

Note 3: If any person is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 (s. 252) of the *Planning and Development Act 2005*. An application must be made within 28 days of the determination.

SIGNED: _____ DATED: _____

FOR AND ON BEHALF OF THE CITY OF ALBANY.

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<p>5. Stormwater Management</p> <p>5.1 The Local Government will require stormwater disposal measures to be implemented to ensure that maximum retention and infiltration occurs on site through the use of individual soakwells, retention basins or other measures as deemed necessary. Oil and grease traps are to be provided within each building site to the satisfaction of the Local Government to ensure that nutrient export off the site is kept to a minimum.</p> <p>6. Effluent Disposal</p> <p>6.1 On-site effluent disposal shall utilise alternative treatment effluent disposal systems unless the applicant can provide advice to the Local Government that soil conditions are conducive to the operation of septic tanks and leach drains and will not result in unacceptable loss of nutrients to surrounding waterways, or create a risk to public health.</p>
IA2	Pendeen General Industrial Estate, Chester Pass Road, Pendeen Road, Copal Road and Mallard Road, Willyung	<p>1. Subdivision</p> <p>1.1 Subdivision of the land shall generally be in accordance with Development Guide Plan IA2 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. Land Use</p> <p>2.1 Notwithstanding any other requirements of the Scheme, any change of use shall require planning approval to be granted by the Local Government.</p> <p>2.2 Despite anything contained in the Zoning Table, the Local Government shall not permit an industrial use unless it can be demonstrated to the satisfaction of the Local Government that the current buffer area for that use can be accommodated wholly within the buffers shown on the Development Guide Plan.</p> <p>2.3 Industries shall be required to be located within the Pendeen Industrial Estate as follows—</p> <p>(i) Lots located within the '<200 metre' buffer precinct as shown on the Development Guide Plan shall be set aside for industries that require no more than a 200m buffer.</p> <p>(ii) Lots located within the '200m to 300 metre' buffer precinct as shown on the Development Guide Plan shall be set aside for industries that require a buffer between 200 metres and 300 metres.</p> <p>(iii) Lots located within the '>300 metre' buffer precinct as shown on the Development Guide Plan shall be set aside for industries that require a minimum buffer of 300 metres.</p> <p>2.4 Prospective industries shall provide detailed information to the satisfaction of the Local Government regarding all potential impacts associated with their operation, particularly in relation to the maintenance of landscape areas, remnant vegetation retention areas, any vegetation to be protected, noise levels, waste and effluent disposal, emissions, storage and management of hazardous materials and the provision of emergency access to the rear of lots to demonstrate that there will be no detrimental impact to the environment or the function of surrounding industrial uses as a result of their location within the estate.</p> <p>2.5 Within the IA2 Buffer Area shown on the Development Guide Plan, the Local Government shall not permit the following land uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay; • Caretaker's Dwelling; • Chalet/Cottage Unit; • Civic Use; • Club Premises; • Community Purpose; • Educational Establishment; • Family Day Care; • Farm Workers Accommodation;

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<ul style="list-style-type: none"> • Holiday Accommodation; • Home Business; • Home Occupation; • Home Office; • Industry—Cottage; • Place of Worship; • Recreation—Private; • Single House; and • Relocated Dwelling. <p>3. Site and Building Requirements</p> <p>3.1 All buildings and structures are to have minimum setbacks as follows—</p> <ul style="list-style-type: none"> (i) Primary Road: 15 metres; (ii) All other lot boundaries: 5 metres; and (iii) Landscape Area and/or Remnant Vegetation Retention Area: 5 metres. <p>4. Access and Signs to Pendeen Industrial Estate</p> <p>4.1 No direct vehicular access is to be permitted from individual lots to Menang Road or Chester Pass Road.</p> <p>4.2 The industrial estate shall be identified by entry statements at Chester Pass Road and Menang Road. All other signage and identification of uses within the estate shall be confined to internal subdivision roads. Advertising signs for individual businesses shall not be permitted to be visible from Chester Pass Road or Menang Road.</p> <p>5. Stormwater Management</p> <p>5.1 All stormwater runoff shall be contained within each lot and disposed of to the specification and satisfaction of the Local Government. Pollutants such as oil, grease and suspended solids shall not be permitted to enter natural drainage systems. Runoff shall be contained onsite by a system of drains and directed to settling and/or evaporation ponds. Such ponds shall be sealed to ensure there is no seepage of contaminants into the water table.</p> <p>6. Effluent Disposal</p> <p>6.1 On-site effluent disposal shall be by way of alternative treatment systems unless the applicant can provide technical advice to the satisfaction of the Local Government and relevant government authority that soil conditions are suitable for septic tanks/leach drains.</p> <p>7. Landscaping and Fencing</p> <p>7.1 The landowners shall prepare and implement a landscape plan for the zone to the satisfaction of the local Government that includes—</p> <ul style="list-style-type: none"> (i) The retention of significant remnant vegetation on the site; and (ii) Adequate screening of the industrial estate from public view along Chester Pass Road, other public vantage points and surrounding properties. <p>7.2 Those areas shown as landscape area and/or remnant vegetation retention area on the Development Guide Plan shall be maintained and managed by the individual landowner to the satisfaction of the Local Government.</p> <p>7.3 No vegetation shall be removed from any as landscape area and/or remnant vegetation retention areas without the approval of the Local Government.</p> <p>7.4 No fencing shall be permitted within a landscape area and/or remnant vegetation retention areas.</p>
IA3	Milpara Light Industrial Estate, John Street and Morris Road, Milpara	<p>1. Subdivision</p> <p>1.1 Subdivision of the land shall generally be in accordance with Development Guide Plan IA3 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>1.2 Connection to reticulated water and sewer is to be established to the specifications of the Water Corporation at the time of subdivision.</p> <p>1.3 An Urban Water Management Plan shall be prepared at the time of subdivision to the specifications of the Local Government and relevant government authority.</p>

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<p>2. Land Use</p> <p>2.1 Despite anything in the Zoning Table, the following land use restrictions shall apply—</p> <p>(a) Within Precinct A as shown on the Development Guide Plan—</p> <ul style="list-style-type: none"> (i) The following land uses are 'P' permitted— <ul style="list-style-type: none"> • Car Park; and • Warehouse. (ii) The following land uses are 'D' discretionary— <ul style="list-style-type: none"> • Caretaker's Dwelling; • Industry—Light; • Industry—Service; • Motor Vehicle, Boat or Caravan Sales; • Place of Worship; • Public Utility; and • Telecommunications Infrastructure. (iii) The following land uses are 'A' advertised discretionary— <ul style="list-style-type: none"> • Civic Use; • Community Purpose; • Garden Centre; • Medical Centre; and • Motor Vehicle/Boat Repair. <p>(b) Within Precinct B as shown on the Development Guide Plan—</p> <ul style="list-style-type: none"> (i) The following land uses are 'P' permitted— <ul style="list-style-type: none"> • Car Park; • Industry—Light; • Industry—Service; • Motor Vehicle/Boat Repair; • Public Utility; and • Telecommunications Infrastructure. (ii) The following use classes are 'D' discretionary— <ul style="list-style-type: none"> • Caretaker's Dwelling; • Dry Cleaning Premises; • Motor Vehicle, Boat or Caravan Sales; • Motor Vehicle/Boat Repair; and • Place of Worship. (iii) The following land uses are 'A' advertised discretionary— <ul style="list-style-type: none"> • Showroom; • Civic Use; • Community Purpose; • Garden Centre; • Medical Centre; • Transport Depot; and • Industry Rural. <p>(c) All other land uses not mentioned in clauses (a)(i)—(iii) and (b)(i)—(iii) above are 'X' not permitted within the zone</p> <p>(d) Within Precinct A and B shown on the Development Guide Plan, the Local Government will only permit Office and Trade Display where such use is considered to be incidental to the predominant industrial use existing on-site as determined by the Local Government.</p> <p>3. Site and Building Requirements</p> <p>3.1 All buildings and structures are to have minimum setbacks as follows—</p> <p>(a) Within Precinct A shown on the endorsed Guide Plan—</p> <ul style="list-style-type: none"> (i) Primary Street: 9 metres from road boundary;

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<p>(ii) Side Street: 5 metres from road boundary;</p> <p>(iii) Side: 5 metres from boundary on one side; and</p> <p>(iv) Rear: 5 metres from edge of Development Exclusion Zone.</p> <p>(b) Within Precinct B as shown on the endorsed Guide Plan—</p> <p>(i) Primary Street: 15 metres from road boundary;</p> <p>(ii) Side Street: 7.5 metres from road boundary;</p> <p>(iii) Side: 5 metres from boundary on one side; and</p> <p>(iv) Rear: 10 metres from boundary.</p> <p>3.2 The Local Government may approve the use of the front and side setback areas for the purposes of landscaping, car parking and/or trade display.</p> <p>3.3 The Local Government may vary the setback requirements if the landowner can demonstrate that the reduced setback will not adversely impact upon adjoining industries and/or any revegetation/landscaping areas. As a condition of approving a reduced setback the Local Government may require the landowner implement additional screening within the reduced setback area to compensate for any loss of amenity.</p> <p>4. Development Exclusion Zone</p> <p>4.1 Within the Development Exclusion Zone shown in Precinct A on the endorsed Development Guide Plan—</p> <p>(a) No building, structure, access way, parking area, storage or hardstand is permitted;</p> <p>(b) Where the Development Exclusion Zone is identified for 'Vegetation Retention and Protection', all indigenous vegetation and flora species are to be retained, protected and maintained by the landowner at all times.</p> <p>(c) The area is to be revegetated with indigenous vegetation and flora species at the time of subdivision and maintained by the landowner at all times. This vegetation is to include a mix of understorey and tree species representative to the vegetation found on the site prior to development; and</p> <p>(d) The Local Government shall request a Landscape Plan be prepared and implemented for the Development Exclusion Zone by the subdivider at the time of subdivisional approval. The Landscape Plan shall include species and density of planting that achieves an effective visual and noise buffer between the industrial lots and surrounding residential areas.</p> <p>5. Building Design and Construction</p> <p>5.1 Walls of buildings facing the Development Exclusion Zone shall not contain any opening(s) and shall be constructed of masonry or steel cladding with an internal sound reduction lining.</p> <p>5.2 All buildings shall comply with the following requirements as to facades—</p> <p>(a) Each facade of the building shall be constructed of brick, stone, concrete or glass or a combination of one or more of these materials as approved by the Local Government;</p> <p>(b) Other materials of a type and to a design approved by the Local Government may be permitted on a facade provided that the materials to be used are structurally and aesthetically acceptable to the Local Government.</p> <p>5.3 The use of unpainted 'zincalume' steel sheeting as wall cladding is not permitted on all lots within 'Precinct A'.</p> <p>5.4 All access ways, parking areas and hardstands are to be sealed, drained and kerbed to the satisfaction of the Local Government.</p> <p>5.5 A 3m wide landscaping strip is to be installed and maintained at all times along all street frontages.</p> <p>5.6 Verge areas abutting each lot are to be integrated into the landscaping strip of these provisions and maintained at all times.</p>

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<p>6. Verge Areas and Fencing</p> <p>6.1 The use of verge areas for parking, storage or purposes other than landscaping is prohibited.</p> <p>6.2 Uniform solid panel fencing is to be installed at the time of creation of lots within Precinct A.</p>
IA4	Mirambeena Strategic Industrial Area, cnr. Down Road and Albany Highway, Drome	<p>1. Subdivision and Development</p> <p>1.1 Subdivision of the land shall generally be in accordance with Development Guide Plan <i>IA4</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>1.2 All development to be generally in accordance with the Development Guide Plan as endorsed by the CEO subject to minor variations which may be approved by the Local Government.</p> <p>2. Land Use within Industrial Buffer Area</p> <p>2.1 The Local Government shall permit as 'D' discretionary uses all those land uses permissible within the Priority Agriculture zone except the following uses which are 'X' not permitted—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay; • Caretaker's Dwelling; • Chalet/Cottage Units; • Civic Use; • Club Premises; • Community Purpose; • Educational Establishment; • Family Day Care; • Farm Workers Accommodation; • Holiday Accommodation; • Home Business; • Home Occupation; • Home Office; • Place of Worship; • Relocated Dwelling; • Veterinary Centre; and • Zoo <p>2.2 Planning approval is required for any land use and/or development including a Single House.</p> <p>2.3 No dwellings or other habitable structures shall be permitted within the Industry Buffer Area designated on the Scheme Map.</p> <p>2.4 In addition, on land within 200 metres of the boundaries of IA4, the Local Government may permit Industry—Light and Industry—Service associated with the uses in the industry zone subject to an application being advertised as an 'A' use and being compatible with the adjoining rural land.</p> <p>3. Site and Building Requirements</p> <p>3.1 All buildings and structures are to have the minimum setbacks as follows—</p> <ol style="list-style-type: none"> (a) Primary Street: 15 metres. (b) All other boundaries 5 metres. <p>3.2 Unless otherwise approved by the Local Government, a person shall not use the land within 10 metres of the common boundary with, or boundaries adjacent to, the Rural Zone, Down Road or Albany Highway for any purpose other than either—</p> <ol style="list-style-type: none"> (a) A means of access; and/or (b) Lawns, gardens or the planting of trees or shrubs. <p>3.3 All service and storage areas are to be setback behind the front building line and screened as far as is possible so as not to be visible from the road.</p> <p>3.4 Any approved dwelling will be required to incorporate design and construction methods/materials to reduce noise impacts into the building.</p> <p>3.5 The development of any lots for industrial uses shall be undertaken in a manner which ensures the noise generated by the development meets the assigned sound power levels</p>

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<p>for that lot as identified on the <i>Mirambeena Timber Processing Precinct Environmental Management Plan (2005)</i>.</p> <p>4. Access to Mirambeena Industry Estate</p> <p>4.1 No subdivisional or vehicle access shall be gained directly to Albany Highway.</p> <p>5. Car Parking</p> <p>5.1 Car parking bays will be provided in accordance with Table 5 or one bay for every person employed, whichever is the greater.</p> <p>5.2 Car parking can be placed between the landscape setback and the building line. Similarly, bay sizes, driveway widths and turning circles are to suit these and other functional requirements.</p> <p>5.3 No parking is permitted on the street verge.</p> <p>6. Landscaping</p> <p>6.1 The Local Government shall require the implementation of a landscaping and tree/shrub planting plan as a condition of planning approval which shall accord with the Landscaping Plan.</p> <p>6.2 The Local Government may, if it appears to be in the interest of amenity and orderly and proper planning to do so, require such landscaping as it sees fit as a condition of planning approval.</p> <p>7. Fire Management</p> <p>7.1 The Local Government shall require at the development stage—</p> <p>(a) The provision of strategic perimeter firebreaks which are to be maintained to the satisfaction of the Local Government which shall be constructed and maintained to a standard suitable for all year access by heavy duty fire appliances and two wheel drive vehicles.</p> <p>(b) Limited parkland clearing around all structures to establish low fuel areas. The low fuel areas shall be kept free of debris and maintained to a standard approved by the Local Government.</p> <p>(c) Measures to be undertaken by individual landowners to maintain fire fuel on their lots at levels satisfactory to the local Government.</p> <p>(d) The subdivider to make arrangements to the satisfaction of the Local Government to ensure prospective purchasers, in the transfer of lots, are aware of the <i>Western Australian Planning Commission Planning for Bushfire Protection Guidelines, AS 3959—Construction of Buildings in Bushfire Prone Areas</i> and the requirement for industry specific fire safety studies under the Environmental Management Plan.</p> <p>8. Servicing and Infrastructure</p> <p>8.1 Potable water supply shall be provided to the satisfaction of the Local Government and the relevant State Government authority with all sampling, analysis and/or treatment costs being borne by the proponent.</p> <p>8.2 All stormwater runoff/drainage and effluent/waste disposal from individual development proposals shall be undertaken in accordance with an Environmental Management Plan approved by the Local Government.</p> <p>8.3 The provision of infrastructure specifically required for the use of the land by any industry shall be the responsibility of that industry.</p> <p>9. Referral of Applications</p> <p>9.1 Upon receipt of an application, the Local Government may refer the proposal to the Environmental Protection Authority for its recommendation and shall not issue approval/refusal until the recommendation of the Environmental Protection Authority has been received.</p> <p>9.2 The Environmental Protection Authority will assess the impacts of any industrial activity on the following environmental factors—</p> <p>(a) Noise.</p> <p>(b) Air quality.</p>

No.	Industrial Area	Special Conditions Applying to Industrial Area
		(c) Risk. (d) Surface and Groundwater Quality. (e) Watercourse.

Schedule 12

CONSERVATION ZONE PROVISIONS

[cl.5.5.14]

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
CZ1	Nullaki Peninsula Conservation zone	<p>1. Subdivision</p> <p>1.1 Subdivision of CZ1 shall generally be in accordance with the Subdivision Guide Plan <i>CZ1</i> endorsed by the CEO and the Western Australian Planning Commission and further breakdown of lots will not be supported.</p> <p>1.2 The minimum lot size should be no less than 30 hectares and the average minimum lot size should be no less than 40 hectares.</p> <p>2. Objectives of Conservation Zone 1</p> <p>2.1 The purpose of CZ1 is to—</p> <ul style="list-style-type: none"> (a) Protect, enhance and rehabilitate the flora, fauna and landscape qualities of the Nullaki Peninsula; (b) Provide for controlled public access to the Peninsula, the Wilson Inlet Foreshore and Anvil Beach; and (c) Provide for limited wilderness retreat subdivision and development in a manner that is compatible with the conservation values of the Nullaki Peninsula. <p>3. Land Use</p> <p>3.1 Within Conservation Zone Area No. 1 the following uses shall be permitted subject to the Special Approval of the Local Government—</p> <p>Caretakers Accommodation (maximum floor area 150m²), which is to be co-located with the main dwelling or located between the main dwelling and the main access point to the lot and utilised shared access. As a minimum, applications for development of caretakers' accommodation must—</p> <ul style="list-style-type: none"> • Meet the objectives of the zone, and • Be subject to the prior or concurrent approval of the Development Area for the main dwelling, and • Demonstrate provision of security and management benefit to the property, and • Comply with all provisions relevant to Development Areas and the development of a dwelling, and • Be contained within a maximum one hectare combined Development Area as per provisions 4.1 and 4.2. • Subdivision or strata titling to provide separate title to caretakers accommodation will not be permitted. • Single House <p>3.2 The following uses may be permitted subject to the Special Approval of the Local Government—</p> <ul style="list-style-type: none"> • Home Occupation; and • Other incidental or non defined activities considered appropriate by the Local Government which are consistent with the objectives of the Zone. <p>3.3 The following uses are not permitted with the Conservation Zone Area No. 1—</p> <ul style="list-style-type: none"> • Holiday Accommodation; • Tourist Accommodation; and • Relocated Dwelling <p>4. Development Areas, Development Exclusion Areas and Site Requirements</p> <p>4.1 No development within CZ1 may proceed without the planning approval of the Local Government.</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>4.2 Within CZ1, the siting of development areas, the construction of buildings including associated site works and removal of vegetation shall require planning approval.</p> <p>4.3 The Development Area refers to the area within which all development on each lot (including the main dwelling, caretaker's accommodation, sheds, water storage, low fuel area and effluent disposal areas) must be confined and is not to exceed one hectare.</p> <p>4.4 The Development Area may be split to allow the separate development of the main dwelling and caretaker's accommodation but the total of the combined areas is not to exceed one hectare.</p> <p>4.5 Prior to the issue of development approval, the Local Government shall require landowners to submit a comprehensive professional assessment of the selected Development Area and proposed access way/driveway in accordance with the Environmental Protection Authority <i>Guidance Statement No. 51—Terrestrial Flora and Vegetation</i> and <i>No. 56 Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia</i> to determine the presence of rare, endangered and/or threatened flora or fauna species, as an archaeological assessment for the presence of potential Aboriginal sites. Should such species or sites be identified, the Local Government shall require the selection of an alternative species or sites be identified. The Local Government shall require the selection of an alternative Development Area or the modification of the Development Area so as to protect said sites or rare, endangered and/or threatened species.</p> <p>4.6 The selected development area on a lot shall be sited in consultation with the Local Government and shall achieve the following criteria—</p> <p>(i) Provide for minimum setbacks of—</p> <ul style="list-style-type: none"> • 50 metres from the Wilson Inlet foreshore reserve; • 200 metres from the coastal foreshore reserve; • 100 metres from boundaries of lots shared with intensive agricultural uses; and • 20 metres from all lot boundaries. <p>(ii) All buildings and structures shall be setback a minimum of 20m from any boundary.</p> <p>(iii) Notwithstanding the above, The Local Government may permit variation to the setback requirements where it can be clearly demonstrated to the Local Government's satisfaction that a lesser setback will be necessary to satisfy the visual and/or environmental objectives of the zone and where it can be clearly demonstrated that the location of the development area at another location is not practical. The Local Government shall require a site specific setback analysis by a qualified coastal engineer which locates the current horizontal setback datum (HSD) and determines the (S1) Distance for Absorbing Acute Erosion (Extreme Storm Sequence), (S2) Distance to all for Historic Trends (Chronic Erosion or Accretion) and (S3) Distance to Allow for Sea Level Change. This is to include a topographic survey extending to the waterline, and exact location of the proposed development and neighbouring building and structure;</p> <p>(iv) Avoid the sand blowouts and highly exposed steeply sloping sites where low coastal heath does not provide for effective screening of development and where erosion potential is high;</p> <p>(v) Be located off significant ridgelines and preferably within sheltered well vegetated swales;</p> <p>(vi) Be located, where possible, on the calcareous sands or podzols;</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>(vii) Be located to ensure access roads/accessways can be achieved with minimal disturbance to vegetation and are not visually intrusive from within or outside the area;</p> <p>(viii) Be located to ensure sites can accommodate fire control measures and low fuel areas can be achieved and readily maintained;</p> <p>(ix) Be located to address the cost of constructing access roads and providing services such as telecommunications and electricity; and</p> <p>(x) Not be located in any development exclusion area shown on the Subdivision Guide Plan to ensure development blends in with the landscape and does not stand out or dominate a particular view from public roads and adjacent view.</p> <p>4.7 (i) Applications for approval of development areas shall be accompanied by a photographic assessment demonstrating that the proposed development area and the buildings proposed thereon, will blend in with the visual landscape in terms of height and rooflines, colouring/toning and form and scale, and will not dominate a land based view when viewed from Anvil Beach Lookout, a public roadway, a foreshore node or the foreshore, the coastal walk trail and/or the Ocean Beach Lookout.</p> <p>(ii) The Local Government may request the photographic assessment include photographs covering the views to the proposed development area from surrounding roads and other public use nodes/areas within and adjoining the zone and include the identification, by the positioning of posts, markers and/or scaffolds on or above ground, the proposed height and extent of buildings, structures and site works proposed within the development area.</p> <p>4.8 In the case of Lots 101, 103, 105, 111, 115, 116, 119, 120, 127 and 128 as shown in the Subdivision Guide Plan, the photographic assessment shall also be accompanied by details of the overall horizontal and vertical extents of the buildings proposed.</p> <p>4.9 In the instance of Lots 102, 104, 106, 107, 108, 109 and 110, where development areas are proposed between the Foreshore Reserve and Nullaki Drive, development shall be designed and/or located such that it is not visible from a foreshore node or the Bibbulmun Track.</p> <p>4.10 With the aim of ensuring any buildings from Anvil Beach, the Anvil Beach lookout, a public roadway, a foreshore node or the foreshore, the costal walk trail and/or the Ocean Beach Lookout do not dominate the visual landscape, the Local Government may apply conditions to the approval of a development area that limit or control building height, colouring and materials and site works and/or require landscaping for visual screening purposes.</p> <p>5. Fire Protection</p> <p>5.1 The Local Government may request the Commission to impose a condition at the time of subdivision requiring—</p> <p>(a) That roads and access legs include slashed verges within 20m road reserves;</p> <p>(b) The subdivider/s to provide a dual purpose medium size fire fighting appliance, radio, call out equipment and appliance shed;</p> <p>(c) The subdivision/s to provide a 20 metre wide slashed low fuel firebreak generally following the western side of the vermin proof fence and generally following the eastern edge of CZ1 as indicated on the Subdivision Guide Plan; and</p> <p>(d) The provision of a 90,000 litre standpipe and handstand facility, to be located as marked on the Subdivision Guide Plan.</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>5.2 The clearing of fire breaks other than for slashed low fuel fire break purposes in accordance with provision 5.1 is not permitted.</p> <p>5.3 Dwellings shall be designed and constructed in accord with <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i>. The <i>AS 3959</i> level of building construction must be sufficient to ensure that all low fuel areas, including Building Protection and hazard Separation Zones, are contained within the maximum permitted one hectare Development Area as per provisions 4.3 and 4.4.</p> <p>5.4 Building protection zones in accordance with the <i>Planning for Bushfire Protection Policy</i> are to be provided around dwellings and shall be maintained in a low fuel conditions by individual landowners.</p> <p>5.5 Where any development area is proposed in or adjacent to an area identified as Karri Forest on the Subdivision Guide Plan, the Local Government may require the preparation and implementation of a Bushfire Management Plan as a condition of planning approval.</p> <p>5.6 (i) All dwellings shall have installed and operational, an effective sprinkler system to dampen buildings and their surroundings in the event of a fire. The sprinkler system is to serve each residence using a fire proof main and is to be operated from an independent pump system.</p> <p>(ii) Applications for approval of a development shall be accompanied by a sprinkler system plan, which provides details on water supply, sprinkler coverage, materials to be used and the type of generator to be used which shall be independent of the mains power supply.</p> <p>5.7 Each dwelling shall have a water supply of not less than 30,000 litres available for fire fighting purposes, which may be from underground supplies or roof catchment, and fitted with a 100 mm Female Camlock coupling and gate vale to the satisfaction of the Local Government and the relevant State Government authority. Where the fire fighting supply forms part of the domestic supply, the outlet for domestic use shall be located part way up the tank so as to ensure the lower 30,000 litres remain available for fire fighting purposes.</p> <p>5.8 If only part of CZ1 is developed, an alternative fire break system or strategic fire break system shall be prepared and put in place, to the satisfaction of the Local Government.</p> <p>5.9 Where lots abut access legs, road reserves and/or a slashed low fuel firebreak, it shall be the responsibility of individual landowners to maintain such slashed low fuel verges/firebreaks to the satisfaction of the Local Government. Fencing and/or gates across the firebreaks shall only be permitted at the discretion and to the satisfaction of the Local Government.</p> <p>5.10 Prior to approving a development area, or dwelling on a proposed lot, a fire audit is to be submitted detailing the following—</p> <p>(i) Assessment of the site and whether proposed building envelope will cater for recommended bushfire protection zone around the proposed dwelling.</p> <p>(ii) A determination of fire threat classification (either low, medium, high or extreme) in accordance with <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i>.</p> <p>6. Roads and Access</p> <p>6.1 The Local Government may request the Commission to impose a condition at the time of subdivision requiring that—</p> <p>(a) The subdivider/s contribute to or upgrade the portion of Eden Road west of the flood gates adjacent to Nenamup Inlet;</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>(b) Subdivisional roads be constructed and drained to the satisfaction of the Local Government, commensurate with a “wilderness living” environment; and</p> <p>(c) Existing tracks, where not utilised for roads or other access, shall be blocked from public access and rehabilitated to the satisfaction of the Local Government.</p> <p>7. Coastal and Foreshore Management</p> <p>7.1 The Local Government may request the Commission to impose a condition at the time of subdivision requiring the—</p> <p>(a) Preparation and implementation of a Coastal Foreshore & Sand Blowout Management Plan to the satisfaction of the Local Government;</p> <p>(b) Preparation and implementation of a Foreshore Management Plan for the Wilson Inlet foreshore of CZ1, to the satisfaction of the Local Government, in consultation with the advice of the Wilson Inlet Management Advisory Group; and</p> <p>(c) Where the inlet or coastal foreshore management plans justify the need for a variation of the respective foreshore reserves, such variation will be sought by the Local Government.</p>
CZ2	Rainbows End, Big Grove Conservation zone	<p>1. Subdivision</p> <p>1.1 Subdivision of CZ2 shall generally be in accordance with the Subdivision Guide Plan CZ2 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>1.2 The Local Government will not recommend lot sizes less than eight (8) hectares. The Local Government will not recommend approval to the further breakdown of lots; however, the Local Government may recommend that the Western Australian Planning Commission approve minor variations to the Subdivision Guide Plan.</p> <p>2. Objectives of Conservation Zone 2</p> <p>The purpose of CZ2 is to provide large lot bush retreat living opportunities—</p> <ul style="list-style-type: none"> • Within close proximity to the Albany Town Centre; • That address visual impact issues; • That address the area’s location adjacent to one of the South Coast’s premier National Parks; and • That does not create or give rise to undue environmental impacts. <p>3. Land Use</p> <p>3.1 Within CZ2 the following land uses are ‘P’ permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>3.2 Within CZ2 the following land uses are ‘D’ discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed & Breakfast/Farmstay; • Home Occupation; • Home Office; and • Industry—Cottage <p>3.3 All other land uses, other than those listed in 3.1 and 3.2 above, are ‘X’ not permitted within CZ2.</p> <p>4. Designated Building Envelopes and Site Requirements</p> <p>4.1 All development (including dwelling and outbuilding), water storage systems and low-fuel zones shall be confined centrally to a designated building envelope (maximum area 5,000m²) delineated on site by the landowner and approved by the Local Government.</p> <p>4.2 The designated building envelope shall sited to achieve the following requirements—</p> <p>(a) Be located outside of any landscape protection areas shown on the Subdivision Guide Plan;</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>(b) Be setback a minimum of 20 metres from any lot boundary;</p> <p>(c) Avoid highly exposed sloping sites and ridgelines;</p> <p>(d) Minimises visual impact;</p> <p>(e) Ensures access roads/driveways to designated building envelopes can be achieved with minimal disturbance to vegetation and are not visually intrusive from within or outside the area;</p> <p>(f) Ensure sites can accommodate fire control measures and low fuel areas can be practically achieved and readily maintained; and</p> <p>(g) To address the cost of constructing access roads and providing services such as telecommunications and electricity.</p> <p>4.3 All buildings shall be setback minimum of 20 metres from the internal boundary of the designated building envelope.</p> <p>5. Fire Protection</p> <p>5.1 The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring—</p> <p>(a) The 20 metre wide firebreaks as shown on the Subdivision Guide Plan to be constructed and slashed to form a firebreak to the satisfaction of the Local Government;</p> <p>(b) The construction of the emergency access/egress leg as shown on the Subdivision Guide Plan to a standard suitable for year round emergency access by two wheel drive vehicles and heavy duty fire appliances;</p> <p>(c) The provision of a standpipe and handstand facility, to be located as marked on the Subdivision Guide Plan; and</p> <p>(d) A contribution towards the provision of fire fighting facilities in the locality.</p> <p>5.2 The clearing of fire breaks other than for slashed low fuel fire break purposes in accordance with provision 5.1 is not permitted.</p> <p>5.3 Within the designated building envelope, an area not less than 20 metre wide surrounding buildings shall be maintained in a low fuel condition by individual landowners and the Local Government prefers the slashing of undergrowth to maintain low fuel areas.</p> <p>5.4 Domestic potable supplies shall be available for fire fighting purposes and shall be fitted with a suitable hose coupling and gate valve to satisfaction of the Local Government.</p> <p>5.5 Where lots abut access legs, road reserves and/or a slashed low fuel firebreak, it shall be the responsibility of individual landowners to maintain such slashed low fuel verges/firebreaks to the satisfaction of the Local Government. Fencing and/or gates across the firebreaks shall only be permitted at the discretion and to the satisfaction of the Local Government.</p> <p>6. Roads and Access</p> <p>6.1 The Local Government may request the Commission to impose a condition at the time of subdivision requiring that—</p> <p>(a) The subdivider/s contribute to the upgrading of Torndirrup Road;</p> <p>(b) The battleaxe legs be constructed and drained to the satisfaction of the Local Government; and</p> <p>(c) Existing tracks, where not utilised for roads or other access, shall be blocked from public access and rehabilitated to the satisfaction of the Local Government.</p>
CZ3	Torabay Beach Road, Kronkup Conservation zone	<p>1. Subdivision</p> <p>1.1 Subdivision of CZ3 shall generally be in accordance with the Subdivision Guide Plan CZ3 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>1.2 The Local Government will not recommend approval to the further breakdown of lots; however, the Local Government may recommend that the Western Australian Planning Commission approve minor variations to the Subdivision Guide Plan.</p> <p>2. Objectives of Conservation Zone 3</p> <p>The purpose of CZ3 is to provide large lot bush retreat living opportunities—</p> <ul style="list-style-type: none"> • Close to the beaches of Torbay; • That address visual impact issues; • That remove the land from rural use pressure; • That address the area's location adjacent to one of the South Coast's premier National Parks; and • That does not create or give rise to undue environmental impacts. <p>3. Land Use</p> <p>3.1 Within CZ3 the following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>3.2 Within CZ3 the following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed & Breakfast/Farmstay; • Home Occupation; • Home Office; and • Industry—Cottage <p>3.3 On Lot 5 (as shown on the Subdivision Guide Plan), the Local Government may permit chalet/cottage units subject to the following conditions—</p> <ol style="list-style-type: none"> (a) No more than five units will be permitted; (b) The units are confined to the approved designated building envelope area; (c) The units comprise appropriate design, location and materials and other development components in accord with these provisions; (d) Potable water supplies are developed to comply with Local Government and relevant State Government authority requirements; and (e) Fire safety requirements (including water supplies and equipment) are provided to comply with Local Government requirements. <p>3.4 All other land uses, other than those listed in 3.1—3.3 above, are 'X' not permitted within CZ3.</p> <p>4. Designated Building Envelopes and Site Requirements</p> <p>4.1 All development (including dwelling and outbuilding), water storage systems and low fuel zones shall be confined centrally to a designated building envelope delineated on site by the landowner and approved by the Local Government.</p> <p>4.2 The designated building envelopes shall be a maximum area of—</p> <ol style="list-style-type: none"> (a) 2,500m² for Lots 1, 2, 3, 4, 6, 7 and 8; and (b) 1,500m² for the strata lots within Lot 5, as shown on the Subdivision Guide Plan. <p>4.3 The designated building envelope shall sited to achieve the following requirements—</p> <ol style="list-style-type: none"> (a) Be located outside of any landscape protection areas shown on the Subdivision Guide Plan; (b) Where possible, be located within existing cleared areas of the property; (c) Be setback a minimum of 20 metres from any lot boundary; (d) Avoid highly exposed sloping sites and ridgelines; (e) Minimises visual impact; (f) Ensures access roads/driveways to designated building envelopes can be achieved with minimal

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>disturbance to vegetation and are not visually intrusive from within or outside the area;</p> <p>(g) Ensure sites can accommodate fire control measures and low fuel areas can be practically achieved and readily maintained; and</p> <p>(h) To address the cost of constructing access roads and providing services such as telecommunications and electricity.</p> <p>4.4 All buildings shall be setback minimum of five metres from the internal boundary of the designated building envelope.</p> <p>5. Fire Protection</p> <p>5.1 The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring—</p> <p>(a) The fire access tracks as shown on the Subdivision Guide Plan to be constructed to the satisfaction of the Local Government to a standard suitable for year round emergency access by two wheel drive vehicles and heavy duty fire appliances;</p> <p>(c) The provision of a standpipe and handstand facility, to be located as marked on the Subdivision Guide Plan; and</p> <p>(c) A contribution towards the provision of fire fighting facilities in the locality.</p> <p>5.2 The clearing of fire breaks other than for slashed low fuel fire break purposes in accordance with provision 5.1 is not permitted.</p> <p>5.3 Within the designated building envelope, an area not less than 20 metre wide surrounding buildings shall be maintained in a low fuel condition by individual landowners and the Local Government prefers the slashing of undergrowth to maintain low fuel areas.</p> <p>5.4 Domestic potable supplies shall be available for fire fighting purposes and shall be fitted with a suitable hose coupling and gate valve to satisfaction of the Local Government.</p> <p>5.5 Where lots abut access legs, road reserves and/or a slashed low fuel firebreak, it shall be the responsibility of individual landowners to maintain such slashed low fuel verges/firebreaks to the satisfaction of the Local Government. Fencing and/or gates across the firebreaks shall only be permitted at the discretion and to the satisfaction of the Local Government.</p> <p>5.6 For Lots 2 and 3 as shown on the Subdivision Guide Plan, the landowners shall be responsible to construct and maintain a fire access track link to join the driveways/dwellings to the fire access track system in the zone.</p> <p>6. Roads and Access</p> <p>6.1 Lot access roads shall follow the route of fire access tracks alignment on Lots 1, 3, 4 and 5 as shown on the Subdivision Guide Plan.</p> <p>6.2 The Local Government may request the Commission to impose a condition at the time of subdivision requiring that—</p> <p>(a) The subdivider/s contribute to the upgrading of Torbay Beach Road;</p> <p>(b) The joint crossovers and/or driveways be constructed and drained to the satisfaction of the Local Government; and</p> <p>(c) Existing tracks, where not utilised for roads or other access, shall be blocked from public access and rehabilitated to the satisfaction of the Local Government.</p>

Schedule 13
DEVELOPMENT CONTRIBUTION AREAS

[cl.5.9.3]

Reference:	DCA1
Area name:	Bayonet Head Outline Development Plan
Infrastructure and administrative items to be funded:	<p>Provision of main drainage including—</p> <ul style="list-style-type: none"> • Installation • Basin Construction • Minor Landscaping • Land Value <p>Upgrade of Lower King Road—</p> <ul style="list-style-type: none"> • Planning and design • Land acquisition • Earthworks and site works (including servicing) • Construction costs for roads and paths (including tenders) • Landscaping and drainage • Footpaths <p>Administration and Management</p> <ul style="list-style-type: none"> • Cost to prepare and administer the plan during the period of operation; • Costs to prepare the cost apportionment schedule • Valuation costs
Method for calculating contributions:	The shared cost shall be apportioned in the proportion that the net subdividable area of the land being subdivided bears to the total net subdividable area of the land within the ODP area.
Period of operation:	
Priority and timing:	
Review Process:	The Schedule of Shared Costs is to be reviewed annually in the month of July in each year. The Local Government shall, prior to their adoption, distribute the revised Shared Costs to the owners who will be allowed 21 days in which to comment.

Schedule 14
RURAL RESIDENTIAL ZONE

[cl.5.5.13]

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
RR1C	Sandalwood Road, Cape Riche Rural Residential zone	<p>Objective:</p> <p>The objectives of RR1C are to provide for rural residential living that—</p> <ul style="list-style-type: none"> • Protects and enhances the natural resources of the site including native flora and fauna and nearby water bodies; and • Is sympathetic to the picturesque landscape of the Cape Riche locality. <p>The following special provisions shall apply in addition to and, to the extent of any conflict, take precedence over the general provisions for the Rural Residential zone set out in clause 5.5.13 and 4.2.14 of the Scheme.</p> <ol style="list-style-type: none"> 1. Subdivision <ol style="list-style-type: none"> (a) Subdivision of RR1C shall generally be in accordance with the Subdivision Guide Plan <i>RR1C</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. (b) Lot sizes shall be as shown on the Subdivision Guide Plan. (c) No further subdivision will be supported.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>2. Land Uses</p> <p>(a) The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>(b) The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation • Bed and Breakfast/Farmstay • Home Occupation • Industry—Cottage <p>3. Building Design</p> <p>(a) All development (including dwelling, outbuildings, landscaping, effluent disposal and water storage systems) shall be centrally located to a designated building envelope (maximum area of 3,000m²) as shown on the Subdivision Guide Plan and endorsed Fire Management Plan.</p> <p>(b) Notwithstanding the building envelope size, vegetation clearance for the purpose of constructing a house, shed and/or other buildings shall be limited to a maximum of 3000m² unless approved by the Local Government in consultation with the relevant State Government authority.</p> <p>(c) All buildings are to be designed and constructed to a minimum of the BAL 29 specifications of <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i> or subsequent standard.</p> <p>(d) All buildings, effluent disposal systems and access ways shall be located to avoid adverse effect upon any rare flora and/or fauna.</p> <p>(e) When submitting an application for the development of a Single House, the applicant shall provide details of any landscaping and species of plants to be used for approval by the Local Government and the species of plants to be used shall be endemic native species of the Cape Riche locality and a maximum of 100m² of lawn/turf area is permitted per lot.</p> <p>4. Fire Protection</p> <p>The Local Government and/or relevant agency may request the Commission to impose, at the time of subdivision, the implementation of an endorsed Fire Management Plan for the land, including the construction of fire access tracks to the specifications of the Local Government in consultation with the relevant State Government authority.</p> <p>5. Modifications to Designated Building Envelopes/Setbacks</p> <p>Changes to the building envelope location will not be supported.</p> <p>6. Fencing</p> <p>Boundary fencing shall not be allowed outside of Building Envelopes. Where it is necessary to define a boundary within the conservation covenant area, bollards or other approved alternative demarcation measures must be used.</p> <p>7. Remnant Vegetation and Clearing Controls</p> <p>(a) At the time of subdivision, subject to agreement from the relevant agency, the Local Government may request that the Commission impose a condition requiring a conservation covenant in perpetuity to protect the vegetation outside the designated building envelopes.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>(b) No clearing shall be permitted outside the designated building envelopes.</p> <p>(c) No vehicle or motorcycle shall be driven along firebreaks or other areas apart from established roads or tracks except where such use is necessary for maintenance or management purposes and is in accordance with the Fire Management Plan and Dieback and Weed Hygiene Plan.</p> <p>(d) With the intention of preventing soil erosion and any other land degradation, whether by land management practices, or destruction of vegetation, the Local Government may, with the advice of the relevant State Government authority, take any soil conservation action considered necessary to reduce or eliminate the adverse effects on the environment and any costs incurred by the Local Government in taking such action shall be recoverable by the Local Government from the landowner and/or occupier.</p> <p>8. Keeping of Animals The keeping of livestock, animals and domestic pets, other than dogs, is not permitted.</p> <p>9. Effluent Disposal Alternative treatment effluent disposal systems are to be used on all lots.</p> <p>10. Dieback and Weed Hygiene Plan</p> <p>(a) The subdivider shall undertake a dieback survey (pre and post approval) to inform the development and implementation of an endorsed Dieback and Weed Hygiene Plan to the specifications of the relevant State Government authority.</p> <p>(b) The Plan shall be implemented prior to the issue of a Development Approval for site works, to the satisfaction of the Local Government on advice from the relevant State Government authority.</p> <p>Bushland Management Plan</p> <p>(a) The subdivider shall prepare and implement a Bushland Management Plan to the specifications of the relevant State Government authority; and</p> <p>(b) Make arrangements for the Plan to be provided to all purchasers and subsequent landowners.</p> <p>11. Control of Off Road Vehicles No vehicle shall be driven along firebreaks or other areas apart from established roads or tracks within the Rural Residential zone except where such use is necessary for maintenance or management purposes (for example construction or maintenance of fences, maintenance of firebreaks, weed control or fire fighting).</p>
RR3B	Millbrook Rural Residential zone	<p>1. Subdivision of RR3B shall generally be in accordance with the Subdivision Guide Plan <i>RR3B</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be two hectares.</p> <p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Recreation—Public • Single House <p>4. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Agriculture—Intensive (which shall be limited to existing cleared and pastured land only)

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Ancillary Accommodation • Home Occupation • Public Utility • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All buildings shall be setback a minimum of 15 metres from any boundary.</p>
RR4A	Mead Road, Kalgan Rural Residential zone	<p>1. Subdivision of RR4A shall generally be in accordance with the Subdivision Guide Plan <i>RR4A</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare (south of Aldo Road) and 8 hectares (north of Aldo Road).</p> <p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Agriculture—Intensive (which shall be limited to existing cleared and pastured land only) • Ancillary Accommodation • Home Occupation • Industry—Cottage • Public Utility • Rural Pursuit (which shall be limited to existing cleared and pastured land only) <p>5. All buildings, water storage systems and building protection zones shall be located outside of any development exclusion area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <p>(a) 15 metres from Mead Road;</p> <p>(b) 7.5 metres from any internal road and accessway; and</p> <p>(c) 10 metres from all other lot boundaries.</p> <p>6. No additional or new access/egress points onto Nanarup Road will be permitted.</p> <p>7. Future access/egress to proposed lots shall be confined to utilising existing cleared firebreaks and tracks.</p>
RR5	Austin/McBride Roads, Goode Beach Rural Residential zone	<p>1. Subdivision of RR5 shall generally be in accordance with the Subdivision Guide Plan <i>RR5</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. However, the further breakdown of lots is prohibited.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Single House. <p>4. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation • Home Occupation <p>5. All development (including dwelling, outbuildings, landscaping, effluent disposal and water storage systems) shall be confined to the designated building envelope (maximum area 2,000m²) as shown on the Subdivision Guide Plan.</p> <p>6. Notwithstanding this requirement—</p> <p>(a) Local Government may permit a variation of the Building Envelope if it is shown to the satisfaction of the Local Government and the Department of Planning that the proposed location of the Building Envelope will not be detrimental to the landscape or the environment;</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>(b) Building envelopes as shown on the Subdivision Guide Plan shall be delineated on site by landowners and approved by the Local Government prior to the commencement of any clearing whatsoever, and the Local Government may require an alternative building envelope if it considers the envelope delineated would be detrimental to the landscape or environment.</p> <ol style="list-style-type: none"> 7. Buildings shall be centrally located within designated Building Envelopes. 8. Minimum setbacks for any building from any boundary shall be 15 metres. 9. Notwithstanding provision 8, the Local Government may approve a side setback variation where it will facilitate the sharing of a building protection zone and/or hazard separation zone, in order to reduce the amount of vegetation clearing required for fire risk mitigation. 10. The keeping of grazing animals shall not be permitted. 11. The keeping of cats shall not be permitted. 12. All vegetation within the connective vegetation corridors between Lots 5-6 and 7-8 as shown on the Subdivision Guide Plan shall be retained. 13. Clearing of native vegetation for the erection of a dwelling with Local Government approval shall not exceed the minimum level required to achieve the minimum Bushfire Attack Level (BAL) standard of construction applicable to the lot. 14. No more than one effluent disposal system shall be permitted per lot. 15. The Local Government shall request a condition at the time of subdivision for the implementation of the Fire Management Plan ('Developer's Responsibility'). Thereafter the 'proposed Owner's Responsibilities' shall be implemented and maintained by individual landowners. 16. The Local Government shall request the Western Australian Planning Commission to apply a condition, at the time of subdivision, for the preparation of Building protection Zones and Hazard Separation Zones. Thereafter these low fuel areas will be maintained by landowners. 17. The Subdivider shall make arrangements to the satisfaction of the Local Government to ensure prospective purchasers are aware of the Fire Management Plan, the fire management guidelines of the <i>Homeowners' Bushfire Survival Manual</i> and <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i>. 18. All new buildings shall be built in accordance with <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i> and will comply in all aspects to a minimum Bushfire Attack Level (BAL) 19 standard of construction unless the outcomes of a BAL assessment prepared and submitted to the Local Government by individual lot owners at the Building Application stage requires a higher standard to be applied. 19. Notwithstanding provision 18, all new buildings on Lot 5, 6, 7 and 8 as shown on the Subdivision Guide Plan will comply in all aspects to a minimum Bushfire Attack Level (BAL) 29 standard of construction unless the outcomes of a BAL assessment prepared and submitted to Local Government by individual lot owners at the Buildings Application stage required a higher standard to be applied. 20. The Local Government may request a condition at the time of subdivision for the placement of a

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		Notification on the title of lots created advising of the Special Provisions of the Scheme and the Fire Management Plan.
RR6	Swan Point Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR6 shall generally be in accordance with the Subdivision Guide Plan <i>RR6</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be two hectares. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Recreation—Public • Single House 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation, • Bed and Breakfast/Farmstay • Home Occupation • Industry—Cottage • Rural Pursuit (which shall be limited to existing cleared and pastured land only) • Restaurant 5. All development (including dwelling and outbuildings) shall achieve the following minimum setbacks— <ol style="list-style-type: none"> (a) 40 metres from Gull Rock or Nananup Roads; (b) 15 metres from all other lot boundaries; and 6. All buildings on part of Lot 22, Lot 23 and Lot 600—Pt Loc 1569 are to be located wholly within building envelopes of up to 2000m² that are shown on the Subdivision Guide Plan. Where lots do not have building envelopes shown on the Subdivision Guide Plan they are to be selected and delineated on-site by the landowner, and approved by the Local Government. 7. The Local Government may request the Commission to impose a condition at the time of subdivision requiring the provision of a Weed Management Plan and Implementation Programme. 8. The effluent disposal system for proposed Lot A of Lot 600 Pine Rise, Kalgan, shall be located in the area indicated on the Subdivision Guide Plan. Alternative locations for the effluent disposal system can be supported, if additional late winter testing is provided, proving that the land is capable of supporting the effluent disposal system to the satisfaction of the Local Government and the relevant State Government authority. 9. Any new buildings constructed on (proposed Lot A) Lot 600 Pine Rise, shall be constructed to AS 3959 BAL-29 or greater. 10. A Section 70A notification is to be placed on the title of proposed Lot A of Lot 600 Pine Rise, Kalgan at the time of subdivision to advise potential purchasers that they may be affected by emissions associated with the rural activity occurring on Lot 21 Davies Road, Kalgan.
RR8	Quaranup Road/Shoal Bay Retreat, Big Grove Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR8 shall generally be in accordance with the Subdivision Guide Plan <i>RR8</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 2.4 hectares. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Bed and Breakfast/Farmstay; • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All buildings, structures, water storage systems and low fuel zones shall be confined to a designated building envelope (maximum area 3,000m²) nominated by the landowner and approved by the Local Government.</p> <p>6. The designated building envelope shall be located outside of any building exclusion area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <ul style="list-style-type: none"> (a) 30 metres from Quaranup Road; (b) 80 metres from Austin Road; and (c) 20 metres from all other lot boundaries. <p>7. No fencing of internal common lot boundaries is permitted above the 26 metre contour or below the 6 metre contour as shown on the Subdivision Guide Plan.</p> <p>8. Prior to any development earthworks being commenced, the applicant shall conduct a limited form of field validation study to determine whether or not a potential threat from unexploded ordinance exists.</p>
RR9	Nanarup Road, Kalgan Rural Residential zone	<p>1. Subdivision of RR9 shall generally be in accordance with the Subdivision Guide Plan <i>RR9</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay; • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All development (including dwelling and outbuildings) and any low fuel zones shall be located outside of any development exclusion area, revegetation area and/or creekline protection area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <ul style="list-style-type: none"> i. 15 metres from Gull Rock or Nanarup Roads; ii. 15 metres from all other lot boundaries; and iii. 25 metres from any lot boundary with Location 1462. <p>6. No new access/egress points onto Nanarup Road will be permitted.</p> <p>7. Within Special Design Areas (Lots 15-22, 37-47 & 56-74 as shown on the Subdivision Guide Plan), applicants will be required to submit an overall design and landscape plan which addresses—</p> <ul style="list-style-type: none"> (a) setbacks from property boundaries and creeklines; (b) existing and proposed vegetation/revegetation; (c) low lying, flood prone and stormwater disposal areas;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>(d) low fuel zones;</p> <p>(e) that cut and fill of the site shall be kept to a minimum with preference given to split level development and the breaking up of building mass;</p> <p>(f) that only one out building shall be permitted with a maximum size of 65m² and maximum size of 65m² and maximum height to the eaves of 3 metres;</p> <p>(g) driveways shall be designed to minimise visual impact and erosion by being aligned with the contours of the site and planted with trees and shrubs. Stormwater runoff shall be attenuated to ensure erosion does not occur; and</p> <p>(h) the landscape plan shall indicate the number, type and location of shrubs and trees to be planted and maintained as a condition of Development Approval to effectively minimise the visual impact of all development on the site.</p>
RR10	Rowney Road, Robinson Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR10 shall generally be in accordance with the Subdivision Guide Plan <i>RR10</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be two hectares. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation; • Home Occupation; • Industry—Cottage; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). 5. All development (including dwelling and outbuildings) and any low fuel zones shall be located outside of any development exclusion area and/or revegetation area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks— <ol style="list-style-type: none"> (a) 15 metres from all lot boundaries. 6. No Single House shall be permitted to be constructed within the 200 metre sand extraction area buffer as shown on the Subdivision Guide Plan until the sand extraction activities have ceased. 7. At the time of subdivision the developer may be required to relocate/rationalise the High Voltage Power Lines to the road reserves.
RR11	Sheringa Park, Lower King Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR11 shall generally be in accordance with the Subdivision Guide Plan <i>RR11</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be one hectare. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay; • Home Occupation; • Industry—Cottage; • Recreation—Public; • Rural Pursuit (which shall be limited to existing cleared and pastured land only); and • Restaurant.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		5. All development (including dwelling and outbuildings) and any low fuel zones shall be located outside of any development exclusion area and/or revegetation area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks— <ol style="list-style-type: none"> (a) 40 metres from Nanarup Road; and (b) 15 metres from all other lot boundaries.
RR12	Neilson/Pineaster Roads, Willyung Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR12 shall generally be in accordance with the Subdivision Guide Plan <i>RR12</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be one hectare unless a larger size is shown on the Subdivision Guide Plan. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation; • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). 5. All development (including dwelling, outbuildings and effluent disposal systems) and any low fuel zones shall be located outside of any public open space and/or development exclusion area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks— <ol style="list-style-type: none"> (a) 30 metres from Rocky Crossing Road; and (b) 15 metres from all other lot boundaries.
RR13	Peet Rise/Coombes Road, Kronkup Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR13 shall generally be in accordance with the Subdivision Guide Plan <i>RR13</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be two hectares. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation; • Home Occupation; and • Industry—Cottage. 5. All buildings, structures, water storage systems and low fuel zones shall be confined to a designated building envelope (maximum area 3,000m²) located outside of any development exclusion area and/or revegetation area as shown on the Subdivision Guide Plan to be nominated by the landowner and approved by the Local Government.
RR14	Forsyth Glade/Hortin Road, Kronkup Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR14 shall generally be in accordance with the Subdivision Guide Plan <i>RR14</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be two hectares. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Home Occupation; • Industry—Cottage; • Recreation—Public; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All buildings, structures, water storage systems and low fuel zones shall be located outside of any development exclusion area, effluent exclusion areas and/or landscape protection area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <p>(a) 30 metres from Hortin Road; and</p> <p>(b) 15 metres from all other lot boundaries.</p>
RR15	Robinson Road, Robinson Rural Residential zone	<p>1. Subdivision of RR15 shall generally be in accordance with the Subdivision Guide Plan <i>RR15</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be four hectares.</p> <p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Home Occupation; • Industry—Cottage; and • Single House. <p>4. All buildings, structures, water storage systems and low fuel zones shall be located outside of any development exclusion areas, revegetation areas, landscape protection areas and/or vegetation areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <p>(a) 60 metres from Robinson Road; and</p> <p>(b) 15 metres from all other lot boundaries.</p>
RR17	Greatrex Road/Hart View, King River Rural Residential zone	<p>1. Subdivision of RR17 shall generally be in accordance with the Subdivision Guide Plan <i>RR17</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare with a minimum average lot size in the zone of two hectares.</p> <p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay; • Home Occupation; • Industry—Cottage; • Rural Pursuit (which shall be limited to existing cleared and pastured land only); • Chalet/Cottage Units; and • Rural Use. <p>"Rural Use" means the use of land for any of the purposes set out hereunder, and shall include such building normally associated therewith—</p> <ul style="list-style-type: none"> • The growing of vegetables, fruit, cut fresh flowers, cereals or food crops on a maximum cultivated area of 5000m²; • The rearing or agistment of goats, sheep, cattle or beasts of burden; • The breeding and raising of freshwater fish and crustaceans (aquaculture); • The outdoor growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or individual gardens on a maximum cultivated area of 5000m²;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Free range poultry farming; • Low key tourist uses and accommodation with a maximum of three chalets (except for lots 19, 20, 21, 22, 23 & 24 as shown on the Subdivision Guide Plan where this use is not permitted) • The wholesale marketing of produce grown solely on the lot; • The cultivation of wildflowers; • Firewood production; and • Other incidental or non-defined or incidental activities considered appropriate by the Local Government which are consistent with the objective of the zone. <p>5. All buildings, structures, water storage systems and low fuel zones shall be located outside of any development exclusion areas, tree/shrub planting areas, and/or vegetation protection areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <p>(a) 30 metres from the proposed 10 metre road widening area along Greatrex Road; and</p> <p>(b) 10 metres from all other lot boundaries.</p> <p>6. The subdivider shall ensure that any prospective purchaser of a lot within RR17 is advised in writing of the existence and operations of the Pendeen industrial area, Chester Pass Road and Albany Ring Road transport corridors and existing horticultural activities conducted in the vicinity of the lot that may affect their use and enjoyment of the land from time to time.</p>
RR21	Bushby Road, Lower King Rural Residential zone	<p>1. Subdivision of RR21 shall generally be in accordance with the Subdivision Guide Plan <i>RR21</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The Local Government may support the subdivision of Lots 1, 7, 10 and 33 (from Pt. Lot 50) and Lot 1 (Pt. Lot 1336) subject to the following criteria—</p> <p>(a) The design of the lots complies with the intent and requirements of the zone;</p> <p>(b) The subdivision is suitable having regard to the physical characteristics of the site; the need to protect remnant vegetation; and the amenity of adjoining properties; and</p> <p>(c) The proposed subdivision can be adequately serviced which is supported by a geotechnical analysis of the site.</p> <p>4. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>5. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay; • Holiday Accommodation (which is limited to 1 chalet per lot); • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>6. All buildings, structures and water storage systems shall be located outside of any building exclusion areas, vegetation protection area and/or landscape protection areas as shown on the</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <p>(a) For Lots 4, 35 and 46 Bushby Road, Lot 31 Bon Accord Road and Lot 30 Prideaux Road on the Subdivision Guide Plan, dwellings and effluent disposal systems shall be located within the building area shown on the Subdivision Guide Plan; and</p> <p>(b) For all other lots on the Subdivision Guide Plan, all buildings shall be setback—</p> <p>(i) 20 metres from public roads; and</p> <p>(ii) 10 metres from all other lot boundaries.</p> <p>7. No Single House (other than additions to existing dwellings) shall be permitted to be constructed within the 500 metre Liquid Waste Disposal Site Buffer area as shown on the Subdivision Guide Plan until the disposal activities have ceased and the site has been rehabilitated to the satisfaction of the Local Government in consultation with the relevant State Government authority.</p> <p>8. The subdivider shall place a notification on title in the form of a memorial on the Certificate of Title advising of the existence of a hazard to state—</p> <p><i>“This lot is in close proximity to mosquito breeding areas. The Mosquito species is known to carry Ross River Virus and other diseases”.</i></p>
RR22	Lowanna Drive, Marbelup Rural Residential zone	<p>1. Subdivision of RR22 shall generally be in accordance with the Subdivision Guide Plan <i>RR22</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The following land uses are ‘P’ permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are ‘D’ discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. (a) All buildings, structures, water storage systems and low fuel zones shall be located outside of any building exclusion areas and/or tree/shrub planting areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <p>(i) 15 metres from George Street, Lowanna Drive and Charles Street; and</p> <p>(ii) 10 metres from all other lot boundaries.</p> <p>(b) On those lots with a designated building envelope as shown on the Subdivision Guide Plan, all buildings and structures shall be confined to the building envelope.</p>
RR25	Lancaster Road, McKail Rural Residential zone	<p>1. Subdivision of RR25 shall generally be in accordance with the Subdivision Guide Plan <i>RR25</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The following land uses are ‘P’ permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are ‘D’ discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. (a) All buildings, structures, water storage systems, effluent disposal systems and low fuel zones shall be located outside of any development exclusion areas and/or effluent disposal system exclusion areas as shown on the Subdivision Guide Plan.</p> <p>(b) All buildings and structures shall be confined to the nominated designated building envelopes (nominated building sites) as shown the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <ul style="list-style-type: none"> (i) 12 metres from Lancaster Road; and (ii) 10 metres from all other lot boundaries. <p>6. The subdivider shall ensure that any prospective purchaser of a lot within RR25 is advised in writing that modifications may be required to the Subdivision Guide Plan to ensure the subdivision can accommodate changing land use activity in the area including the construction of the Albany Ring Road.</p>
RR27	Link Road, Marbelup Rural Residential zone	<p>1. Subdivision of RR27 shall generally be in accordance with the Subdivision Guide Plan <i>RR27</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All buildings, structures and water storage systems shall be setback—</p> <ul style="list-style-type: none"> (a) 20 metres from public roads; (b) 10 metres from all other lot boundaries; (c) Outside of the tree planting areas as shown on the Subdivision Guide Plan; (d) Outside of the acoustic setback area as shown on the Subdivision Guide Plan; (e) 40 metres from the boundary with Lot 401 as shown on the Subdivision Guide Plan; and (f) Outside the Western Power Easement as shown on the Subdivision Guide Plan. <p>6. No Single House or other noise-sensitive development shall be approved by the Local Government unless it is satisfied that the development can achieve the standards for indoor noise levels in <i>AS/NZS 2107:2000 Acoustics—Recommended Design Sound Levels and Reverberation Times for Building Interiors</i>.</p> <p>7. The subdivider shall ensure that any prospective purchaser of a lot within RR27 is advised in writing of—</p> <ul style="list-style-type: none"> (a) The existence and operations of the Attwell Park Speedway Noise Buffer Planning Policy; (b) Proposed Lot 1 is within 500 metres of a kennel; and

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>(c) Once construction of the Albany Ring Road project commences, all existing vehicular access points onto Link Road will be affected by the construction of the Albany Ring Road transport corridor project.</p> <p>8. The subdivider shall place a notification on the Certificate of Title of proposed Lots 23-31 as shown on the Subdivision Guide Plan stating that— <i>“This lot is situated adjacent to the proposed Albany Ring Road and may be affected by transport noise. Further information regarding transport noise, including development restrictions and noise insulation requirements for noise-affected property are available from the Local Government”.</i></p>
RR28	South Coast Highway, Marbelup Rural Residential zone	<p>1. Subdivision of RR28 shall generally be in accordance with the Subdivision Guide Plan <i>RR28</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be two hectares.</p> <p>3. The following land uses are ‘P’ permitted uses—</p> <ul style="list-style-type: none"> • Public Utility; and • Single House. <p>4. The following land uses are ‘D’ discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All buildings, structures and water storage systems and low fuel zones shall be located outside of any revegetation areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <ul style="list-style-type: none"> (a) 40 metres from South Coast Highway; (b) 20 metres from all other public roads; and (c) 10 metres from all other lot boundaries. <p>6. The subdivider shall ensure that any prospective purchaser of a lot within RR28 is advised in writing of the existence of the extractive industries conducted on adjoining Lot 125.</p>
RR29	Racecourse Road, Robinson Rural Residential zone	<p>1. Subdivision shall generally be in accordance with the Subdivision Guide Plans as endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission—</p> <ul style="list-style-type: none"> (a) Subdivision Guide Plan <i>RR29</i>; (b) The plan for Lots 45, 111 & 118 Manni Road, Lots 115-117 Monroe Court and Lot 33 Roberts Road, reference number <i>ATK ALB-2-03b</i>, dated 26/05/2010; and (c) The plan for Lots 5 and 80 Racecourse Road and Lots 81, 82 and 9000 Roberts Road, reference <i>14214-01H</i> dated 10/01/12. <p>2. In respect of land within—</p> <ul style="list-style-type: none"> (a) The Subdivision Guide Plan referred to in 1(a) (above), the minimum lot size shall be not less than 1.5 hectares (lots wholly outside the WHPZ) and two hectares (lots wholly within the WHPZ) with an average lot size of two hectares; and (b) The Subdivision Guide Plan referred to in 1 (b) (above), the minimum lot size shall be not less than three hectares with an average lot size of four hectares.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ol style="list-style-type: none"> <li data-bbox="715 264 1327 324">3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> <li data-bbox="778 293 954 324">• Single House <li data-bbox="715 324 1327 548">4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> <li data-bbox="778 376 1098 407">• Ancillary Accommodation; <li data-bbox="778 407 1018 439">• Home Occupation; <li data-bbox="778 439 1023 470">• Industry—Cottage; <li data-bbox="778 470 1018 501">• Public Utility; and <li data-bbox="778 501 1327 548">• Rural Pursuit (which shall be limited to existing cleared and pastured land only). <li data-bbox="715 548 1327 772">5. All buildings, structures and water storage systems and low fuel zones shall be located outside of any development/dwelling exclusion areas and/or vegetation protection areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks— <ol style="list-style-type: none"> <li data-bbox="762 705 1257 736">(a) 40 metres from any front boundary; and <li data-bbox="762 736 1257 768">(b) 15 metres from all other lot boundaries. <li data-bbox="715 772 1327 1332">6. In addition to Clause 5.5.13.2.8 (i), the keeping of horses, sheep, goats, poultry and other grazing animals shall be subject to the prior approval of the Local Government and these animals shall be restricted to fenced areas of the lot to the satisfaction of the Local Government. No animal houses (for example pens, stables, cow-shed, pig sty, fowl house and poultry sheds) shall be located within the 300m Public Water Bore (Well Head Protection Zone) Buffer. The Owner/Tenant shall be responsible for the maintenance of stock proof fencing to protect native vegetation and revegetation areas. The keeping of livestock/animals is restricted as recommended under the relevant legislation, policies and guidelines of the relevant government authority. Animal numbers shall not exceed the stocking rates recommended by the relevant State Government authority. The keeping of animals shall not result in the removal or damage of significant vegetation and trees, water pollution or result in soil degradation and dust pollution. <li data-bbox="715 1332 1327 1400">7. Buildings, tanks and structures shall not be constructed within any 'Development Exclusion Area' designated on the Subdivision Guide Plan. <li data-bbox="715 1400 1327 1758">8. In regard to lots located wholly or partially within either the 100 metre or 300 metre Public Water Bore (Well Head Protection Zone) Buffer(s) as illustrated on the Subdivision Guide Plan referred to in 1(a), buildings, tanks and structures shall be located— <ul style="list-style-type: none"> <li data-bbox="778 1556 1295 1588">• Wholly outside of the 100 metre Buffer; and <li data-bbox="778 1588 1327 1668">• So as to maximise separation to Public Water Bore(s) on those lots wholly within the 300 metre Buffer; and <li data-bbox="778 1668 1327 1749">• Wholly outside of the 300 metre Buffer, on those lots that straddle the 300 metre Buffer (with the exception of proposed Lot 11). <li data-bbox="715 1758 1327 1937">9. Where lot boundaries traverse existing vegetation and/or ridgelines, as shown on the Subdivision Guide Plan referred to in 1.1(a), they shall be demarcated by the use of bollards, or other means/method considered suitable by the Local Government, so as to minimise the removal of vegetation. <li data-bbox="715 1937 1327 2107">10. In addition to Clause 5.8.2, in regard to land identified within the Subdivision Guide Plan referred to in 1(a)— <ul style="list-style-type: none"> <li data-bbox="778 2004 1327 2107">• Effluent disposal systems are not permitted within the 100 metre Public Water Bore Buffer, as illustrated on the Subdivision Guide Plan;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Conventional effluent disposal systems are not permitted within the 300 metre Public Water Bore (Well Head Protection Zone) Buffer, as illustrated on the Subdivision Guide Plan; and • In regard to lots located wholly or partially within either the 100 metre or 300 metre Public Water Bore (Well Head Protection Zone) Buffer(s) as illustrated on the Subdivision Guide Plan, alternative effluent disposal systems shall be located— <ul style="list-style-type: none"> - Wholly outside of the 100 metre Buffer; - So as to maximise separation to Public Water Bore(s) on those lots wholly within the 300 metre Buffer; and - Wholly outside of the 300 metre Buffer, on those lots that straddle the 300 metre Buffer (with the exception of proposed Lot 11). <p>11. Any habitable structures on Lot 8 Racecourse Road on Subdivision Guide Plan shall be designed and constructed in accordance with <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i> to withstand BAL-19 and provided with a building protection/hazard separation zone of not less than 31 metres, in accordance with Planning for <i>Bush Fire Protection Guidelines Edition 2</i> or any document superseding it.</p> <p>12. In regard to land identified within the 200 metre Sand Extraction Area Buffer shown on the Subdivision Guide Plan referred to in 1(a), subdivision/residential development shall not be permitted unless—</p> <p>(a) The sand extraction use is discontinued to the Local Government’s satisfaction; or</p> <p>(b) Appropriate means of mitigating the impacts of dust and noise associated with sand extraction activities are implemented to the Local Government’s satisfaction. Means of mitigating the impacts of dust and noise impacts may include but not be limited to—</p> <ul style="list-style-type: none"> • earth bunding; • tree/shrub planting; • solid wall construction <p>and all means of mitigation are to be subject to environmental engineering certification to the Local Government’s satisfaction.</p> <p>13. The subdivider shall rehabilitate the former sand extraction area in the north-western corner of Lot 7 on Subdivision Guide Plan reference 14-214-01H with planting of trees and shrubs at a density and distribution to the satisfaction of the Local Government’s, prior to the transfer of a lot(s) to a new owner.</p>
RR30	Stewart House Hill/Migo Place/ Cosy Corner Road, Kronkup Rural Residential zone	<p>1. Subdivision of RR30 shall generally be in accordance with the Subdivision Guide Plan <i>RR30</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be two hectares unless a larger size is shown on the Subdivision Guide Plan.</p> <p>3. The following land uses are ‘P’ permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are ‘D’ discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Home Occupation; • Rural Pursuit (which shall be limited to existing cleared and pastured land only); and • Livestock grazing and dams on Lots A-F, H-O and T-V inclusive and Lot Y as shown on the Subdivision Guide Plan subject to the provisions under “4.0” below and provided that they are located outside of “Conservation of Flora and Fauna Protection Areas” shown on the Subdivision Guide Plan. Dams are to be located in accordance with the setbacks detailed in Clause 5.1 and will not be permitted in visually sensitive areas. These uses are prohibited on Lots G, P-S inclusive, W and X. <p>5. The following land uses are ‘D’ discretionary uses on Lot ‘T’, as shown on the Subdivision Guide Plan—</p> <ul style="list-style-type: none"> • Up to a maximum of three Chalet/Cottage Units; • Industry—Cottage; • Restaurant; • Agriculture—Intensive; • Garden Centre; and • Sales Outlet for the olive grove. <p>6. (a) All buildings, structures and water storage systems shall be located outside of any conservation of flora and fauna areas, landscape protection areas, wildlife corridor and/or creek protection areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <ul style="list-style-type: none"> (i) 100 metres from the rural zoned land to the north; (ii) 50 metres from Coombes and Cosy Corner Roads; (iii) 30 metres from the motel zoned land; and (iv) 20 metres from all other lot boundaries. Setback (i) may be reduced to 40 metres, subject to the establishment of a vegetated buffer designed to address potential impacts of spray drift and/or dust, smoke and ash from adjoining land. <p>(b) On those lots with a designated building envelope shown on the Subdivision Guide Plan, all buildings, structures and water storage systems shall be confined to the building envelope.</p> <p>(c) Any outbuilding is to be located within 40 metres of the approved dwelling or vice versa.</p> <p>7. In order to protect native fauna, the keeping of cats is prohibited.</p> <p>8. The Local Government will request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring a foreshore management plan to be prepared for the ‘Creek protection area’ on Lot W.</p> <p>9. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring a weed management strategy to be prepared for Lots T-Y, to address weed management in both degraded areas and the ‘Conservation of Flora and Fauna Areas’.</p> <p>10. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring planting and maintenance of buffers to adjoining agricultural uses, as indicated on the Subdivision Guide Plan.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ol style="list-style-type: none"> 11. Dwellings in areas which are classified as being extreme, high or medium fire hazards shall be designed and constructed in accordance with the relevant construction requirements of AS 3959—<i>Construction of Buildings in Bushfire Prone Areas</i> based on the outcomes of the Bushfire Attack Level (BAL) assessment prepared and submitted to the Local Government by individual lot owners at the Building Application stage. 12. All new habitable buildings erected on Lots T and W on the Subdivision Guide Plan shall be designated and constructed to the AS3959 requirements for a minimum Bushfire Attack Level (BAL 19) and all new buildings on Lot X shall be designed and constructed to the requirements for a minimum BAL 29. 13. On Lot A, U and W on the Subdivision Guide Plan, subject to late winter site testing, the Local Government will allow either an alternative amended soil treatment and disposal system within the building envelope, or a system which pumps treated effluent to a disposal area within the lot which satisfies the required setbacks from water courses. The Local Government may require the use of Aerobic Treatment Units (ATUs) on Lots T and V. 14. The Local Government shall ensure prospective purchasers of land within the subdivision are provided with a copy of the following prior to entering into an agreement to purchase any property within the zone— <ol style="list-style-type: none"> (a) These special provisions and the Subdivision Guide Plan applicable to the zone; (b) An information sheet which lists the flora and fauna species prevalent in the area, and explains the wildlife corridor across Lots 2 and 5; and (c) An information sheet regarding the management and control of invasive weeds. 15. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring a Section 70A notification to be placed on the titles of Lots U, V, W, X and Y advising that amenity of the lots may be affected by ongoing agricultural and/or horticultural uses on adjacent land.
RR31	Coombes Road/Forest Court, Kronkup Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR31 shall generally be in accordance with the Subdivision Guide Plan <i>RR31</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Single House 3. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay; • Holiday Accommodation; • Home Occupation; and • Industry—Cottage. 4. The approval of Holiday Accommodation within RR31 shall be subject to the following conditions— <ol style="list-style-type: none"> (a) The development of Holiday Accommodation is restricted to Strata Lots S1, S1a and S2a as shown on the Subdivision Guide Plan; (b) Land capability assessment will be required to determine the most suitable locations for the chalets;

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		<p>(c) The maximum floor area of any chalet shall be 130m² with a maximum of two bedrooms; and</p> <p>(d) Length of stay is limited to three months from any 12 month period.</p> <p>5. All buildings, structures and water storage systems shall be located within the designated building envelopes and strata lot areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <p>(a) 20 metres from Coombes Road; and</p> <p>(b) 10 metres from all other lot boundaries.</p> <p>6. Fencing shall be restricted to proposed strata lots, designated building envelopes and/or public roads.</p> <p>7. The subdivider shall place a notification on the Certificate of Title of alerting purchasers and successors in title of the responsibilities of the Fire Management Plan covering this land.</p>
RR32	Bottlebrush Road, Gledhow Rural Residential zone	<p>1. Subdivision of RR32 shall generally be in accordance with the Subdivision Guide Plan <i>RR32</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be two hectares.</p> <p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Home Occupation; • Industry—Cottage; and • Public Utility. <p>5. All buildings, structures, on-site effluent disposal systems and water storage systems shall be located outside of any development exclusion areas (a minimum of 10 metres from the edge of the riparian vegetation) as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks—</p> <p>(a) 12 metres from Bottlebrush Road; and</p> <p>(b) 5 metres from all other lot boundaries.</p> <p>6. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination of systems to service all dwellings.</p> <p>7. Future access/egress to the proposed southern lot shall be confined to utilising the existing track along the southern boundary.</p>
RR33	Henderson Road, Drome Rural Residential zone	<p>1. Subdivision of RR33 shall generally be in accordance with the Subdivision Guide Plan <i>RR33</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. No direct access to Albany Highway is permitted and all access shall be from Link/Henderson Roads.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ol style="list-style-type: none"> 6. A notification shall be placed each Certificate of Title of all new lots created by the subdivision advising landowners of the proximity of the existing dog kennels on adjoining Lot 7 to the south. 7. Provision shall be made to ensure prospective purchasers of land with the zone are made aware in writing that— <ol style="list-style-type: none"> (a) the lots adjoin the future Albany Ring Road route and proposed interchange with Albany Highway and noise-sensitive development within 165 metres of Albany Highway or the proposed Albany Ring Road route will need to be designed in accordance with the Package A noise insulation measures specified in the Implementation Guidelines for State Planning Policy 5.4; and (b) that no direct vehicular access to Albany Highway will be permitted. 8. The Local Government may request that the Western Australian Planning Commission impose a condition at the time of subdivision requiring notifications to be placed on the Certificates of title of the proposed lots stating that this property is adjacent to the proposed Albany Ring Road and may be affected by transport noise. Further information regarding transport noise, including development restrictions and noise insulation requirements for noise-affected property are available from the City of Albany. 9. No dwelling or other noise-sensitive development within 165 metres of Albany Highway or the proposed Albany Ring Road route shall be approved until such time as Local Government is satisfied that the design complies with the Package A house insulation measures specified in the Implementation Guidelines for State Planning Policy 5.4. 10. All non habitable buildings and structures (excluding fencing) shall be setback a minimum of 40 metres from Albany Highway and all habitable buildings shall be setback a minimum of 80 metres from Albany Highway. 11. All buildings and structures shall be setback a minimum of 15 metres from Henderson and Link Roads and 10 metres from all other boundaries (with the exception of Albany Highway) unless the Local Government approves a lesser distance; that is if the Local Government is of the opinion that the location of the building will not detract from the semi-rural landscape quality of the area or from the amenity of the existing or future residences on adjoining lots. 12. The maximum height of all outbuildings will be at the discretion of the Local Government in order to minimise the visual impacts of such buildings when viewed from Link Road and/or Albany Highway and from within the subdivision.
RR34	Lancaster Road, McKail Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR34 shall generally be in accordance with the Subdivision Guide Plan <i>RR34</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be one hectare. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation; • Home Business;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. Any dwelling shall be located outside of any development exclusion areas as shown on the Subdivision Guide Plan and all buildings shall achieve the following minimum setbacks—</p> <ul style="list-style-type: none"> (a) 15 metres from the front boundary; (b) 12 metres from a secondary road boundary; and (c) 10 metres from all other lot boundaries.
RR35	Link Road/Redgum Trail, McKail Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR35 shall generally be in accordance with the Subdivision Guide Plan <i>RR35</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be one hectare. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Holiday Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Agriculture—Intensive; • Ancillary Accommodation; • Aquaculture; • Educational Establishment; • Home Occupation; • Industry—Cottage; • Public Utility; • Rural Pursuit (which shall be limited to existing cleared and pastured land only); and • Restaurant. 5. All buildings, structures and water tanks and/or similar structures shall be located— <ul style="list-style-type: none"> (a) Within the indicative building envelopes for lots created from the subdivision of Lot 24 Link Road as shown on the Subdivision Guide Plan; and (b) Outside of the development exclusion areas, priority landscape buffer areas, creekline protection areas and existing vegetation areas for lots created from Lot 6 Link Road (now Redgum Trail) as shown on the Subdivision Guide Plan. 6. All buildings and structures shall be setback— <ul style="list-style-type: none"> (a) 15 metres from all lot boundaries; (b) Outside the acoustic setback shown on the Subdivision Guide Plan; and (c) Outside the 40 metres setback with the boundary of Lot 410 as shown on the Subdivision Guide Plan. 7. Where no building envelope is shown on the Subdivision Guide Plan, dwellings shall be sited in a development area not exceeding 2,000m² in area selected by the landowner and approved by the Local Government in accordance with provisions 4 and 5. 8. No dwelling or other noise sensitive development shall be approved by the Local Government until such time as it is satisfied that indoor noise levels accord with <i>AS 2107:2000 Acoustics—Recommended Design Sound Levels and Reverberation Times for Building Interiors</i>. 9. The subdivider shall ensure that any prospective purchaser of a lot within RR35 is advised in writing of the Local Government's preferred

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		<p>option for road access to land on the west side of Link Road.</p> <p>10. Direct vehicular access between any of the proposed lots and Link Road/Albany Ring Road is prohibited.</p>
RR36	Malima Road, Kronkup Rural Residential zone	<p>Plan of Subdivision</p> <p>1. Subdivision of RR36 shall generally be in accordance with the Subdivision Guide Plan <i>RR36</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be two hectares, however larger lots are required over environmentally and visually sensitive parts of the sites.</p> <p>Land Uses</p> <p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary land uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Holiday Accommodation (where it can be demonstrated to the satisfaction of the Local Government that the scale of the development is consistent with the objectives for the zone and the sensitivities of the site); • Home Occupation; and • Industry—Cottage. <p>Location of Buildings and Structures</p> <p>5. Buildings, tanks and structures shall not be constructed within the "Building Exclusion Area" designated on the Plan of Subdivision.</p> <p>6. All buildings and structures shall be located within the building envelope indicated on the Plan of Subdivision to the satisfaction of and approved by the Local Government. The identification of the building envelope shall include consideration of (but not limited to) setbacks from creek line, protection of vegetation, setbacks from West Cape Howe National Park, visual impacts and fire protection.</p> <p>7. In relation to visual impacts, the location of the building envelopes is to prevent buildings projecting above the skyline, and to prevent buildings being positioned consecutively in a straight line down a slope.</p> <p>Vegetation Protection</p> <p>8. A Vegetation, Flora and Fauna Management Plan shall be prepared in consultation with the relevant State Government authority as a prerequisite to subdivision or development of the land. The Vegetation, Flora and Fauna Management Plan shall address the following (but not limited to)—</p> <ol style="list-style-type: none"> (a) Proximity to West Cape Howe National Park; (b) Identify all areas of Karri vegetation and designate to be retained and protected; (c) Identify large stands of vegetation and designate to avoid dissection by lot boundaries and/or fencing as far as practical; (d) Identify creekline vegetation and provide for a vegetative buffer with a minimum width of 30 metres to be maintained/established along the creekline. (e) Identify degraded remnant vegetation and develop a program for revegetation and restoration; (f) Weed management;

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		<p>(g) Fertiliser and pesticide application restrictions;</p> <p>(h) Stock restrictions; and</p> <p>(i) Maintenance program.</p> <p>9. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision which requires the subdivider to revegetate the road verge and any other areas affected by site works.</p> <p>10. In order to enhance the rural amenity of the land in areas the local government 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 local government and as indicated on the Subdivision Guide Plan or any subsequent Plan of Subdivision.</p> <p>Environmental Management and Rehabilitation</p> <p>11. An Environmental Management Plan shall be prepared in consultation with the relevant State Government authority as part of the Plan of Subdivision to minimise land degradation risks including from wind erosion, earthworks, visual impacts (including roads, fire access tracks and building envelopes) and disturbance to vegetation of the subdivision design and construction and develop mitigation measures and rehabilitation strategies for construction and maintenance.</p> <p>12. The use, development and management of any lot within the Plan of Subdivision shall be in accordance with the Environmental Management Plan.</p> <p>Stormwater Management and Drainage</p> <p>13. A Stormwater Management Plan shall be prepared in consultation with the relevant State Government authority as a prerequisite to any subdivision or development proposal. The plan is to demonstrate treatment and infiltration at source according to the relevant <i>Stormwater Management Manual for Western Australia</i>. The Stormwater Management Plan shall include details of appropriate infrastructure such as basins and swales.</p> <p>Water Supply</p> <p>14. A Water Supply Assessment shall be prepared in consultation with the relevant State Government authority and the Local Government as a prerequisite to any subdivision or development application to ensure sufficient water is available to the proposed lots.</p> <p>15. Prior to occupation, each dwelling house shall be provided with a water supply with a minimum capacity of 120,000 litres. This may be supplied from underground supplies or rainwater storage system to the satisfaction of the Local Government and the relevant State Government authority. In addition, a supplementary 30,000 litre water supply for fire fighting purposes will be required.</p> <p>Effluent Disposal</p> <p>16. An Effluent and Waste Water Management Plan shall be prepared in consultation with the Local Government and relevant State Government authorities as a prerequisite to any subdivision or development application.</p> <p>17. The effluent disposal system shall comply with the contemporary standards for the sustainable disposal requirements, with adequate phosphorous retention capacity, as determined</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>and licensed by the relevant State Government authorities.</p> <p>18. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Effluent disposal areas for new dwellings shall be set back a minimum of 100 metres from the natural permanent watercourse and situated 2 metres above the highest known groundwater level, unless a variation is approved as provided by 16 below.</p> <p>19. Variations to the design or location of effluent disposal areas require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impact to the satisfaction of the relevant State Government authorities and the Local Government.</p> <p>Bushfire Management and Control</p> <p>20. A revised Bushfire Protection Plan shall be prepared as a prerequisite to any subdivision or development application to the satisfaction of the Local Government and the relevant State Government authority.</p> <p>21. A 50,000 litre water tank and hydrant or standpipe is required for bush fire fighting purposes. This facility shall be designated on the Local Government endorsed Plan of Subdivision to be created within a Crown reserve at the SW corner of Lot 4 with Malima Road. The water tank and associated facilities are to be vested in the Local Government.</p> <p>22. Each owner shall ensure their house has a supplementary tank of at least 30 kilolitres available for fire fighting purposes supplied from a bore or from rainwater. Alternatively should a single rainwater tank be provided it must be located accessible to the road and of at least 150 kilolitres in capacity with the bottom one quarter of the tank set aside for fire fighting purposes. The tanks are to be fitted with a dual tap system to Local Government's specification and satisfaction.</p> <p>23. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision which requires a notification on the certificate of title for all new lots which specifies the requirements and responsibilities of landowners for protection of life and property from bush fires to the satisfaction of the relevant State Government authority and local government.</p> <p>24. Landowners within the subdivision must comply with the Fire Protection Plan.</p> <p>Notification of Prospective Owners</p> <p>25. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision which requires a notification on the certificate of title for all new lots to advise prospective purchasers that a Plan of Subdivision and specific scheme provisions apply to the land.</p> <p>26. A notification shall be placed on each Certificate of Title of all lots created by a subdivision advising prospective purchasers of the following—</p> <p><i>“Due to the close proximity of West Cape Howe National Park, which is managed by the Department of Parks and Wildlife, amenity of</i></p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p><i>proposed lots may be affected on occasion by the following—</i></p> <p>(a) <i>Prescribed burning for conservation or fire hazard reduction purposes;</i></p> <p>(b) <i>Baiting with poison to control predators of native fauna and/or shooting or trapping to control declared animal species;</i></p> <p>(c) <i>Weed control using herbicides; and</i></p> <p>(d) <i>Firebreak construction and/or maintenance.”</i></p> <p>AND</p> <p><i>“Domestic pets are to be controlled from posing a threat to native flora and/or fauna and must be confined within the development area at all times. Cats and rabbits are considered to pose a threat to native fauna and are to be confined inside buildings.”</i></p> <p>Road Access</p> <p>27. A Traffic Impact Assessment and Management Plan shall be prepared in consultation with the Local Government as a prerequisite to any subdivision or development application.</p> <p>28. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring works or monetary contribution towards the upgrading of Shelley Beach Road and the intersection with Coombes Road to a standard applicable to the anticipated traffic. Should a dispute arise in determining the anticipated traffic, it shall be determined in consultation with the relevant State Government authority.</p>
RR37	Sandalwood Road, Wellstead Rural Residential zone	<p>1. Subdivision of RR37 shall generally be in accordance with the Subdivision Guide Plan <i>RR37</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare unless a larger size is shown on the Subdivision Guide Plan.</p> <p>3. The following land uses are ‘P’ permitted uses—</p> <ul style="list-style-type: none"> • Home Occupation; and • Single House. <p>4. (a) The following land uses are ‘D’ discretionary uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay; • Civic Use; • Community Purpose; • Garden Centre; • Holiday Accommodation; • Home Business; • Industry—Light; • Industry—Service; • Public Utility; • Rural Pursuit (which shall be limited to existing cleared and pastured land only); • Storage; and • Restaurant. <p>(b) In determining applications for any discretionary uses, the Local Government shall have regard to the objectives for the zone and the recommendations and outcomes contained in the Wellstead Townsite Strategy.</p> <p>5. No dwelling is permitted on a lot unless the minimum combined roof area of all structures is 350m² or greater.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ol style="list-style-type: none"> 6. All buildings shall be confined within the building envelope for those lots where a building envelope is shown on the Subdivision Guide Plan. 7. On those lots designated with an interim hazard separation zone shown on the Subdivision Guide Plan, all habitable buildings shall be designed and/or setback to take account of the fire hazard risk on the adjoining Crown Land in accordance with Western Australian Planning Commission <i>Planning for Bush Fire Protection</i> or other subsequent Fire Protection Policy. 8. Except as provided in provisions 5 and 6, all buildings shall be located to achieve the following minimum setbacks— <ol style="list-style-type: none"> (a) 20 metres from the front boundary; (b) 10 metres from any side boundary; and (c) 20 metres from any rear boundary adjoining any other special rural lots; (d) 30 metres from any rear boundary adjoining any rural zoned land; and (e) 60 metres from any lot adjoin any Crown Land. 9. On those lots identified as susceptible to wind erosion, any site works, removal of vegetation or disturbance of topsoil shall require the prior approval of the Local Government and shall be confined to a building envelope (maximum area of 60% of the lot). The Local Government may require management controls and conditions be imposed on any approval to minimise dust and ensure rehabilitation of the site. 10. On those lots identified as possibly requiring inverted leach drains, further testing may be required to the satisfaction of the Local Government to determine the appropriate type and location of the on-site effluent disposal system. 11. The subdivider shall place a memorial on the Certificate of Title warning that there is potential for mining operations to occur within 2 kilometres of the land and these operations may adversely impact on the amenity of the lots.
RR39	Home/Bramwell Roads, Robinson Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR39 shall generally be in accordance with the Subdivision Guide Plan <i>RR39</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be one hectare. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation • Home Occupation • Industry—Cottage • Public Utility • Rural Pursuit (which shall be limited to existing cleared and pastured land only) • Other incidental or non-defined activities considered appropriate by the Local Government, which are consistent with the objective of the zone. 5. All buildings and structures shall be setback a minimum of 15 metres from a road boundary and 10 metres from all other lot boundaries. 6. All buildings and structures shall be located within the designated building envelope. However, Local Government may consider

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		<p>variations to the designated location where all of the following are achieved—</p> <ol style="list-style-type: none"> (a) A detailed geotechnical report determines the alternative envelope is suitable for effluent disposal; (b) Setbacks to surface water and drainage lines and depth to groundwater meet the requirements of the relevant government authority; (c) Minimum setbacks are in accordance with 5.1, above; and (d) No clearing of remnant vegetation is required to accommodate the envelope or achieve hazard separation zones required in accordance with <i>Planning for Bush Fire Protection</i> or subsequent fire management policy. <ol style="list-style-type: none"> 7. All on-site effluent disposal shall utilise nutrient retaining alternative treatment systems such as amended soils or aerobic systems. 8. No more than one effluent disposal system will be permitted per lot. 9. In addition to clause 5.5.13.2.8, the keeping of horses, sheep, goats and other grazing animals shall not exceed a maximum stocking rate of 10 DSE/ha (equivalent to one horse per hectare). 10. A Fire Management Plan in accordance with <i>Planning for Bush Fire Protection Guidelines</i> or subsequent fire protection policy document shall be prepared to the satisfaction of the Local Government or responsible fire authority, prior to subdivision of the land. The local government may request implementation of the relevant requirements of the plan as condition(s) of subdivision and development. 11. The subdivider shall make arrangements to the satisfaction of the Local Government to ensure prospective purchasers, in the transfer of lots, are aware of the landowner's obligations in the fire management plan, the fire management guidelines of the <i>Homeowners' Bushfire Survival Manual</i> and <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i>. 12. Prior to subdivision of the potentially affected area, investigation for soil and groundwater contamination shall be carried out in accordance with the <i>Contaminated Sites Management Series</i> guidelines or subsequent publication by the relevant State Government authority. 13. Remediation, including validation of remediation, of any contamination identified shall be completed prior to the issue of titles. 14. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision, requiring the application of reciprocal rights arrangements to adjoining battleaxe legs on the parent lot.
RR40	Beaudon Road, McKail Rural Residential zone	<p>Plan of Subdivision</p> <ol style="list-style-type: none"> 1. Subdivision of RR40 shall generally be in accordance with the Subdivision Guide Plan <i>RR40</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be one hectare. <p>Land Use</p> <ol style="list-style-type: none"> 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Bed and Breakfast/Farmstay; • Craft Studio; • Holiday Accommodation; • Home Office; • Home Business; • Home Occupation; • Industry—Cottage; • Public Utility; and • Other non-defined or incidental activities considered appropriate by the Local Government which are consistent with the objective of the zone. <p>Keeping of Livestock/Animals</p> <p>5. The keeping of livestock and animals shall not be undertaken within areas marked 'Vegetation to be Retained', except for those areas the Local Government deems to be only for vegetative screening.</p> <p>Location of Buildings and Structures</p> <p>6. All buildings and structures shall be located outside of the 'Development Exclusion Area' marked on the Subdivision Guide Plan.</p> <p>7. All buildings and structures, subject to provision 6 above, are to be setback a minimum of 15 metres from Beaudon Road and South Coast Highway and 10 metres from all other lot boundaries.</p> <p>8. The Local Government shall not permit the development of buildings or structures within the Waste Water Treatment Plant Buffer unless it is of the opinion that this development would not be detrimental to the operation of the Waste Water Treatment Plant.</p> <p>9. All buildings and structures, subject to 6 above, are to be setback a minimum of 15 metres from Beaudon Road and South Coast Highway and 10 metres from all other lot boundaries.</p> <p>10. Any proposed development below the 30 metre contour identified on the Subdivision Guide Plan will require geotechnical and fire hazard assessments to confirm site suitability.</p> <p>Fencing</p> <p>11. Lot boundaries within existing vegetated areas or revegetated areas are to be delineated by methods other than fencing. Pegs and/or cairns or other similar measures are acceptable.</p> <p>Vegetation Protection and Revegetation</p> <p>12. Landowners shall maintain existing vegetation within the 'Vegetation to be Retained' areas as depicted on the Subdivision Guide Plan.</p> <p>13. The Local Government may request the Western Australian Planning Commission to impose a condition at the subdivision stage requiring the provision of a Weed Management Plan and Implementation Programme.</p> <p>Water Supply</p> <p>14. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots.</p> <p>Effluent Disposal</p> <p>15. The Local Government shall require the use of amended soil type effluent disposal systems, such as EcoMax/ATU Systems in the following situations—</p> <ul style="list-style-type: none"> • Where a 100 metre setback from a creek line or water course cannot be achieved; • Where the system would be installed on any part of the land below the 35 metre AHD

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>contour, as depicted on the Subdivision Guide Plan;</p> <ul style="list-style-type: none"> • Where soil conditions are not conducive to the retention of nutrients; and on white sands and in low lying areas. <p>16. The Local Government shall require a geotechnical assessment proving the land is capable of on-site effluent disposal, where the use of these systems falls below the 30 metre AHD contour as depicted on the Subdivision Guide Plan.</p> <p>17. No more than one effluent disposal system will be permitted on one lot.</p> <p>Access</p> <p>18. Battleaxe legs are to be a minimum width of 6 metres. Where access legs are to be collocated, their combined width may be reduced to 10 metres.</p> <p>19. All driveways and underground infrastructure shall be designed and constructed so as to avoid erosion impacts and prevent unnecessary discharge of storm water.</p> <p>20. Additional access points onto South Coast Highway are prohibited.</p> <p>21. Existing, cleared firebreaks and tracks shown on the subdivision guide plan shall be utilised for access to future lots. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring the creation and construction of reciprocal rights of carriageway over joint use of battleaxe lot access legs and/or joint use of crossovers.</p> <p>Fire Management</p> <p>22. Development within the 100 metre Fire Setback line will require a Fire Management Plan to accompany an Application for Planning Scheme Consent, outlining how development will meet the requirements of <i>Planning for Bushfire Protection Guidelines</i> and <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i>.</p>
RR41	Lot 50 Chester Pass Road, King River Rural Residential zone	<p>Plan of Subdivision</p> <ol style="list-style-type: none"> 1. Subdivision shall be generally in accordance with the adopted Subdivision Guide Plan <i>RR41</i>, as endorsed by the CEO. 2. The Local Government and Western Australian Planning Commission may support variations to the Subdivision Guide Plan where sufficient justification is provided. Minor variations to the Subdivision Guide Plan can be considered as part of subdivision applications. 3. Further subdivision of lots shown on the Subdivision Guide Plan is not permitted. 4. A minimum lot size of one hectare shall apply. <p>Objectives of Zone</p> <ol style="list-style-type: none"> 5. Within the Special Rural Zone Area No. 41 the objectives are to— <ul style="list-style-type: none"> • Provide for rural residential lifestyle opportunities in close proximity to Albany; • Provide larger lots where it is desirable for creek line protection, vegetation retention or to avoid the creation of building envelopes in buffer areas to extractive industries; • Provide for the further subdivision of the land in a manner that respects the site's characteristics, constraints and opportunities. • Provide for development in accord with the objectives of the Local Planning Strategy; and

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Minimise the visual impact of development and further subdivision. <p>Land Use</p> <p>6. Within Special Rural Zone No. 41 the following uses are permitted—</p> <ul style="list-style-type: none"> • Single House <p>7. The following uses may be permitted subject to the special approval of the Local Government (A)—</p> <ul style="list-style-type: none"> • Bed and Breakfast/Farmstay; • Craft Studio; • Cottage Industry; • Home Business; • Home Occupation ; • Home Office; • Keeping of hoofed animals, grazing animals or beasts of burden; • Stables; • Public Utility; and • Other non-defined or incidental activities considered appropriate by the Local Government which are consistent with the objectives of the zone. <p>Location of Buildings and Structures</p> <p>8. All buildings and structures shall be located outside Building Exclusion Areas as depicted on the Subdivision Guide Plan.</p> <p>9. All buildings and structures are to be contained within a Building Envelope approved by the Local Government at the time of development and comprising an area of 10% of the lot area, or 1,000m², whichever is the greater.</p> <p>10. Subject to sub-clauses 4.1 & 4.2 above, all buildings are to be setback as follows—</p> <ul style="list-style-type: none"> • Chester Pass Road <ul style="list-style-type: none"> - Habitable Building—80 metres - Other Buildings—40 metres • Lot 4849—40 metres • Primary Street—15 metres • Secondary Street/Side/Rear—10 metres <p>11. The Local Government may require applications for Planning Consent or building licences to be accompanied with a geotechnical assessment, proving the land is suitable for the development proposed.</p> <p>Building Design, Materials and Colour</p> <p>12. No dwelling or other noise-sensitive development shall be approved by the Local Government until such time as the Local Government is satisfied that indoor noise levels accord with <i>AS 2107:2000 Acoustics—Recommended Design Sound Levels and Reverberation Times for Building Interiors</i>.</p> <p>13. Lot boundaries within existing vegetated areas or revegetated areas are to be delineated by methods other than fencing. Pegs and/or cairns or other similar measures are acceptable.</p> <p>Vegetation and Creek Protection</p> <p>14. The Local Government will request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring preparation and implementation of a foreshore management and revegetation plan for the creekline.</p> <p>15. No clearing of vegetation shall occur within Building Exclusion Areas except for trees that present an imminent danger to human health or are required to be cleared for approved lot access or fire management.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>16. No clearing of any vegetation located along the creek line is permitted.</p> <p>17. The Local Government shall request the Western Australian Planning Commission to impose a condition at the time of subdivision, requiring tree/shrub planting within Rural Residential zone Area No. 41, as depicted on the Subdivision Guide Plan with endemic native trees and shrubs.</p> <p>18. Landowners shall maintain existing vegetation within the Building Exclusion and Revegetation areas as depicted on the Subdivision Guide Plan.</p> <p>19. The Local Government may impose a condition at the time of development requiring tree/shrub planting to screen future house sites.</p> <p>20. The Local Government shall request the Western Australian Planning Commission to impose a condition at the subdivision stage requiring the provision of stock proof fencing to protect the riparian vegetation along the creek line as shown on the Subdivision Guide Plan.</p> <p>21. The Local Government shall request the Western Australian Planning Commission to impose a condition at the subdivision stage requiring the preparation and implementation of a Weed Management Plan with particular emphasis on the eradication and/or control of declared environmental and pest weeds on the property.</p> <p>22. Except with the approval of the Local Government after consultation with the relevant State Government authority, the construction of dams or artificial retention flow, pumping, diversion of water or modification of the creek line or its banks is prohibited.</p> <p>Water Supply</p> <p>23. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots.</p> <p>Effluent Disposal</p> <p>24. Effluent disposal systems are prohibited within Development Exclusion Areas and Effluent Disposal Exclusion Areas as depicted on the approved Subdivision Guide Plan.</p> <p>25. Effluent disposal systems are to be located inside the building envelope required by sub-clause 4.2.</p> <p>26. No more than one effluent disposal system will be permitted per lot.</p> <p>Access</p> <p>27. All driveways and underground infrastructure shall be designed and constructed so as to avoid erosion impacts and prevent unnecessary discharge of storm water.</p> <p>28. The Local Government shall request the Western Australian Planning Commission to impose a condition at the subdivision stage requiring a restrictive covenant to be registered on the Certificate of Title(s) for all lots adjacent to Chester Pass Road, pursuant to s.150 of the <i>Planning and Development Act 2005</i>, to prohibit vehicular access from these lots to Chester Pass Road.</p> <p>29. The Local Government shall request that the Western Australian Planning Commission impose a condition at subdivision stage requiring the re-routing of Millbrook Road and appropriate intersection treatment at Chester Pass Road to the specifications of the relevant State Government authority and at the subdivider's cost.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>Fire Management</p> <p>30. Development within areas depicted on the approved Subdivision Guide Plan as 'Medium' Bush Fire Hazard Risk is to comply with the requirements of relevant bushfire protection guidelines and <i>AS 3959—Construction of Buildings in Bushfire Prone Areas</i>.</p> <p>31. Fire hydrants in accordance with the relevant agency's requirements will be required as a condition of subdivision.</p> <p>Water Management and Drainage</p> <p>32. An Urban Water Management Plan shall be lodged with an application for subdivision. The Local Government may request that the Western Australian Planning Commission impose a condition relating to the implementation of the Urban Water Management Plan (water usage and stormwater).</p> <p>Visual Management and Buffers</p> <p>33. At the time of subdivision, the Local Government may request that the Western Australian Planning Commission impose a condition relating to the preparation and implementation of a Visual Landscape Assessment and Plan.</p> <p>34. No subdivision shall proceed until all commercial extractive industry activities on Lot 50 have ceased for sand extraction and supply of gravel transported off the lot, and plans for rehabilitation have been substantially progressed to the satisfaction of the local government.</p> <p>35. The Local Government shall not support subdivision within the designated buffer areas to the sandpit Lot 4849 or the gravel pit on Lot 50 until the respective operations are closed and rehabilitated.</p> <p>36. An Acoustic Assessment to determine road noise levels and any necessary mitigation measures in accordance with <i>Statement of Planning Policy 5.4—Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i> is to be lodged with any application for subdivision.</p> <p>Notification of Prospective Owners</p> <p>37. The Local Government may recommend that the Western Australian Planning Commission impose a condition at subdivision stage requiring a notification or memorial on the Certificate of Title(s) for proposed lots to advise prospective purchasers that—</p> <ul style="list-style-type: none"> • There may be potential for nuisance as lots in the vicinity are utilised for rural uses and extractive industries which have potential for dust, noise and emissions. • Portions of the subdivided land have contained sand and gravel extraction pits which have been filled by the developer. At building permit stage, the Local Government may require owners to lodge a geotechnical report demonstrating that the land can support the load of proposed development. • This property is situated adjacent to a major freight route and may be affected by transport noise. Further information regarding transport noise, including development restrictions and noise insulation requirements for noise-affected property are available from the Local Government. <p>Geotechnical Report</p> <p>38. The Local Government shall recommend to the Western Australian Planning Commission that a condition be imposed on the subdivision requiring a detailed geotechnical report to be approved by</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		the local government both prior to commencement of subdivision works and following completion of subdivision works. The report to provide adequate information proving that the land is suitable to accommodate future dwellings.
RR42	Little Grove Rural Residential zone	<ol style="list-style-type: none"> 1. The minimum lot size shall be two hectares. 2. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Single House. 3. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Ancillary Accommodation; • Bed and Breakfast/Farmstay; • Home Business; • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). 4. All buildings and structures shall be— <ol style="list-style-type: none"> (a) Located off any ridgeline as shown on the Subdivision Guide Plan as determined by the Local Government; (b) Located to retain the maximum amount of remnant vegetation on the site; and (c) Setback a minimum of 15 metres from any lot boundary.
RR43	Lot 114 Frenchman Bay Road, Robinson	<p>Plan of Subdivision</p> <ol style="list-style-type: none"> 1. Subdivision shall be generally in accordance with the adopted Subdivision Guide Plan <i>RR43</i>, as endorsed by the CEO. 2. The Western Australian Planning Commission may allow an alternative plan of subdivision, should it be satisfied that the plan of subdivision is consistent with the objectives and outcomes of the zone and Subdivision Guide Plan. 3. The Local Government will not generally recommend lots sizes less than one hectare. <p>Land Use</p> <ol style="list-style-type: none"> 4. Within Special Rural Zone Area No. 43 the following uses are permitted— <ul style="list-style-type: none"> • Single House 5. The following uses may be permitted subject to the special approval of the Local Government ('A')— <ul style="list-style-type: none"> • Home Occupation (cottage industry); • Public Utility; • Bed and Breakfast/Farmstay; • Holiday Accommodation; • Stables; • Home Office; • Home Business; and • Other non-defined or incidental activities considered appropriate by the Local Government which are consistent with the objectives of the zone. <p>Location of Buildings and Structures</p> <ol style="list-style-type: none"> 6. Any building on a lot must be constructed within a Building Envelope. Such Building Envelopes shall not exceed 2000m². Indicative building envelopes are shown on the subdivision guide plan. 7. Notwithstanding the requirement the Local Government may permit an alternative Building

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>Envelope location if it is shown to the satisfaction of the Local Government that—</p> <ul style="list-style-type: none"> (a) The proposed location of the building envelope can achieve the setbacks established at 8; (b) All effluent disposal systems remain outside of the effluent disposal exclusion areas; and (c) That the necessary clearance to the ground water table can be achieved to support a suitable effluent disposal system. <p>8. All buildings are to be setback a minimum of 10 metres from all lot boundaries.</p> <p>Water Supply</p> <p>9. All dwellings shall be required to provide a rainwater tank of not less than 50,000 litres capacity to harvest rainwater for household and garden use.</p> <p>Effluent Disposal</p> <ul style="list-style-type: none"> 10. The Local Government shall require the use of amended soil type effluent disposal systems, such as EcoMax/ATU Systems. 11. Effluent disposal systems are to be located outside of the effluent disposal exclusion areas marked on the Subdivision Guide Plan. 12. No more than one effluent disposal system will be permitted on one lot. <p>Access</p> <ul style="list-style-type: none"> 13. Battleaxe legs are to be a minimum of 5 metres. Where access legs are to be co-located, their combined width may be reduced by 7.5 metres. 14. All driveways and underground infrastructure shall be designed and constructed so as to avoid erosion impacts and prevent unnecessary discharge of storm water. <p>Water Management</p> <p>15. The wastewater, stormwater and effluent disposal solutions documented in the <i>Local Water Management Strategy and Urban Water Management Plan Lot 114 (No. 142) Frenchman Bay Road, Robinson, City of Albany (April 2011)</i> shall form the basis for the detailed water management strategies.</p> <p>Finished Floor Levels</p> <p>16. All buildings must achieve a minimum finished floor level of 2.64 metres AHD.</p> <p>Notification of Prospective Owners</p> <p>17. The Local Government may require the subdivider to make arrangements satisfactory to the Local Government to ensure prospective purchasers are advised of the potential for nuisance impacts of odour, noise, dust and spray drift from the market garden located within 300 metres of the proposed development.</p> <p>Agricultural Buffer</p> <ul style="list-style-type: none"> 18. A vegetated agricultural buffer is to be provided to the minimum width of 20 metres, plus a 10 metre setback for access from the south south-east boundary of the subject lot where the market garden adjoins, together with any required additional land for access for maintenance and firebreaks. 19. In relation to the 20 metre vegetated agricultural buffer to the existing market garden, species used in the closest 10 metre portion of the buffer shall not be capable of growing taller than 3 metres to prevent the incidence of overshadowing.
RR44	Torbay Hill, Kronkup Rural Residential zone	1. Subdivision of RR44 shall generally be in accordance with the Subdivision Guide Plan <i>RR44</i> endorsed by the CEO, with any minor

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>variations approved by the Western Australian Planning Commission.</p> <ol style="list-style-type: none"> 2. The minimum lot size shall be four hectares unless a larger size is shown on the Subdivision Guide Plan. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Agroforestry; • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Community Purpose; • Home Occupation; • Industry—Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). 5. The following land uses are 'A' discretionary uses— <ul style="list-style-type: none"> • Agriculture—Intensive; • Consulting Rooms; • Educational Establishment; and • Hospital. 6. All buildings and development shall be setback a minimum of 20 metres from all lot boundaries. 7. No development shall be permitted within 20 metres of Marron Creek and/or Verne Brook.

Schedule 15

SPECIAL RESIDENTIAL ZONE

[cl.5.5.18]

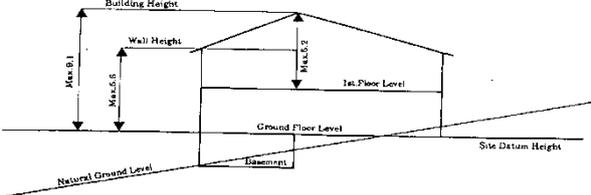
No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
SR1	Discovery Woods Karrakatta Road, Goode Beach Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR1 shall generally be in accordance with the Subdivision Guide Plan <i>SR1</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000m². 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Home Occupation; and • Home Office. 5. All buildings and effluent disposal systems shall be confined within a designated building envelope (maximum area 900m²) nominated by the landowner and approved by the Local Government which is outside any environmental elements areas as shown on the Subdivision Guide Plan. 6. All buildings shall be setback— <ol style="list-style-type: none"> (a) 15 metres from the front boundary; and (b) 5 metres from the side boundary. 7. The erection of boundary fencing is not permitted. 8. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>9. Prior to any development earthworks being commenced, the applicant shall conduct a limited form of field validation study to determine whether or not a potential threat from unexploded ordinance exists.</p>
SR2	Bayonet Head Road, Bayonet Head Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR2 shall generally be in accordance with the Subdivision Guide Plan <i>SR2</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 1,400m². 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Home Occupation; and • Home Office. 5. All buildings and effluent disposal systems shall be confined within a designated building envelope (maximum area 800m²) nominated by the landowner and approved by the Local Government which is outside any development exclusion areas as shown on the Subdivision Guide Plan. 6. All buildings shall be setback— <ol style="list-style-type: none"> (a) 6 metres from the front boundary; (b) 3 metres from the side boundary; and (c) 6 metres from the rear boundary. 7. The Local Government will require all dwellings are connected to the Water Corporation deep sewerage infrastructure network. 8. Development of portion of land to the south of the proposed extension of Oyster Heights Road shall be subject to— <ol style="list-style-type: none"> (a) removal of all uncontrolled fill, vegetation and peaty topsoil and replacement with clean freely draining sand to the Local Government's specification and satisfaction; (b) the land being filled to enable proposed lots to be connected to the existing sewer; and (c) all development, fill, retaining walls and associated works being contained within the subject land to ensure no incursion or detrimental impact on the adjoining foreshore reserve.
SR3	Endeavour Way, McKail Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR3 shall generally be in accordance with the Subdivision Guide Plan <i>SR3</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000m². 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Educational Establishment; • Home Occupation; • Home Office; • Industry—Cottage; and • Public Utility. 5. On lots shown within the Wastewater Treatment Plant Odour Buffer as shown on the Subdivision Guide Plan all dwellings shall be confined within a designated building envelope which is located outside of the buffer area.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ol style="list-style-type: none"> 6. All designated building envelopes and/or buildings shall be setback— <ol style="list-style-type: none"> (a) 40 metres from South Coast Highway; (b) 15 metres from the front boundary; (c) 5 metres from any rear and/or side boundary; (d) Outside any landscape buffer areas as shown on the Subdivision Guide Plan; and (e) 15 metres from eastern boundary with adjoining Lot 488 as shown on the Subdivision Guide Plan. 7. No direct vehicular access/egress onto South Coast Highway is permitted. 8. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.
SR4	Warrenup Place, Warrenup Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR4 shall generally be in accordance with the Subdivision Guide Plan <i>SR4</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000m². 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses: Educational Establishment, Home Occupation, Home Office, Industry—Cottage and Public Utility. 5. All buildings shall be setback— <ol style="list-style-type: none"> (a) 15 metres from the front boundary; (b) 10 metres from the rear boundary; (c) 5 metres from the side boundary; and (d) Outside any revegetation areas as shown on the Subdivision Guide Plan. 6. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.
SR5	Moortown Road, Gledhow Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR5 shall generally be in accordance with the Subdivision Guide Plan <i>SR5</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000m². 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Industry—Cottage; • Home Occupation; and • Home Office. 5. All buildings shall be confined within the designated building envelopes as shown on the Subdivision Guide Plan which shall achieve the following minimum setbacks— <ol style="list-style-type: none"> (a) 15 metres from Moortown Road; (b) 10 metres from Sydney Street (for the north-eastern most lot); (c) 5 metres from all other boundaries; and (d) 20 metres outside any vegetation protection areas as shown on the Subdivision Guide Plan.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>6. The Local Government will require the installation of on-site effluent disposal systems as follows—</p> <ul style="list-style-type: none"> (a) For the three southern most lots, all dwellings shall utilise standard septic tank/leach drain systems; (b) All other lots, all dwellings shall utilise approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems; and (c) For the two north-eastern most lots (fronting Moortown Road) and the western most lot (fronting Sydney Street), deep ripping of the effluent irrigation fields (to 750 millimetres in depth).
SR6	Morilla Road, Lower King Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR6 shall generally be in accordance with the Subdivision Guide Plan <i>SR6</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000m². 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Industry—Cottage; • Educational Establishment; • Home Occupation; • Home Office; and • Public Utility. 5. On Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 22, 23, 24, 25, 26, 27 and 28 all buildings and water storage systems shall be confined within the designated building envelopes (maximum area 1,200m²) as shown on the Subdivision Guide Plan. 6. On Lots 7, 8, 9, 10, 11, 12 and 13 all dwellings shall be confined within the designated building envelopes (building area) as shown on the Subdivision Guide Plan. 7. All buildings shall be setback— <ul style="list-style-type: none"> (a) 30 metres from Nanarup Road, which may be reduced to 20 metres provided extensive vegetation screening as shown on the Subdivision Guide Plan is implemented; (b) 12 metres from the front boundary; (c) 12 metres from the rear boundary; and (d) 5 metres from the side boundary. (e) Outside any revegetation areas as shown on the Subdivision Guide Plan. 8. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. On Lots 26 and 27 all effluent shall be disposed of within the effluent disposal areas as shown on the Subdivision Guide Plan.
SR7	Rufus Street, Milpara Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR7 shall generally be in accordance with the Subdivision Guide Plan <i>SR7</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. A minimum lot size of 2,000m², subject to demonstrated land capability. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ol style="list-style-type: none"> 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Educational Establishment; • Home Occupation; • Home Office; • Industry—Cottage; and • Public Utility. 5. All buildings shall be setback— <ol style="list-style-type: none"> (a) 10 metres from the front boundary; and (b) 5 metres from any side/rear boundaries. 6. No building or on-site effluent disposal system shall be located within any creekline protection areas and/or building exclusion areas as shown on the Subdivision Guide Plan. 7. Floor levels for dwellings shall achieve a minimum 1.1 metre vertical separation above the estimated maximum flood level as shown on the Subdivision Guide Plan. 8. Floor levels for all other buildings shall achieve a minimum 600 millimetres vertical separation above the estimated maximum flood level as shown on the Subdivision Guide Plan. 9. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. 10. As per the annotation on the Subdivision Guide Plan, any revegetation plan required should include an analysis by a qualified arborist on the safety risk posed by the existing Sugar Gums and, where such trees are to be removed, they are to be replaced by local endemic species. 11. No direct vehicular access is permitted from development on Lot 7 Rufus Street, Milpara to the proposed Henry Street extension.
SR8	La Perouse Court, Goode Beach Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR8 shall generally be in accordance with the Subdivision Guide Plan <i>SR8</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 2,000m². 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Home Occupation; and • Home Office. 5. All buildings and effluent disposal systems shall be confined within the designated building envelopes (maximum area 900m²) as shown on the Subdivision Guide Plan. 6. The erection of boundary fencing is not permitted. The Local Government may approve boundary fencing along lots adjoining the Lake Vancouver Public Open Space Reserve or Vancouver Beach Foreshore Reserve. 7. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>8. The maximum height of buildings constructed within the zone shall be in accordance with Figure 1—Measurement of Heights—</p>  <p>Wall Height : Means the height of any wall measured as the vertical distance between the Site Datum Height and the top plate of the wall or ceiling height as illustrated in Fig.1</p> <p>Site Datum Height : Means the level of a site determined from the following formula :</p> $\frac{(A + B + C + D)}{4} = \text{Site Datum Height}$ <p>Where A,B,C and D are the levels occurring on the site within 1 000ms of the building envelope as related to an adopted datum; and where there are more or less than four boundaries of a site where the Site Datum Height cannot be determined by the above formula, the Council shall determine the Site Datum Height of the site.</p> <p>FIGURE 1 - Measurement of heights</p>
<p>SR9</p>	<p>Gladville Road, McKail Special Residential zone</p>	<p>1. (a) Subdivision of SR9 shall generally be in accordance with the Subdivision Guide Plan SR9 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>(b) Although the Subdivision Guide Plan does not depict any subdivision of Lots 26, 27, 28, 29, 30, 31,121, 122 and 301 Federal Street, the Local Government may recommend subdivision approval to the Commission provided that—</p> <ul style="list-style-type: none"> (i) The design provides for a minimum lot size of 4,000m²; (ii) The proposed subdivision is suitable having regard to the physical characteristics of the site, capability and suitability considerations, adjoining development, on-site effluent disposal, proximity to the Attwell Park Speedway and Western Power substation and the need to preclude direct lot access to Albany Highway; and (iii) The proposed subdivision can be adequately serviced. <p>(c) Subdivision of Lots 36-38 shall not be supported until such time as the Speedway has been permanently closed or relocated.</p> <p>2. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. <p>3. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Educational Establishment; • Home Occupation; • Home Office; • Industry—Cottage; • Public Utility; and • Rural Pursuits (Rural Pursuits not permitted on Lots 17, 18 and 28 as shown on the Subdivision Guide Plan) <p>4. On Lot 301 Federal Street all buildings shall be confined within the designated building envelope as shown on the Subdivision Guide Plan.</p>

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ol style="list-style-type: none"> 5. On all other lots, all buildings shall be setback— <ol style="list-style-type: none"> (a) 12 metres from the front boundary; and (b) 5 metres from any side/rear boundaries. 6. No building, structure or tank shall be located within any building exclusion areas as shown on the Subdivision Guide Plan. 7. Lots 36-52 shall be required to provide a water tank of not less than 50,000 litres capacity to harvest rainwater for non-potable household and garden use. 8. On Lot 301 Federal Street all buildings shall achieve a minimum finished floor level of 10.50 metres AHD. 9. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. 10. Late Winter site testing for onsite effluent disposal capability on Lots 36-52 on the Subdivision Guide Plan may be required prior to subdivision, on the advice of the Local Government and/or the relevant State Government authority. <ol style="list-style-type: none"> (i) If the late winter site testing determines that the relevant requirements cannot be met and a reticulated sewerage service cannot be provided, subdivision will not be supported. (ii) If the late winter site testing determines that the relevant requirements can be met, effluent disposal shall be undertaken with an approved Phosphorous Retaining Alternative Treatment Unit (ATU) to the specifications of the Local Government and the relevant State Government authority. 11. No direct vehicular access/egress onto Albany Highway is permitted. 12. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision for road upgrading contributions and upgrading to the existing drainage system within the road reserves on Gladville Road, Federal Street and/or McKail Road. 13. No development of Lot 301 is permitted until such time as a drainage study is prepared which details the location and width of a drainage easement capable of accommodating a 1:100 year storm event. 14. The provisions relating to Speedway Noise Buffering requirements relate only to Lots 36-52 as shown on the Subdivision Guide Plan. 15. Should the Local Government be satisfied that the Speedway is closed, operate in a manner that substantially the noise levels as of 2009 or relocated from its current site in Reddale Road, provisions relating to Speedway Noise Buffering will not be applicable to Lots 36-52 as shown on the Subdivision Guide Plan. 16. No additional habitable dwellings are permitted within the 71dB(A) noise buffer. 17. Further development of Lots 36-52 will be subject to quiet house design guidelines adopted by the Local Government, in addition to any other development requirements of the Scheme. 18. Existing development or alterations to existing development are to be excluded from the requirements of quiet house design guidelines adopted by the Local Government.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>19. New titles created on Lots 36-52 are to require a notification on title advising new lot owners of the above requirements.</p> <p>20. The subdivider shall ensure that any prospective purchaser of a lot within SR9 is advised in writing of—</p> <ul style="list-style-type: none"> (a) There are potential clay mining deposits in the locality and as a result there is also the potential for associated heavy vehicle movements on local roads; and (b) The existence and operations of the Attwell Park Speedway Noise Buffer Special Control Area.
SR10	Nanarup/Kula Roads, Lower King Special Residential zone	<p>1. Subdivision of SR10 shall generally be in accordance with the Subdivision Guide Plan <i>SR10</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be 4,000m².</p> <p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. <p>4. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Educational Establishment; • Home Occupation; • Home Office; • Industry—Cottage; • Rural Pursuit (only on Lots 1, 2 and 3 as shown on the Subdivision Guide Plan); and • Public Utility. <p>5. All buildings and on-site effluent disposal systems shall be located a minimum of 75 metres from the high water mark of Oyster Harbour.</p> <p>6. On Lots 4, 5, 9, 10, 11 and 12 all buildings shall be confined within the designated building envelope (maximum area 1,200m²) as shown on the Subdivision Guide Plan.</p> <p>7. On Lots 7, 8 and 9 the Local Government shall ensure that the existing remnant vegetation (situated along the north and north-eastern boundaries of the lots) is retained as a visual buffer to screen the developments when viewed from Nanarup Road</p> <p>8. All buildings shall be setback—</p> <ul style="list-style-type: none"> (a) 30 metres from Nanarup Road; (b) 12 metres from the front boundary; (c) 5 metres from any side boundary; and (d) 12 metres from the rear boundary. <p>9. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.</p> <p>10. The subdivider shall ensure that any prospective purchaser of a lot within SR10 is provided with an information sheet detailing the identification of invasive weeds and the measures required to control and remove such weed cover and revegetate with native species.</p>
SR11	Willyung Road, Willyung Special Residential zone	<p>1. Subdivision of SR11 shall generally be in accordance with the Subdivision Guide Plan <i>SR11</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be 4,000m².</p>

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>3. The following land uses are 'P' permitted uses—</p> <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. <p>4. The following land uses are 'D' discretionary uses—</p> <ul style="list-style-type: none"> • Educational Establishment; • Home Occupation; • Home Office; • Industry—Cottage; • Rural Pursuit (limited to livestock grazing); and • Public Utility. <p>5. All buildings and on-site effluent disposal systems shall be confined within the designated building envelope as shown on the Subdivision Guide Plan which has been determined according to the following criteria—</p> <ol style="list-style-type: none"> (a) Outside the 1:100 floodway; (b) Outside of areas subject to inundation during winter months; (c) A minimum setback of 50 metres from the King River and creekline; (d) A minimum setback of 50 metres from the foreshore footpath/bridlepath; (e) A minimum setback of 20 metres from revegetation areas; (f) 30 metres from Willyung Road; and (g) 15 metres from all other boundaries. <p>6. Despite anything appearing elsewhere in the Scheme, the development of land within the 1:100 year floodway shown on the Subdivision Guide Plan is to be subject to the following—</p> <ol style="list-style-type: none"> (a) Local Government approval is required for all development, including a Single House. (b) Development of habitable buildings within the floodway will not be permitted. (c) Finished floor levels in all habitable and other sensitive buildings on land within the flood fringe are to be a minimum of 500 millimetres above the predicted 1:100 year flood level. (d) A suitable alternative treatment system shall be required to for on-site effluent disposal within the flood fringe. (e) Roads, bridges, buildings, structures, fences (other than post and rail or post and wire), and the filling of land are not to be constructed or undertaken without the approval of the Local Government having regard for advice from the relevant water management agency. <p>7. The subdivider shall ensure that any prospective purchaser of a lot within SR11—</p> <ol style="list-style-type: none"> (a) Is provided with an information sheet which outlines the objectives of the river wildlife corridor, discourages the keeping of pets on lots adjacent to the corridor and promotes measures that should be taken to minimise the impacts pats have on native fauna (for example night cat curfews and keeping dogs on leashes). (b) For those lots located within the 1:100 year floodplain are advised of provision 6 above. <p>8. The subdivider shall place a notification on the Certificate of Title of all lots within the 1:100 year floodplain regarding the requirements of provision 6 above.</p>

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
SR12	Deloraine Drive/Warrenup Place, Warrenup Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR12 shall generally be in accordance with the Subdivision Guide Plan <i>SR12</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000m². 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Home Occupation; • Home Office; • Industry—Cottage; • Rural Pursuit (limited to livestock grazing); and • Public Utility. 5. All buildings, tanks and on-site effluent disposal systems shall be located outside any building exclusion areas, development exclusion areas and/or remnant vegetation/tree shrub planting areas as shown on the Subdivision Guide Plan. 6. Boundary fences shall not be permitted within areas of remnant vegetation identified on the Subdivision Guide Plan. Property boundaries may be identified by using bollards or cairns located so as to avoid clearing of significant vegetation. 7. All buildings shall be setback— <ol style="list-style-type: none"> (a) 20 metres from Kooyong Avenue; (b) 10 metres from any other public road; and (c) 5 metres from all other boundaries. 8. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. 9. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of a fauna underpass adjoining the 'Parks and Recreation' reserve to the specifications of the relevant State Government authority. 10. Notwithstanding any other provisions of the scheme, buildings located on Lot 14 Rocky Crossing Road and lots indicated on the Subdivision Guide Plan for Lot 2 Rocky Crossing Road shall be constructed to <i>AS 3959</i>, BAL-19. This higher construction standard is required to mitigate bush fire risk while preserving the natural qualities of the site. 11. The Local Government may request the Western Australian Planning Commission impose a condition at the time of subdivision requiring a geotechnical site investigation of the former sand mining and landfill areas to determine and implement, to the satisfaction of the relevant environmental authority, any remediation and decontamination measures necessary to ensure suitability of the land for residential development.
SR13	Hayn Road, Goode Beach Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR13 shall generally be in accordance with the Subdivision Guide Plan <i>SR13</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 6,000m². 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ol style="list-style-type: none"> 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Home Occupation; • Home Office; • Industry—Cottage; and • Public Utility. 5. All buildings shall be located outside any development exclusion areas as shown on the Subdivision Guide Plan. 6. All buildings, tanks and structures shall be confined to a designated building envelope (maximum area 1,200m²) and shall achieve the following minimum setbacks— <ol style="list-style-type: none"> (a) 20 metres from the front boundary; and (b) 10 metres from all other boundaries. 7. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. 8. The erection of boundary fencing shall be restricted to the designated building envelope and/or road frontage and 15 metres return along side boundaries. 9. Prior to any subdivision earthworks, soil disturbance or excavation being commenced, the applicant shall conduct an unexploded ordnance survey to determine whether or not a potential threat from unexploded ordnance exists in consultation with the UXO Unit of the Western Australian Police Service. 10. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision for the ceding of the public open space as shown on the Subdivision Guide Plan.
SR14	Lancaster Road, McKail Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR14 shall generally be in accordance with the Subdivision Guide Plan <i>SR14</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 2,000m². 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Home Business; • Home Occupation; • Home Office; • Industry—Cottage; • Public Utility; and • Rural Pursuit (limited to livestock grazing on lots exceeding 4,000m² in area). 5. All buildings shall be setback— <ol style="list-style-type: none"> (a) 12 metres from the front boundary; and (b) 5 metres from all other boundaries. 6. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.
SR18	King River Drive, Lower King Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR18 shall generally be in accordance with the Subdivision Guide Plan <i>SR18</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 5,000 metres.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ol style="list-style-type: none"> 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Home Business; • Home Occupation; • Home Office; • Industry—Cottage; • Public Utility; and • Rural Pursuit. 5. All buildings, water storage systems and on-site effluent disposal systems shall be confined within the designated building envelope as shown on the Subdivision Guide Plan which has been determined according to the following criteria— <ol style="list-style-type: none"> (a) Outside the 1:100 floodplain area; (b) Outside of areas subject to inundation during winter months; (c) A minimum setback of 50 metres from the King River and creekline; (d) A minimum setback of 50 metres from the foreshore footpath/bridlepath; (e) A minimum setback of 20 metres from revegetation areas; and (f) 15 metres from all lot boundaries. 6. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. 7. The subdivider shall ensure that any prospective purchaser of a lot within SR1 is provided with an information sheet that outlines the objectives of the river wildlife corridor, discourages the keeping of pets on lots adjacent to the corridor and promotes measures that should be taken to minimise the impacts pets have on native fauna (for example night cat curfews and keeping dogs on leashes). 8. The subdivider shall place a notification on title in the form of a memorial on the Certificate of Title advising of the existence of a hazard to state— <i>“This lot is in close proximity to mosquito breeding areas. The Mosquito species is known to carry Ross River Virus and other diseases.”</i>
SR20	Henry Street, Warrenup Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR20 shall generally be in accordance with the Subdivision Guide Plan <i>SR20</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000 metres. 3. The following land uses are 'P' permitted uses— <ul style="list-style-type: none"> • Ancillary Accommodation; and • Single House. 4. The following land uses are 'D' discretionary uses— <ul style="list-style-type: none"> • Home Occupation; • Home Office; • Industry—Cottage; and • Public Utility. 5. All buildings and tanks shall be located outside any remnant vegetation/tree shrub planting areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks— <ol style="list-style-type: none"> (a) 10 metres from any public road; and (b) 5 metres from all other boundaries.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>6. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.</p> <p>7. The subdivider shall place a memorial on the Certificate of Title of proposed Lots 6 and 7 as shown on the Subdivision Guide Plan advising that the battleaxe legs are located below the 1:100 year flooding level (30.64 metres AHD) and therefore may be inundated in significant storm events, resulting in potential damage to the surface of the access leg.</p> <p>8. At the time of subdivision to create any of the Lots 1 to 5 the western extent of the POS reserve is to be reviewed based on up to date flood and drainage information revealed within the Wilyung Creek Flood Study, and/or subsequent flood study.</p>

Adoption

Adopted by resolution of the City of Albany at the Ordinary Local Government Meeting held on the 17th day of February 2009.

D. WELLINGTON, Mayor.
G. FOSTER, Chief Executive Officer.

Final Approval

Adopted for final approval by resolution of the City of Albany at the Ordinary Local Government Meeting held on the 30th day of April 2013. The Common Seal of the City of Albany was hereunto affixed pursuant to that resolution in the presence of—

D. WELLINGTON, Mayor.
G. FOSTER, Chief Executive Officer.

Recommended/Submitted for Final Approval—

S. PETERSEN, delegated under S.16 of the Planning and Development Act 2005.

Dated: 6 March 2014.

Final Approval Granted—

JOHN DAY, Minister for Planning.

Dated: 3 April 2014.
