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PLANNING AND DEVELOPMENT ACT 2005

CITY OF BUSSELTON

LOCAL PLANNING SCHEME
No. 21

PLANNING AND DEVELOPMENT ACT 2005

APPROVED LOCAL PLANNING SCHEME

City of Busselton

Local Planning Scheme No. 21

Ref: TPS/0693

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 Busselton Local Planning Scheme No. 21 on 24 September 2014, the scheme text of which is published as a schedule annexed hereto.

I. W. STUBBS, Mayor.
M. ARCHER, Chief Executive Officer.

SCHEDULE

PLANNING AND DEVELOPMENT ACT 2005

CITY OF BUSSELTON

LOCAL PLANNING SCHEME No. 21

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

This Local Planning Scheme of the City of Busselton consists of this scheme text and the scheme map. The Scheme divides the local government district into zones to identify areas for particular uses and identifies land reserved for public purposes and recreation. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and 'area' designations. The Scheme text also sets out the requirements for planning approval, enforcement of the Scheme provisions and non-conforming uses.

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PLANNING AND DEVELOPMENT ACT 2005

CITY OF BUSSELTON

LOCAL PLANNING SCHEME No. 21

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

PART 1—PRELIMINARY

1.1 Citation

1.1.1 The City of Busselton Local Planning Scheme No. 21 (the Scheme) comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked—

Name	Gazettal date
Shire of Busselton District Town Planning Scheme No. 20	7 September 1999

1.2 Responsible Authority

The City of Busselton 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 Busselton as shown on the Scheme map.

1.4 Contents of Scheme

The Scheme comprises—

- (a) the Scheme text; and
- (b) the Scheme map (sheets 1-34 and a legend sheets).

Note: The Scheme map comprises 34 sheets and a legend sheet which identify land in the Scheme area in the various zones, reserves and area designations. In addition, each sheet contains the Scheme title, scale and north point. The adoption citation and legend of the various zones, reserves and area designations, which relate to Sheets 1 to 33, are depicted on a separate Sheet. Sheet 34 contains a separate legend exclusive to that sheet.

1.5 Purposes of Scheme

The purposes of the Scheme are to—

- (a) set out the local government's planning aims and intentions for the Scheme area;
- (b) set aside land as reserves for recreation and 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 applications for planning approval;
- (f) make provision for the administration and enforcement of the Scheme; and
- (g) address other matters set out in Schedule 7 to the *Planning and Development Act 2005*.

1.6 Aims of the Scheme

The aims of the Scheme are—

- (a) to provide for the development and, where necessary, the improvement of the City of Busselton in physical, social and economic terms (and, in particular, to broaden its economic base) and for orderly and economic development and optimum use of its land and other resources, consistent with the conservation of important natural and man-made features, and to do so in such a way that the likely need and aspirations of the people of the City, the region and the State will be provided for and realised;
- (b) to provide a comprehensive planning instrument for the City that is clear and explicit but which provides flexibility in its application;

- (c) to provide resourceful guidance to—
 - (i) the preparation of Development Guide Plans;
 - (ii) public authorities in respect of the likely future needs of the City;
 - (iii) the private sector in terms of future development opportunities and requirements; and
 - (iv) the community in respect of the manner in which the effects of growth and change are proposed to be managed;
- (d) to ensure that rational decisions are made with regard to land use and that the assessment and classification of land resources on the basis of capability and suitability are an essential facet of the planning process;
- (e) to facilitate the provision of public amenities and community support services consistent with the development and growth of the City;
- (f) to ensure that growth and development of the City occurs in a way which preserves existing environmental qualities and minimises adverse environmental impacts;
- (g) to ensure that existing and future residents enjoy a range of attractive living environments and have access to the widest possible range of services and amenities;
- (h) to protect and enhance areas within the City identified as being of significant environmental value;
- (i) to encourage the conservation and extraction of geological resources so as to prevent sterilisation of known resources by inappropriate development; and
- (j) to generally implement and reflect the policies and strategies outlined in the City of Busselton *Local Rural Planning Strategy* (“the Local Rural Planning Strategy”) and (where not inconsistent with that Strategy and/or this Scheme) the *Leeuwin Naturaliste Region Plan—Stage 1* and the *State Planning Policy No. 6.1—Leeuwin-Naturaliste Ridge*.

1.7 Definitions

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

- (a) in the *Planning and Development Act 2005*; or
- (b) if they are not defined in that Act—
 - (i) in Schedule 1; or
 - (ii) in the *State Planning Policy No. 3.1 Residential Design Codes* (“R-Codes”).

1.7.2 If there is a conflict between the meaning of a word or expression in Schedule 1 and the meaning of that word or expression in the R-Codes—

- (a) in the case of a development to which the R-Codes applies, the definition in the R-Codes prevails; and
- (b) in any other case the definition in Schedule 1 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 Busselton which apply to the Scheme area.

PART 2—LOCAL PLANNING POLICY FRAMEWORK

2.1 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; and
- (b) throughout the Scheme area or in one or more parts of the Scheme area;

and may amend or add to or rescind the Policy.

2.2 Relationship of Local Planning Policies to Scheme

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

2.2.2 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 any Local Planning 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 R-Codes. In considering an application for planning approval, the local government must have due regard to relevant Local Planning Policies as required under clause 11.2.

2.3 Procedure for Making Or Amending a Local Planning Policy

2.3.1 If the local government resolves to prepare a Local Planning Policy, the local government—

- (a) is to publish a notice of the draft Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of—
 - (i) where the draft Policy may be inspected;
 - (ii) the subject and nature of the draft Policy; and
 - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
- (b) may publish a notice of the draft Policy in such other manner and carry out such other consultation as the local government considers appropriate.

2.3.2 After the expiry of the period within which submissions may be made, the local government is to—

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

2.3.3 If the local government resolves to adopt the Policy, the local government is to—

- (a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
- (b) if, in the opinion of the local government, the Policy affects the interests of the Western Australian Planning Commission (“the Commission”), forward a copy of the Policy to the Commission.

2.3.4 A Policy has effect on publication of a notice under clause 2.3.3(a).

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

2.3.6 Clauses 2.3.1 to 2.3.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

2.4 Revocation of Local Planning Policy

A Local Planning Policy may be revoked by—

- (a) the adoption by the local government of a new Policy under clause 2.3 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

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 Use of Local Reserves

Reserves may be used—

- (a) for the purpose for which the land is reserved under the Scheme;
- (b) where such land is vested in a public authority for any purpose for which such land may be lawfully used by that authority; or
- (c) for the purpose for which it was used at the date upon which the Scheme came into operation, unless the land has in the meantime become vested in a public authority, or unless such use has been changed by planning approval of the local government.

3.5 Development of Local Reserves

3.5.1 A person, other than the local government, must not—

- (a) demolish or damage any building or works;
- (b) remove, damage, lop or prune any tree, shrub, or other indigenous vegetation;
- (c) change the use of the land or building;
- (d) excavate, spoil or use the land so as to destroy, affect or impair its usefulness for the purpose for which it is reserved; or
- (e) construct, extend or alter any building or structure, other than a boundary fence,

on a Reserve, without first having applied for and obtained planning approval under Parts 10 and 11 of the Scheme.

3.5.2 The local government may, upon receiving an application for the use and/or development of land within a Reserve, either—

- (a) grant planning approval for the works mentioned in clause 3.5.1, with or without conditions; or

- (b) notwithstanding Parts 4 and 8, grant approval for any other purpose, with or without conditions; or
- (c) refuse the application.

3.5.3 In determining an application for planning approval the local government is to have due regard to—

- (a) the matters set out in clause 11.2; and
- (b) the ultimate purpose intended for the Reserve.

3.5.4 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.

PART 4—ZONES

4.1 Zones

4.1.1 The Scheme area is classified into the zones shown on the Scheme map and set out hereunder—
Zones—

Residential	Rural Residential
Business	Rural Landscape
Restricted Business	Conservation
Tourist	Bushland Protection
Industrial	Special Purpose
Agriculture	Vasse Development
Viticulture and Tourism	Deferred Vasse Development

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

4.2 Objectives and Policies of the Zones

The objectives and policies of the zones are set out hereunder.

4.2.1 Residential Zone

Objectives

- (a) To ensure, as a primary consideration, that the amenity and character of residential areas are maintained.
- (b) To provide opportunity for the development of a wide range of housing stock commensurate with the changing characteristics and housing needs of the City's population.
- (c) To encourage residential development that will achieve efficient use of existing physical and social infrastructure.
- (d) To provide for new urban development in areas that can be economically serviced and that are environmentally suitable.
- (e) To encourage the implementation of contemporary urban design principles in new urban areas.

Policies

- (a) To provide for other development (including medium density in-fill development), only where it is—
 - (i) compatible with the residential environment and afford services to residents at a local level; and
 - (ii) unlikely to adversely affect residential amenity or place demands on services beyond the level reasonably required for detached housing.
- (b) To provide for home-based employment where such will not—
 - (i) involve exposure to view from any public place of any unsightly matter, or any raw material, equipment, machinery, product or stored finished goods; and
 - (ii) have a material, adverse impact on residents.
- (c) In areas coded R25 or lower, to encourage primarily detached housing generally not exceeding a height of two storeys and with private gardens in an environment free from commercial and other incompatible activities and buildings.
- (d) In areas coded R30 or higher—
 - (i) To optimise housing choice and affordability in locations close to services and facilities.
 - (ii) Through (i) above, to assist urban renewal and consolidation in areas sufficiently close to town centres and thereby to contain and strengthen town centre development.
 - (iii) To encourage a wide range of housing types essentially domestic in scale and character.
 - (iv) To make allowance for residential-based tourist development.

4.2.2 Business Zone

Objectives

- (a) To provide for conveniently-located shopping and other service associated commercial activities to service each centre's catchment area, as determined by the relevant planning framework.
- (b) To maintain and reinforce the viability of existing commercial centres, including those supporting adjoining agricultural areas.

Policies

- (a) To encourage the provision of retail and other business services and associated development to add to the strength and diversity of existing centres.
- (b) As far as is practical and appropriate to allow market forces to influence the location of retail and office uses within existing centres with minimal intervention by the local government.
- (c) To allow residential development only where it is a component of commercial development.
- (d) To utilise and strengthen the existing town centres of Busselton and Dunsborough as the primary retail and commercial centres of the City by active discouragement of any new "out of town" shopping centres other than neighbourhood shopping centres, convenience stores and the like.
- (e) The consolidation of land to assemble larger land parcels suitable for integrated development or redevelopment is encouraged and supported. Fragmentation of land, unless it is part of an overall plan for integrated development or redevelopment, will generally not be supported.

4.2.3 Restricted Business Zone

Objective

To make adequate provision for other commercial needs and opportunities not ideally located in the town centres of Busselton and Dunsborough whilst having regard to the strategic importance and need to maintain the commercial primacy of the town centres.

Policies

- (a) To provide for development having relatively low traffic-generating characteristics, but not high turnover shops and offices that might more properly be located in the Business zone.
- (b) To provide for relatively low intensity commercial and retail uses with extensive floor space requirements which, by the nature of the activity conducted, require relatively direct and easy access to motor vehicle parking areas for loading purposes.
- (c) To provide for development which will not result in a detrimental impact on surrounding commercial centres or an overall adverse impact on commercial centres.
- (d) To restrict development which is likely to contribute to ribbon development, the spread of town centres, or otherwise detrimentally impact the efficiency of main or arterial roads.

4.2.4 Tourist Zone

Objectives

- (a) To promote tourism as a major contributor to the diversification and strength of the City.
- (b) To encourage tourism activity that will complement the existing natural and man-made features of the City and be of positive benefit to the City's economy.
- (c) To encourage a range of tourist facilities in the City in localities where it would not result in the degradation of environmental or agricultural features of the City.
- (d) To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.

Policies

- (a) To permit tourism development and uses associated with, ancillary to, or supportive of, tourism development, including retailing and service facilities where such facilities are an integral part of the tourism development and are of a scale appropriate to the needs of that development.
- (b) To control, by means of planning policies and, where necessary, Development Guide Plans, the location, form, character and density of permissible development.
- (c) To permit the subdivision and development of land so as to create lots and developments the size and type of which are justified based upon the topographical and ecological character of the land.
- (d) To ensure that tourism development has access to natural areas within proximity of the tourism development.
- (e) To enable the development of land for other purposes compatible with tourism development in the area where it can be demonstrated by the applicant that suitable land for buildings for the proposed purposes are not available elsewhere and that such purposes will not detrimentally affect the amenity of any existing or proposed nearby development.

4.2.5 Industrial Zone

Objectives

- (a) To encourage and facilitate employment-generating development which will contribute to the economic and social wellbeing of the City.

- (b) To provide for industrial, service and storage activities which, by nature of their operations, should be isolated from residential areas.

Policies

- (a) To allow a broad range of industrial land uses so as to provide increased and diverse employment opportunities in the City.
- (b) To provide opportunities for non-industrial commercial activities that may reasonably be located in an industrial zone.
- (c) To allow for industrial development and any other purpose ordinarily incidental or subsidiary to industry in a manner which is compatible with other types of development in the vicinity.
- (d) To allow for any purpose primarily intended to service persons occupied or employed in purposes allowed in the zone.
- (e) As far as is practical and appropriate, to allow utilisation of existing premises for small operations and light industry, including change of use of those premises, with minimal intervention by local government.
- (f) To incorporate buffer areas within the zone as may be necessary to protect neighbouring residential or other sensitive land uses from the impacts of industry.
- (g) To ensure industrial subdivision and development does not adversely impact on the environmental values of the site, immediately surrounding area or the region in general.

4.2.6 Agriculture Zone

Objectives

- (a) To conserve the productive potential of rural land.
- (b) To provide for new forms of agricultural development (including agro-forestry), and changing patterns of existing agricultural development.
- (c) To regulate the subdivision of agricultural lands within this zone to ensure that land is not withdrawn from production or that the potential for land to be productive is not diminished.
- (d) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere and that such purposes will not detrimentally affect the amenity of any existing or proposed nearby development.
- (e) To encourage low-key rural tourism associated with traditional forms of agriculture or rural retreat as a contributor to the overall rural economy of the City.
- (f) To exclude urban development. Any such land adjacent to existing urban areas and identified as generally suitable for urban expansion may be used for urban development after it has been suitably rezoned.
- (g) To make provision for the subdivision of land and encourage the amalgamation of land so as to create lots for commercial farming.
- (h) To discourage ribbon development along Caves Road and other tourist roads and maintain the rural and natural ambience of transport corridors generally.
- (i) To encourage the development of cluster or communal farming.
- (j) To encourage sustainable farming practices.
- (k) To control the clearing of trees and encourage generally the retention of vegetation and vegetation corridors concomitant with the agricultural use of the land.

Policies

- (a) To permit land included within the zone and shown by close investigation in consultation with the Department of Agriculture and Food not to be prime agricultural land to be utilised for other purposes not incompatible with adjacent uses.
- (b) To permit rural tourist accommodation and rural tourist facilities where these will not conflict or detrimentally impact established farming pursuits and/or associated with rural activities.
- (c) To apply restrictions whereby a lot proposed to be created by subdivision for an agricultural purpose shall contain a minimum area of land that actually is useable for commercial farming. Depending upon the circumstances, the area of a lot may be greater than the area necessary for the farm due to remnant and riparian vegetation considered valuable for conservation; streams, dams, wetlands and foreshores; steep terrain and rocky outcrops; setbacks to the above and any environmental buffers within which development or agriculture is not permitted; and existing tourist development. As a general guide, the minimum arable area for a commercial farm that will be recommended by the local government to the Commission is 30 hectares for viticultural and horticultural pursuits.
- (d) To otherwise, where environmental conditions allow, positively consider subdivision of rural land into lots comprising a minimum arable area of 40 hectares.
- (e) To facilitate the creation of lots for purely agricultural use and not to hinder the adjustment of boundaries between lots.
- (f) To implement and adhere to the adopted recommendations and outcomes of the Local Rural Planning Strategy adopted by the local government and endorsed by the Commission.

4.2.7 Viticulture and Tourism Zone

Objectives

- (a) To provide for development and expansion of the viticultural, winemaking and associated industries, in addition to general rural pursuits, only in a manner that does not cause adverse environmental impact.
- (b) To optimise the tourism potential of viticultural activities within the City in a manner that will sustain those industries and not frustrate their further development, but will ensure that viticulture is predominant in the combination of land uses.
- (c) To discourage ribbon development along Caves Road and other roads and to maintain the rural and natural ambience of transport corridors generally.

Policies

- (a) To facilitate the development of tourist facilities of a scale and nature appropriate in rural settings, including exhibition centres, cafés/restaurants, chalets and rural holiday resorts, especially in association with established viticultural and related enterprises.
- (b) To achieve (a) above without prejudice to the scenic quality of land within this zone and without creating or increasing ribbon development on any road.
- (c) To apply restrictions whereby a lot proposed to be created by subdivision for an agricultural or viticultural purpose shall contain a minimum area of land that actually is useable for commercial farming. Depending upon the circumstances, the area of a lot may be greater than the area necessary for the farm due to remnant and riparian vegetation considered valuable for conservation; streams, dams, wetlands and foreshores; steep terrain and rocky outcrops; setbacks to the above and any environmental buffers within which development or agriculture is not permitted; and existing tourist development. As a general guide, the minimum arable area for a commercial farm that will be recommended by the local government to the Commission is 30 hectares for viticultural and horticultural pursuits.
- (d) To implement and adhere to the adopted recommendations and outcomes of the *Local Rural Planning Strategy*, adopted by local government and endorsed by the Commission.
- (e) To restrict the clearing of remnant vegetation and facilitate the retention and enhancement of such vegetation.

4.2.8 Rural Residential Zone

Objectives

- (a) To encourage development for the purpose of closer rural settlement on land which is suitable for such a purpose, and is in reasonable proximity to existing urban areas.
- (b) To ensure that development maintains the rural character of the locality, maintains a high level of residential amenity and minimises disturbance to the landscape through construction of buildings and structures, clearing, earthworks and access roads.
- (c) To enable a range of activities and land uses associated with the residential occupation of land.
- (d) To discourage or prohibit development not compatible with the predominantly rural nature and residential amenity of the zone.
- (e) To enable the development of land for other purposes where it can be demonstrated by the applicant that suitable land or buildings for the proposed purposes are not available elsewhere, and where such purposes would not detrimentally affect the rural residential character of nearby land.
- (f) To direct and control the form rural residential subdivision takes to prevent a demand for the unreasonable and uneconomic provision or extension of services and facilities.
- (g) To promote and encourage cluster subdivision and other innovative rural residential designs, having consideration for conservation values.
- (h) To discourage ribbon development along Caves Road and other roads and to maintain the rural and natural ambience of transport corridors generally.

Policies

- (a) To encourage rural residential subdivision by permitting a range of lot sizes in conventional subdivision subject to a general minimum lot area of 1 hectare with an average minimum lot area of approximately 2 hectares; and providing greater flexibility for lots created within appropriate cluster subdivisions or by strata or survey strata subdivision, dependent upon the special physical characteristics of the land.
- (b) To ensure the provision of road, electricity, postal and telephone services and, where appropriate and practical, water services.
- (c) To ensure the provision of community facilities and emergency services in the vicinity of rural residential developments.
- (d) To ensure that services, facilities and recreation areas are centrally located.
- (e) To encourage generally, and require specifically in rural residential subdivision, the provision of vegetation and fauna corridors and the revegetation of the land.
- (f) To adequately protect any areas or sites of conservation value within the design of any subdivision and development.
- (g) To provide flexibility for the development of appropriately located and scaled tourist facilities consistent with preservation of residential amenity.

- (h) To implement and adhere to the adopted recommendations and outcomes of the *Local Rural Planning Strategy*, adopted by local government and endorsed by the Commission.
- (i) To provide opportunities for small-scale agriculture on cleared land of a type that will not lead to land use conflicts with the rural residential use of adjoining land.

4.2.9 Rural Landscape Zone

Objectives

- (a) To facilitate limited closer rural settlement on land which is recognised as being of high landscape or scenic value, but generally unsuitable for agriculture or farming use, in order to protect and enhance those values.
- (b) To ensure that development maintains the rural character of the locality and minimises disturbance to the landscape amenity through construction of buildings and structures, clearing, earthworks, firebreaks and access roads.
- (c) To provide incentives for landowners to implement rural landscape improvements such as rehabilitation/revegetation and soil stabilisation in areas of significant landscape or scenic value.
- (d) To enable a range of activities and land uses appropriate to the rural retreat/residential occupation of the land.
- (e) To discourage or prohibit development not compatible with the predominantly rural nature or high landscape value or visual quality of the zone.
- (f) To encourage the orderly development of rural-retreat residential designs having consideration for conservation and landscape values.

Policies

- (a) To apply this zone to land where rural landscape improvements such as revegetation, rehabilitation and soil stabilisation are necessary to visually improve or enhance the landscape values of the area, to the benefit of the local amenity, where such measures can be achieved through the subdivision process.
- (b) To encourage rural-retreat subdivision by recommending a range of lot areas with a minimum average area of not less than 10 hectares and a minimum lot area of 5 hectares using conventional subdivision and providing greater flexibility for lots created by strata or survey strata subdivision, dependent upon the special physical and landscape characteristics of the land and only where it can be clearly established to be consistent with the objectives of the zone.
- (c) To encourage the achievement of the objectives of the zone through private land ownership and management by the use of development guidelines, standards and covenants, on a site specific basis, to direct and manage the future and ongoing uses and development of lots within the zone.
- (d) To encourage the preservation of vegetation and fauna and the protection of areas of visual or landscape quality.
- (e) To prohibit the clearing of any vegetation on the land, unless required for firebreaks, dwellings or associated outbuildings within defined building envelopes, or to allow for vehicular access to such buildings.
- (f) To ensure that where the keeping of livestock may be acceptable, stocking rates are controlled in order to avoid degradation and erosion of the landscape, and to ensure that the keeping of livestock does not occur where this would be inconsistent with the intent and objectives of the zone.
- (g) To encourage the use of development guidelines and covenants, where appropriate, to further ensure that the objectives and policies of the zone are achieved on a site-specific basis.

4.2.10 Conservation Zone

Objective

To restrict the type and scale of development which will be considered on lands possessing special aesthetic, ecological or conservation values to those compatible with such environments.

Policies

- (a) To allow development only where—
 - (i) it can be demonstrated that such development can be carried out in a manner that minimises risks from natural hazards, functions efficiently and does not detract from the scenic quality of the land; and
 - (ii) such development is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations and the provision and quality of habitats for both indigenous and migratory species.
- (b) In satisfying (a) above, there is a general presumption that development shall be in a clustered form.
- (c) To support subdivision only where—
 - (i) there is no detrimental impact on the aesthetic, conservation or ecological values of the land and where the objective of retention of these values of the land in perpetuity will be achieved;
 - (ii) for a lot 40 hectares or greater at 7 September 1999, subdivision based on a ratio of one lot per 20 hectares, preferably in a clustered form;

- (iii) for a lot less than 40 hectares at 7 September 1999, subdivision of one additional lot, preferably in a clustered form; and
 - (iv) consistent with *State Planning Policy No. 6.1—Leeuwin-Naturaliste Ridge* where applicable.
- (d) To prohibit the clearing of any vegetation on the land, unless required for fire breaks, dwellings or associated outbuildings within defined building envelopes, or to allow for vehicular access to such buildings.

4.2.11 Bushland Protection Zone

Objective

To restrict the land uses and type and scale of development that will be considered on lands possessing special biodiversity values to those that will not adversely affect those values, and to provide opportunity for the creation of a subdivision incentive for the protection of those values in perpetuity.

Policies

- (a) To support subdivision only where—
 - (i) there is no detrimental impact on the aesthetic, conservation or biodiversity values of the land and where the objective of retention of these values in perpetuity will be achieved;
 - (ii) for lots less than 60 hectares, subdivision of one additional lot;
 - (iii) for lots 60 hectares and greater, subdivision based on a ratio of one lot per 20 hectares with a maximum of 3 lots in total;
 - (iv) for lots 60 hectares and greater and with a remnant vegetation cover of 50% or more of the total area of the lot, subdivision based on a ratio of one lot per 20 hectares with a maximum of 4 lots in total;
 - (v) a minimum lot area of 3 hectares is achieved;
 - (vi) consistent with the *Biodiversity Incentive Strategy for Private Land in the Busselton Shire*, or the *State Planning Policy No. 6.1—Leeuwin-Naturaliste Ridge*, or other similar strategy as may be adopted by the local government and endorsed by the Commission in the future; and
 - (vii) consistent with a Development Guide Plan adopted by local government and endorsed by the Commission.
- (b) To prohibit the clearing, grazing or damage to remnant vegetation on the land unless required for firebreaks identified on an adopted fire management plan, approved dwellings or any incidental development within building envelopes, or to allow for vehicular access to such buildings.
- (c) To prohibit the clearing, draining, filling or grazing of wetlands on the land.
- (d) To ensure that no further subdivision of lots created pursuant to the objectives and policies of the Bushland Protection zone is permitted.

4.2.12 Special Purpose Zone

Objectives

- (a) To provide a zone capable of accommodating a land use or combination of land uses which do not fall within the objectives of other zones or reserves and which, by their nature or location, require specific consideration.
- (b) To facilitate the provision of services and facilities by public authorities, charities and community-based organisations.
- (c) To provide scope for the development of multi-purpose facilities, including accessibility by the broader community where appropriate.

Policy

To permit land included within the zone to be used for the purpose as identified on the Scheme map consistent with the proper planning and servicing of the community and the protection of the amenity of the locality.

4.2.13 Vasse Development Zone

Objectives

- (a) The zone is designed to be flexible in nature so as to overcome the inherent problems associated with detailed zoning of land prior to the creation of lot boundaries through subdivision and survey.
- (b) To provide for progressive development of a new, separate community at Vasse.
- (c) To progressively provide employment and business opportunities at Vasse.
- (d) To encourage a variety of lifestyle opportunities through the use of different development densities.
- (e) To create a high quality “village” character by encouraging pedestrian/cycle transport as a preferred mode, a sense of place and a sense of community.
- (f) To establish a hierarchy of planning procedures to secure the objectives of the zone.
- (g) To provide for the development of neighbourhood retail facilities which support and service the residential population at Vasse only and do not detract from the primacy of Busselton and Dunsborough as the principal commercial centres of the City.

Policies

- (a) To provide, in a timely manner, an alternative route for regional, heavy haulage and through traffic so that the existing Bussell Highway alignment can be used as an internal subdivision road to service Vasse village.
- (b) To require the preparation and approval of a Development Guide Plan in accordance with the provisions of Schedule 11 of the Scheme as a prerequisite to—
 - (i) the local government's support for an application to subdivide or amalgamate lots; and/or
 - (ii) the local government's consideration of an application for planning approval.
- (c) Ensure development is compatible with the natural environment.
- (d) Programme appropriate road and reticulated service provision.
- (e) Programme appropriate provision of social infrastructure.
- (f) Encourage urban designs which provide a high degree of 'permeability' and 'walkability'.
- (g) Make provision for business, industry, community uses and recreational areas as well as residential areas.
- (h) To ensure that Vasse does not become a satellite, dormitory suburb of Busselton and the local government shall recommend against continuing stages of residential subdivision unless there is progressive development of employment opportunities at Vasse.
- (i) To ensure that subdivision and development conforms to the principal aims of the "Liveable Neighbourhoods Policy".
- (j) To ensure retail uses are limited in scale, type and function to service the residential population of Vasse only, in accordance with the settlement hierarchy objectives of the *State Planning Policy No. 6.1—Leeuwin-Naturaliste Ridge*.

4.2.14 Deferred Vasse Development Zone

Objectives

- (a) To ensure that the development of Vasse is staged to allow a community size of around 2,000 residents unless the conditions prescribed at Table 5 of the *State Planning Policy No. 6.1—Leeuwin-Naturaliste Ridge* and Schedule 12 of the Scheme are met in which case the village of Vasse may be expected to accommodate a maximum population of approximately 5,000 people by the lifting of the deferment from the Deferred Vasse Development zone through an amendment to the Scheme.
- (b) In the interim, the land within the zone is to be treated as if it were in the Agriculture zone except that the local government has the discretion to refuse incompatible rural land uses that may prejudice the long term development of the area for townsite expansion.

Policies

- (a) It is the objective and requirement of the zone to link further expansion of Vasse to the demonstration of employment creation at the site to support residential growth. Justification of growth should conform to the principle aims of the Liveable Neighbourhoods as it relates to employment, transport and community design.
- (b) It is intended that when the local government deems the above condition and those of Schedule 12 of the Scheme have been met that the deferment will be lifted from the Deferred Vasse Development zone and further residential development permitted in accordance with an adopted Development Guide Plan. Deferment shall be lifted by finalisation and gazettal of an amendment to the Scheme rezoning the site from the Deferred Vasse Development zone to the Vasse Development zone.

4.3 Zoning Table

4.3.1 Table 1—Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any 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 10.4;
- 'X' means a use that is not permitted by the Scheme.

4.3.3 A reference to a use that may be carried out only with planning approval includes a reference to any use ordinarily ancillary, subsidiary or incidental to the predominant use for which approval is sought.

4.3.4 Planning approval, where specifically required for a use, must not be granted unless the local government is of the opinion that the carrying out of the use is consistent with the relevant objectives and policies of the zone within which the use is proposed to be carried out.

4.3.5 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.

- Notes:*
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 land. In normal circumstances one application is made for both the use and development of 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 11.2.*
 4. *Unless otherwise provided for, the local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.*

4.4 Interpretation of the Zoning Table

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

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; or
- (b) determine that the use may be consistent with the objectives and policies of the particular zone and thereafter follow the advertising procedures of clause 10.4 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.

4.5 Exceptions to the Zoning Table

4.5.1 Notwithstanding the provisions of clause 4.3 and Table 1, the local government may approve any development consistent with a Development Guide Plan adopted pursuant to Part 7 of the Scheme.

4.5.2 Table 1 shall apply to all lots greater than 20 hectares in area within the Rural Residential zone as if the land was located in the Agriculture zone, with the exception that the local government may only grant planning approval for intensive agriculture on such land where it has followed the procedures set out in clause 10.4.

4.5.3 Notwithstanding the provisions of clause 4.3 and Table 1, the following development shall be deemed an "X" use—

- (a) within the Rural Residential zone on any lot less than 4,000 m² in area, any purpose other than a single house (including any incidental development), recreation agriculture, home business, home office, home occupation, bed and breakfast, public utility or recreation area;
- (b) within the Rural Residential zone on any lot less than 1 hectare in area, the keeping or rearing of stock;
- (c) within the Rural Residential zone on any lot less than 4 hectares in area, unless specified on a Development Guide Plan, the keeping and rearing of stock, except for domestic purposes and, in such case, shall not exceed one horse or one cow or two sheep;
- (d) intensive agriculture within the Rural Residential zone, unless identified for rural or primary production on a Development Guide Plan; and
- (e) within the Industrial zone, the use of a factory unit building or industrial unit for automotive wrecking or motor vehicle and marine sales.

4.5.4 Notwithstanding the provisions of clause 4.3 and Table 1, the following development shall be deemed a "D" use—

- (a) Subject to advertising pursuant to clause 10.4 of the Scheme, the use of land, with an R-Code of R30 or greater, for the purposes of a boarding house, guesthouse, multiple dwelling or residential building;
- (b) the use and development of single houses, grouped dwellings and multiple dwellings in the Tourist zones and Business zones within the Port Geographe Development area;
- (c) the use and development of aged persons' accommodation in the Tourist zone within the Port Geographe Development area where it is consistent with the Port Geographe Development Plan and the predominance of tourist uses is maintained within the zone;

- (d) development for the purposes of commercial premises for the retailing of bulky goods in the Industrial zone, subject to the local government being satisfied that—
- (i) suitable land for the development is not available in any nearby business centre;
 - (ii) the development would not, by reason of the number of retail outlets which exist or are proposed on land within the Industrial zone, defeat the predominantly industrial nature of the zone; and
 - (iii) the proposed development will not detrimentally affect the viability of any business centre;
- (e) excluding reference to a convenience store or lunch bar, the sale of goods or products by retail or wholesale to the public from land in the Industrial zone, provided that—
- (i) the goods or produce are manufactured or stored in bulk on the lot;
 - (ii) not more than 50% of the gross floor area of building on the lot is used for the sale of such goods or produce; and
 - (iii) the goods or produce sold are not—
 - (I) foodstuffs, liquor or beverages;
 - (II) items of clothing or apparel;
 - (III) magazines, newspapers, books or paper products;
 - (IV) medicinal or pharmaceutical products;
 - (V) china, glassware or domestic hardware other than building supplies; or
 - (VI) items of personal adornment;unless such goods are manufactured on the lot;
- (f) on land within the Agriculture zone or Viticulture and Tourism zone, the development of a second dwelling provided that—
- (i) the lot has an area of not less than 20 hectares (for the purposes of this clause, the term 'lot' shall not include a lot created under the *Strata Titles Act 1985*);
 - (ii) the total number of dwellings on the lot will not exceed two; and
 - (iii) where the second dwelling is to be used for purposes other than a rural worker's dwelling, the local government is satisfied that the second dwelling is to be used solely for the purposes of the principal place of residence of an owner or immediate past owner of the land, provided further that such person has been actively engaged for a significant period of time in the day-to-day management and operation of a substantive rural pursuit on the land and the balance of the land is to be retained in rural production;
- (g) on land within the Agriculture zone or Viticulture and Tourism zone, the development of a rural worker's dwelling on a lot comprising less than 20 hectares, or for lots greater than 20 hectares the development of a rural worker's dwelling in addition to two other dwellings (i.e. used as single houses), provided that—
- (i) the land, in the opinion of the local government, is substantively under production for viticultural or horticultural purposes;
 - (ii) other dwellings on the lot are occupied as a principal place of residence by an owner of the land actively involved on a day-to-day basis in the operation and management of the viticultural or horticultural activity on the lot;
 - (iii) such additional dwelling is to be occupied only by a person actively involved on a day-to-day basis in the operation of the viticultural or horticultural activity on the land.

4.6 Land Use Permissibility in the Special Purpose, Vasse Development and Deferred Vasse Development Zones

4.6.1 On land within the Special Purpose zone, the permissibility of uses shall be as indicated on the Scheme map, or as otherwise set out in the Scheme, with uses indicated on the Scheme map to be treated as if they are 'P' uses as set out in clause 4.3.

4.6.2 On land within the Vasse Development zone, the permissibility of uses shall be as set out in Schedule 11, clause 1.7.3.

4.6.3 On land within the Deferred Vasse Development Zone, the permissibility of uses shall be determined in accordance with clause 4.2.14 (b).

TABLE 1—ZONING TABLE

Zone/Use Class	Residential	Business	Restricted Business	Tourist	Industrial	Agriculture	Viticulture and Tourism	Rural Residential	Rural Landscape	Conservation	Bushland Protection	Special Purpose	Vasse Development	Deferred Vasse Development
Abattoir	X	X	X	X	A	A	X	X	X	X	X			
Aged Persons Home	D	X	X	X	X	A	X	X	X	X	X			
Agriculture	X	X	X	X	X	P	P	A	D	D	D			
Amusement Parlour	X	P	D	D	D	X	X	X	X	X	X			
Animal Establishment	X	X	X	X	X	D	D	A	A	X	X			
Animal Husbandry	X	X	X	X	X	D	A	X	X	X	X			
Aquaculture	X	X	X	X	D	D	D	A	A	A	X			
Bed and Breakfast	D	D	X	P	X	D	D	D	D	D	D			
Boarding House	A	A	X	P	X	X	X	X	X	X	X			
Boatel	X	D	X	D	X	X	X	X	X	X	X			
Bulk Store	X	X	D	X	P	X	X	X	X	X	X			
Bus Depot	X	X	D	X	D	D	X	X	X	X	X			
Bus Station	X	P	P	D	P	D	X	X	X	X	X			
Caravan Park & Camping Grounds	A	X	X	D	X	A	A	X	X	X	X			
Chalet Development	X	X	X	D	X	A	A	X	A	A	X			
Chandlery	X	D	D	D	P	X	X	X	X	X	X			
Child Care Centre	A	D	D	A	X	D	A	A	X	X	X			
Club	X	D	D	D	X	A	A	X	X	X	X			
Community Centre	A	D	D	D	D	D	A	A	X	X	X			
Conservation Tourism	X	X	X	X	X	X	X	X	A	A	X			
Convenience Store	X	P	D	D	D	X	X	X	X	X	X			
Corner Shop	A	P	P	X	D	A	A	A	X	X	X			
Cottage Industry	X	X	X	D	X	D	D	A	D	A	A			
Display Home	D	X	X	X	X	X	X	D	X	X	X			
Display Home Centre	D	X	X	X	X	X	X	X	X	X	X			
Educational Establishment	A	P	D	X	D	D	D	D	X	X	X			
Extractive Industry	X	X	X	X	A	A	X	X	X	X	X			
Factory Unit Building	X	X	D	X	P	X	X	X	X	X	X			
Forestry	X	X	X	X	X	D	D	X	X	X	X			
Grouped Dwelling	D	D	X	X	X	X	X	X	X	X	X			
Guesthouse	X	D	X	D	X	A	A	A	A	A	X			
Holiday Home (Multiple/Grouped Dwelling)	A	A	X	X	X	X	X	X	X	X	X			
Holiday Home (Single House)	D*	D*	X	X	X	D*	D*	D*	D*	D*	D*			
Home Occupation	P	P	X	P	X	P	P	P	P	P	P			
Hospital	A	D	D	X	X	A	A	X	A	X	X			
Hotel	X	A	A	A	X	A	A	X	X	X	X			
Industry	X	X	X	X	P	X	X	X	X	X	X			
Intensive Agriculture	X	X	X	X	X	P	D	X	X	X	X			
Light Industry	X	X	D	X	P	X	X	X	X	X	X			
Liquid Fuel Depot	X	X	X	X	P	X	X	X	X	X	X			
Lunch Bar	X	X	D	X	D	X	X	X	X	X	X			
Marina	X	D	D	D	X	X	X	X	X	X	X			
Marine Facilities	X	D	D	D	D	X	X	X	X	X	X			
Marine Filling Station	X	D	D	D	D	X	X	X	X	X	X			
Market	X	D	D	A	D	D	D	A	X	X	X			
Medical Centre	A	P	D	X	D	X	X	X	X	X	X			

In accordance with clause 4.6.1

In accordance Schedule 11, clause 1.7.3

In accordance with Clause 4.2.14 (b) and clause 4.6.3

Zone/Use Class	Residential	Business	Restricted Business	Tourist	Industrial	Agriculture	Viticulture and Tourism	Rural Residential	Rural Landscape	Conservation	Bushland Protection	Special Purpose	Vasse Development	Deferred Vasse Development
Mineral Resource Development	X	X	X	X	A	A	X	X	X	X	X			
Motel	X	A	A	D	X	X	X	X	X	X	X			
Motor Vehicle & Marine Sales Premises	X	D	P	X	P	X	X	X	X	X	X			
Motor Vehicle Repair	X	X	D	X	P	X	X	X	X	X	X			
Multiple Dwelling	D	D	X	X	X	X	X	X	X	X	X			
Offensive or Hazardous Industry	X	X	X	X	A	X	X	X	X	X	X			
Office	X	P	X	X	X	X	X	X	X	X	X			
Place of Assembly	X	D	D	D	D	D	D	X	X	X	X			
Place of Public Worship	A	D	D	X	D	A	A	A	X	X	X			
Plant Nursery	X	A	A	X	D	D	D	A	X	X	X			
Poultry Farm	X	X	X	X	X	A	X	X	X	X	X			
Private Recreation	X	D	D	D	D	D	A	A	A	D	X			
Professional Consulting Rooms	A	P	P	X	X	X	X	X	X	X	X			
Public Utility	D	D	D	D	P	P	P	D	D	D	X			
Reception Centre	X	D	D	D	X	A	A	X	X	X	X			
Recreation Agriculture	X	X	X	X	X	P	P	P	P	P	P			
Recreation Area	P	P	P	P	P	P	P	P	P	A	X			
Recreation Establishment	X	X	X	D	X	D	D	X	A	A	X			
Recreation Facility	X	D	D	D	D	X	X	X	X	X	X			
Research Establishment	X	D	D	X	D	D	X	X	X	X	X			
Residential Building	A	X	X	D	X	A	A	X	X	X	X			
Residential Enterprise	D	P	X	X	X	P	P	P	A	A	A			
Restaurant	X	P	D	D	X	D	D	A	X	X	X			
Restricted Premises	X	D	D	X	X	X	X	X	X	X	X			
Roadside Stall	X	X	X	X	X	D	D	A	A	X	X			
Rural Enterprise	X	X	X	X	X	D	D	X	A	A	X			
Rural Holiday Resort	X	X	X	D	X	X	A	X	X	X	X			
Rural Industry	X	X	X	X	D	D	A	X	X	X	X			
Rural Workers Dwelling	X	X	X	X	X	D	D	X	X	X	X			
Salvage Yard	X	X	X	X	D	X	X	X	X	X	X			
Sawmill	X	X	X	X	D	A	X	X	X	X	X			
Service Industry	X	X	D	X	P	X	X	X	X	X	X			
Service Station	X	D	D	X	D	A	X	X	X	X	X			
Shop	X	P	X	X	X	X	X	X	X	X	X			
Showroom	X	P	P	X	D	X	X	X	X	X	X			
Single House	P	D	X	X	X	P	P	P	P	P	P			
Stock & Sale Yard	X	X	X	X	A	D	X	X	X	X	X			
Takeaway Food Outlet	X	A	A	A	X	X	X	X	X	X	X			
Tavern	X	A	A	A	A	A	A	X	X	X	X			
Timber Yard	X	X	D	X	D	D	X	X	X	X	X			
Tourist Accommodation	X	D	X	D	X	X	A	X	X	X	X			
Transport Depot	X	D	D	X	D	X	X	X	X	X	X			
Veterinary Hospital	X	D	P	X	D	A	A	X	X	X	X			
Warehouse	X	D	P	X	P	X	X	X	X	X	X			
Winery	X	D	D	A	P	D	D	X	A	X	X			

In accordance with clause 4.6.1

In accordance Schedule 11, clause 1.7.3

In accordance with Clause 4.2.14 (b) and clause 4.6.3

* Refer to Clause 5.17.5

4.7 Additional Uses

Notwithstanding 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 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.

4.8 Restricted Uses

There are no restricted uses which apply to the Scheme.

4.9 Special Purpose Zone

Land in the Special Purpose zone is identified on the Scheme map. Land, or any structures or buildings on land in the Special Purpose zone must not be used for any purpose other than the purpose or purposes identified on the Scheme map and in accordance with any Development Guide Plan or Structure Plan that may apply to the land.

Note: Special Purpose zones apply to land use designations which do not comfortably sit with, or are considered too complex to be included in any other zone in the Scheme.

4.10 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 of the Scheme or an amendment to the Scheme (as the case may be); or
- (b) the carrying out of any development on that land for which, immediately prior to the Gazettal date of the Scheme or an amendment to the Scheme (as the case may be), an approval or approvals, lawfully required to authorize the development to be carried out, were duly obtained and are current.

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

4.11 Extensions and Changes to a Non-Conforming Use

4.11.1 Subject to the other provisions of this clause 4.11, 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.

4.11.2 An application for planning approval under this clause is to be advertised in accordance with clause 10.4.

4.11.3 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.

4.12 Discontinuance of Non-Conforming Use

4.12.1 Where a non-conforming use of any land has been discontinued for a period of 12 months the land must not be used after that period otherwise than in conformity with the provisions of the Scheme.

4.12.2 Clause 4.12.1 shall not apply to a non-conforming use right for permanent residential use in the 'Tourist' zone where a change of use is approved for use of a dwelling for a 'Holiday Home (Single House)' or 'Holiday Home (Multiple/Grouped Dwelling)', wherein the non-conforming use of the dwelling for permanent residential use may recommence without planning approval.

4.13 Termination of a Non-Conforming Use

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

Note: Sections 190 and 191 of the Planning and Development Act 2005 enables the local government to purchase or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the Land Administration Act 1997 (as amended), those sections and the Scheme.

4.14 Destruction of Non-Conforming Use Buildings

If a building used for a non-conforming use is destroyed to 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 Residential Design Codes

5.2.1 A copy of the R-Codes is to be kept and made available for public inspection at the offices of the local government.

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

5.2.3 The R-Codes density applicable to land within the Scheme area is to be determined by reference to the R-Codes density number superimposed on the particular areas contained within the borders shown on the Scheme map or where such an area abuts another area having an R-Code density, as being contained within the area defined by the centre-line of those borders.

5.3 Special Application of Residential Design Codes

5.3.1 Notwithstanding any other provision of the Scheme, the following variations and exclusions to the R-Codes apply—

- (a) The local government may grant planning approval for the development of not more than two grouped dwellings on any lot comprising not less than 900m², applying a minimum site area of 450 m² per grouped dwelling, within any area coded R10 or greater on the Scheme map, excluding standard residential lots with direct canal frontage in the Port Geographe Development area.
- (b) Subject to clauses 5.3.1 (d) and (e), the local government may, for the purposes of urban consolidation, grant planning approval for the development of grouped dwellings at density R20, R25 or R30 on any lot greater than 1,500m² within any area coded R10 to R20 or R20/30 on the Scheme map, excluding standard residential lots with direct canal frontage in the Port Geographe Development area.
- (c) Subject to clauses 5.3.1 (d) and (e), the local government may, for the purposes of urban consolidation, grant planning approval for the development of grouped dwellings at density R20, R25, R30 or R40 on any lot greater than 1,500m² within any area coded R20/40 on the Scheme map.
- (d) In determining any application for planning approval lodged pursuant to clauses 5.3.1 (a), (b) and (c) above, the local government must consider, in addition to those matters listed in clause 11.2, clause 6.7 and Schedule 4, the likely impacts of the proposed development on the identifiable or special character and amenity of the immediate locality in which the proposed development is to be situated.
- (e) All Special Character areas provided for in Schedule 4 and pursuant to clause 6.7 are excluded as necessary from the provisions of the R-Codes to the extent of any conflict between the standards set out in Schedule 4 and the R-Codes.
- (f) Notwithstanding the deemed to comply provisions of the R-Codes, outbuildings that do not exceed a wall height of 2.7 metres and ridge height of 4.5 metres are deemed to meet the relevant performance criteria.
- (g) For the purposes of clause 4.5.4 (a), a multiple dwelling on land with an R-Code of R30 must comply with the R35 general site requirements for multiple dwellings as set out in Table 1 of the R-Codes, with the exception that the minimum site area per dwelling is 325m².
- (h) On land coded R2, R2.5 or R5, all building development is to be contained within a building envelope area which does not exceed 1,000m², or as otherwise required by a plan adopted pursuant to part 7.

5.3.2 Building height provisions as specified under Table 3 and Table 4, Acceptable Development provision 5.1.6 C6 and 6.1.2 C2 of the R-Codes do not apply. Maximum building height requirements are required to comply with the provisions of clause 5.8 of the Scheme.

5.4 Restrictive Covenants

5.4.1 For the purposes of enabling development to be carried out in accordance with this Scheme, any covenant, agreement or instrument which purports to impose restrictions on the carrying out of the development on any land shall not apply in any way so as to fetter or otherwise restrict the ability of the local government to grant planning approval for a development on the land which may be contrary to, or affected by, the covenant, agreement or other instrument.

5.4.2 Nothing in clause 5.4.1 shall affect the rights or interests of any public authority under any registered instrument.

5.4.3 Clause 5.4.1 shall not apply to covenants entered into under section 129A or 129BA of the *Transfer of Land Act 1893* for the sole benefit of the local government or sole benefit of the local government in conjunction with another authority.

5.5 Variations to Site and Development Standards and Requirements

5.5.1 Except for development in respect of which the R-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 (including a policy or plan adopted pursuant to the Scheme), the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

5.5.2 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 under clause 10.4; and
- (b) have regard to any expressed views prior to making its determination to grant the variation.

5.5.3 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 matters to be considered set out in clause 11.2;
- (b) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and
- (c) 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.

5.6 Environmental Conditions

5.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme, are subject are incorporated into the Scheme by Schedule 10 of the Scheme.

5.6.2 Where appropriate, the environmental conditions are indicated on the Scheme map by the symbol 'EC' to indicate that environmental conditions apply to the land.

5.6.3 The local government is to—

- (a) maintain a register of all relevant statements published under sections 48F and 48G of the *Environmental Protection Act 1986*; and
- (b) make the statements available for public inspection at the offices of the local government.

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.

5.7 Development On a Public Road Or Unzoned Land

The local government may only grant planning approval for development on a public road; or unzoned land (shown uncoloured on the Scheme map); or part of a road lawfully closed; for a purpose which is permissible, either with or without planning approval, on land adjoining that road or unzoned land.

5.8 Height of Buildings

5.8.1 A person must not erect any building that—

- (a) contains more than two storeys or exceeds a height of 7.5 metres where land is within 150 metres of the mean high water mark; or
- (b) contains more than three storeys or exceeds a height of 10 metres where land is more than 150 metres from the mean high water mark, except where otherwise provided for in the Scheme.

5.8.2 Notwithstanding clause 5.8.1, the local government may grant approval for the development of a building containing more than two or three storeys, as the case may be, provided that the additional storey or storeys are of the nature of a basement or similar structure and that they do not protrude more than 1 metre above finished ground level at the perimeter of the building.

5.8.3 In respect to clauses 5.8.1 and 5.8.2 above, the local government, upon receipt of an application for planning approval, may approve building heights which exceed those maximum height limitations as specified, subject to the local government being satisfied that the building height is consistent with the relevant assessment criteria specified under section 11.2 and the performance criteria specified under 5.1.6 (P6) and 6.1.2. (P2) of the R-Codes.

5.8.4 A reference in this clause to a building does not include a reference to—

- (a) an aerial;
- (b) a chimney stack;
- (c) a mast;
- (d) a pole;
- (e) a receiving tower;
- (f) a silo;
- (g) a transmission tower;
- (h) a utility installation;
- (i) a ventilator; or
- (j) a building within the Industrial zone.

5.8.5 Nothing in this clause prevents the local government from specifying a limitation on the height of buildings which is lower than that specified in clauses 5.8.1 and 5.8.2 above where considered appropriate in relation to topography, landscape values and/or environmental values.

5.8.6 In the Rural Residential and Rural Landscape zones the height of any building shall not exceed the height as may be specified on a Development Guide Plan, or if the height has not been specified, shall not exceed 7.5 metres.

5.8.7 In the Rural Residential zone the height shall be a measurement of the vertical distance from any point of the building to the natural ground level, and in the Rural Landscape zone the height

shall be a measurement of the vertical distance from the highest point of the building above natural ground level.

5.8.8 In the Conservation zone the height of any building shall not exceed the height specified on the relevant Development Guide Plan. Where the maximum height has not been specified, it shall be determined by local government to ensure the landscape values of the site and general area are maintained.

5.9 Provision of Services

The local government shall not grant planning approval for development on any land unless—

- (a) a water supply and facilities for the removal or disposal of sewage and drainage are available to that land, as deemed necessary by the local government; or
- (b) arrangements satisfactory to it have been made for the provision of that supply and those facilities.

5.10 Water Supply

Each dwelling shall be provided with a supply of potable water from a reticulated system, an underground bore or a rainwater storage system to the satisfaction of local government. Water tanks or other rainwater storage systems shall have a minimum capacity of 135,000 litres and shall be directly connected to a suitable means of rainfall catchment having an area of not less than 150m². All water tanks shall be fitted with couplings to the specification of the Department of Fire and Emergency Services.

5.11 Effluent Disposal

5.11.1 If no reticulated sewerage system is available, planning approval shall not be granted for development in excess of a single house unless—

- (a) adequate and appropriate provision can be made for the on-site disposal of effluent, having particular regard to the comments or requirements specified by the Department of Health; or
- (b) the development replaces an existing lawful development and redevelopment does not represent an increase of more than 10% over and above the density of the existing development.

5.11.2 If no reticulated sewerage system is available, liquid and/or solid wastes shall be disposed of on-site by means of an effluent disposal system approved by the local government. No house shall be occupied without the prior approval and installation of such a disposal system.

5.11.3 In the Rural Landscape zone effluent disposal areas shall be set back a minimum of 30 metres from any watercourse or dam or as otherwise approved by the local government.

5.11.4 In the Conservation and Bushland Protection zones effluent disposal areas shall be set back a minimum of 50 metres from any watercourse or dam or as otherwise approved by local government.

5.12 Dumping of Wastes

A person must not use privately owned land for the disposal or dumping of any form of rubbish or waste matter, either temporarily or permanently, without first having applied for and obtained planning approval.

5.13 Vehicles, Caravans, Trailers in Residential Areas

5.13.1 Except as hereinafter provided, a person must not—

- (a) allow any commercial vehicle or truck to remain or park for a period of more than 4 hours consecutively;
- (b) repair, maintain, service or clean a commercial vehicle or truck; or
- (c) keep, park, repair or store any boat, trailer, caravan or any material not specifically for the immediate use by the occupant forward of the front setback line;

on any lot within a Residential zone without first having applied for and obtained planning approval.

5.13.2 In respect of sub-clauses 5.13.1 (a) and (b) above, reference to a commercial vehicle or truck shall include any such vehicle exceeding 3.5 tonnes tare weight.

5.14 Residential Enterprise

5.14.1 A residential enterprise shall—

- (a) not occupy an area greater than 40m² or one-third the gross floor area of the dwelling, whichever is the lesser, provided further that the area within which it is conducted is not visible from the street or a public place;
- (b) be conducted only between the hours of 8.00am and 6.00pm on weekdays, 9.00am and 5.00pm on Saturdays and is not conducted on Sundays and public holidays;
- (c) not have more than one advertising sign and the sign displayed does not exceed 0.2m² in area; and
- (d) not require the provision of any service main of a greater capacity than normally required for the zone in which the residence is located.

5.14.2 Where the local government grants planning approval for a residential enterprise, such planning approval—

- (a) must be personal to the person to whom it was granted;
- (b) must not be transferred or assigned to any other person;

- (c) does not run with the land in respect of which it was granted; and
- (d) must apply only in respect of the land specified in the planning approval.

5.15 Corner Shop

5.15.1 The local government shall not grant planning approval for the development of a corner shop on a lot, where such lot—

- (a) has a frontage to a main or arterial road;
- (b) in the case of a rural area or land in a rural zone, is less than 5 kilometres from any other lot on which the sale of daily groceries needs is lawfully conducted or which is zoned for that purpose; and
- (c) in the case of the Residential zone, is less than 1 kilometre from any other lot on which sale of daily groceries needs is lawfully conducted or which is zoned for that purpose.

5.15.2 A building used for the purposes of a corner shop shall not be located closer to the alignment of a road than the existing building line of the lot or, where no such building line exists, consistent with other premises having frontage to such road.

5.15.3 The gross floor area of a corner shop shall not exceed 100m².

5.16 Cottage Industry

A cottage industry shall—

- (a) not occupy an area greater than 55m²;
- (b) not display a sign exceeding 1.0m² in area; and
- (c) not require the provision of any service main of a greater capacity than normally required for the zone in which the residence is located.

5.17 Bed and Breakfast and Holiday Homes

5.17.1 The maximum number of rooms to be occupied by guests under the Bed and Breakfast use class is three (3) rooms for Residential zoned lots less than 1,500m².

5.17.2 The maximum number of rooms to be occupied by guests under the Bed and Breakfast use class is four (4) rooms for—

- (a) Residential zoned lots 1,500m² or greater; or
- (b) any lot in any other zone.

5.17.3 Advertising signage associated with 'Holiday Home (Single House)' and 'Holiday Home (Multiple/Grouped Dwelling)' shall have a maximum area of 0.2m².

5.17.4 Holiday Homes shall meet the development standards established by the Residential Design Codes of Western Australia, as modified elsewhere in this Scheme, for 'Single House', 'Grouped Dwelling' and 'Multiple Dwelling', as appropriate, although higher levels of car parking provision may be required for holiday homes providing accommodation for more than six people.

5.17.5 Notwithstanding the requirements of Table 1, a Holiday Home (Single House) which proposes to accommodate 9 or more people will be considered under the 'A' symbol and will require public advertising pursuant to Clause 10.4.

5.18 Permanent/Residential Occupation of Tourist Developments

5.18.1 No person shall occupy a tourist accommodation unit, chalet, caravan, camp or any other form of tourist accommodation for more than a total of 3 months in any one 12 month period.

5.18.2 Notwithstanding the provisions of clause 5.18.1 and subject to consideration of the need to make available adequate tourist accommodation the local government may grant planning approval for the permanent occupancy of up to 15% of caravan sites within a caravan park only on land in the Residential zone or Tourist zone.

5.19 Residential Development in the Business Zone

Where development for the purpose of a single house, grouped dwelling or multiple dwelling is considered for approval on land in the Business zone, the dwellings proposed to be erected must form a component only of a commercial development unless local government is satisfied that approval of the development would not be inconsistent with the policies and objectives of the Business zone.

5.20 Service Access in the Business and Restricted Business Zones

5.20.1 Provision shall be made for service access to the rear of a shop, showroom, restaurant or other commercial use for the purpose of loading and unloading of goods. Where alternative access is provided and such access is considered acceptable by the local government, the local government may waive the requirements of this clause.

5.20.2 Service access shall be provided in accordance with the following—

- (a) The access way shall be so constructed that vehicles using it may return to a street in forward gear.
- (b) Where a right-of-way exists at the rear of the lot, an area shall be sealed or paved on the lot so that vehicles, when loading or unloading, shall not remain in the right-of-way. The area shall be of such a size that, if no alternative route exists, vehicles may turn so as to return to a street in forward gear.
- (c) Insofar as is practical, the access way shall be designed so as to segregate service vehicles, both moving and stationary, from parking areas and access ways provided for customer parking.

5.21 Service Courts in the Business and Restricted Business Zones

One or more service court(s), as determined by the local government, shall be provided in any commercial development for the storage and concealment of refuse disposal bins, crates and other materials of trade. A service court shall be—

- (a) accessible from the rear access provided under clause 5.20;
- (b) of an area and dimensions to the satisfaction of the local government but, in any case, shall be not less than 10m² in area with a minimum internal dimension of 3.5 metres; and
- (c) screened to the satisfaction of the local government.

5.22 Parking in the Business and Restricted Business Zones

Provision shall be made for the off-street parking of motor vehicles without charge to the general public in all development in the Business zone or Restricted Business zone. Parking areas shall be paved, drained and marked to the satisfaction of the local government and maintained thereafter, and shall be designed so as to enable all vehicles to return to the street in forward gear.

5.23 Cash-in-Lieu of Parking in the Business and Restricted Business Zones

5.23.1 The local government may, in respect of a use or development proposed within the Business zone or Restricted Business zone, require or accept the payment of cash-in-lieu of the provision of parking spaces on the lot of the proposed use or development. The intent of providing for the payment of cash-in-lieu of the provision of parking is to encourage comprehensive, consolidated and co-ordinated development, to enable better and safer management of pedestrian and vehicular traffic and to facilitate the provision of strategically and conveniently-located public parking facilities.

5.23.2 The cash payment in lieu of the provision of parking shall not be less than the estimated cost to local government of—

- (a) constructing, sealing and draining the number of car parking spaces as a consequence of the development; and
- (b) all associated administration costs to local government and shall not include any costs related to the value or acquisition of land.

5.23.3 In respect to sub-clause 5.23.2, a standard contribution fee for cash-in-lieu of car parking is set in the City's Car Parking Policy. The total contribution fee is calculated by multiplying the contribution fee by every car parking space a development is deficient. The contribution fee is upgraded in line with the Australian Bureau of Statistics Road and Bridge Construction Index on 30 June and 30 December each year.

5.23.4 Cash payment in lieu of the provision of parking shall be paid into a special purpose fund for the acquisition of land and construction of parking facilities in accordance with a car parking strategy adopted by the local government and shall be expended within a reasonable period of receipt.

5.23.5 The local government may require or accept the payment of cash-in-lieu of the provision of car parking for the retrospective provision of car parking areas by the local government in anticipation of development.

5.24 Parking in Industrial Development

5.24.1 Provision shall be made for the off-street parking of motor vehicles without charge to the general public in all development in an Industrial zone or of an industrial nature. Parking areas shall be sealed or paved, drained and marked to the satisfaction of the local government and maintained thereafter, and shall be designed so as to enable all vehicles to return to the street in forward gear.

5.24.2 Parking areas may be located between the building setback line and the street alignment subject to adequate screen landscape treatment as determined by the local government.

5.25 Use of Setback Areas in the Industrial Zone

5.25.1 Land between the building setback line and the street alignment in the Industrial zone must not be used for any purpose other than—

- (a) a means of access;
- (b) the daily parking of vehicles by employees and customers;
- (c) the loading and unloading of vehicles;
- (d) trade display;
- (e) landscaping.

5.25.2 Setback areas shall not be used for the parking of vehicles which are being wrecked or repaired, the storage of materials, products, by-products or wastes or the storage of fuel, except in underground tanks.

5.25.3 A trade display may be conducted within the area between the building setback line and the street alignment, provided that—

- (a) the trade display does not occupy more than one-fifth of the area of the street setback within which it is proposed to be located; and
- (b) the trade display is not located closer than 1.5 metres to a road reserve.

5.26 Factory Unit Buildings

Land in the Industrial zone may be used for factory unit buildings, provided that there is not more than one occupancy per industrial unit.

5.27 Facades in the Industrial Zone

The street façades of buildings erected in an Industrial zone shall be constructed of brick, stone or concrete or, in respect of that portion of the building higher than 3.6 metres from ground level, of such other material as may be approved by the local government.

5.28 Development of Dams in Rural Areas

In rural zones, any dam requiring planning approval shall be constructed to maintain water flow so that the rights of downstream users are protected, and any spoil associated with the construction of a dam shall be removed or levelled and the site rehabilitated. In determining applications pursuant to this clause the local government must consider any advice provided by the Department of Parks and Wildlife/Department of Water to whom any application may be referred.

5.29 Fire Management in Rural Areas

5.29.1 Within the Rural Residential, Rural Landscape, Conservation and Bushland Protection zones, a fire management plan must be approved by the local government and implemented by the developer prior to subdivision, and thereafter its requirements shall be maintained to the satisfaction of the local government.

5.29.2 Fire management plans prepared for land in the Conservation and Bushland Protection zones must ensure minimal disturbance to vegetation, wetlands and fauna and generally be consistent with the conservation values of the land.

5.29.3 Within the Rural Landscape zone, on land identified within a fire control buffer as shown on a Development Guide Plan, fuel reduction measures shall be implemented and maintained where required and strategic firebreaks shall be constructed in accordance with a fire management plan.

5.29.4 All dwellings in the Rural Landscape zone are required to incorporate bush fire protection measures in accordance with AS3959 to the satisfaction of the local government.

5.30 Clearing of Land in Rural Areas Or Land Coded R2, R2.5 or R5

5.30.1 On land coded R2, R2.5 or R5 or located in the Rural Residential, Rural Landscape or Bushland Protection zones, vegetation may only be felled, removed or damaged when—

- (a) associated with implementing approved development;
- (b) essential for achieving adequate fire protection; or
- (c) the vegetation is dead, dying or dangerous.

5.30.2 In the Conservation zone, trees and vegetation may be cleared only with planning approval where the clearing is essential for achieving adequate fire protection, for vehicle access to buildings and for construction of a dwelling.

5.31 Ancillary Accommodation in Rural Areas

Where ancillary accommodation is approved in a rural zone, it must—

- (a) be integrated in terms of design, colours and materials;
- (b) be physically linked by form of roof cover to the single house, with the maximum separation not exceeding 10m;
- (c) contain not more than one bedroom;
- (d) utilise shared laundry facilities;
- (e) not exceed 80m² of floor area; and
- (f) be for the exclusive use of family members.

5.32 Building Envelopes in Rural Areas

5.32.1 All dwellings and incidental development in the Rural Residential and Rural Landscape zones must be located within an approved building envelope (as may be shown on an approved Development Guide Plan or approved building envelope plan) or in such other manner that may be identified on a Development Guide Plan.

5.32.2 Where a building envelope has not been specified on a lot in the Rural Residential zone, then all dwellings and incidental development must be contained within a regular square or rectangular area of land no greater than 2,000m² in area, or as otherwise required by a Development Guide Plan.

5.32.3 Where a building envelope has not been specified on a lot in the Rural Landscape zone, then all dwellings and incidental development must be contained within a circular area of land of radius 30 metres measured from the centre of the innermost building or as otherwise required by a Development Guide Plan.

5.32.4 In the Conservation zone—

- (a) all development must be located within an approved building envelope (as may be shown on a Development Guide Plan or approved building envelope plan) or in such other manner that may be identified on the Development Guide Plan. Each building envelope is to be located to the satisfaction of local government which shall, in determining such, ensure—
 - (i) the preservation of remnant vegetation is maximised;
 - (ii) the maintenance of landscape values of the site and the general area; and
 - (iii) there is no adverse or potential impact on watercourses, wetlands, river or estuary systems or groundwater.

- (b) where a building envelope has not been specified, the dwelling and any incidental development must be contained within a circular area of land with a radius 30 metres measured from the centre of the innermost building or as otherwise required on a Development Guide Plan.

5.32.5 In the Bushland Protection zone—

- (a) all development must be located within an approved building envelope (as may be shown on a Development Guide Plan or approved building envelope plan) or in such other manner that may be identified on the Development Guide Plan. Each building envelope is to be located to the satisfaction of the local government which shall, in making its determination, ensure—
- (i) where available, a cleared area is used for the location of the building envelope;
 - (ii) the preservation of remnant vegetation is maximised;
 - (iii) that the envelope is not located within an area of poorly represented vegetation and will not impact on any declared rare flora and fauna.
 - (iv) there is no adverse or potential impacts on watercourses, wetlands, river or estuary systems or groundwater; and
 - (v) maintenance of landscape values of the site and the general area.
- (b) all building envelopes shall be a maximum area of 1,500m². This building envelope area may be increased to a maximum of 2,000m² subject to the approval of the local government and the Commission where—
- (i) an existing cleared area is present that could be incorporated into a building envelope; or
 - (ii) existing structures on the lot are located in such a way that the total building envelope area already exceeds the maximum.

5.33 Building Materials and Visual Amenity in the Rural Landscape and Conservation Zones

In the Rural Landscape and Conservation zones—

- (a) dwellings and incidental development shall comprise walls and roofing constructed of non-reflective materials and in a colour other than white or silver and shall be of colours and textures which are essentially natural and earthy. All such materials shall be compatible with the rural character of the locality. Water storage tanks which are visible from any location outside the lot on which they are situated shall be painted to minimise visibility and to match adjacent dwellings or buildings, and shall be suitably screened by planted vegetation to the satisfaction of the local government.
- (a) radio masts, television antennae, satellite dishes and air conditioners shall be located so that they do not detract from the local visual amenity or cause offence to neighbouring properties.

5.34 Subdivision of Lots With More Than One Dwelling in the Agriculture and Viticulture and Tourism Zones

5.34.1 In the Agriculture and Viticulture and Tourism zones, except as provided by clause 5.34.2, the local government shall not support the subdivision of a lot upon which there are two or more dwellings, where the area of any proposed lot would be less than that recommended under the Local Rural Planning Strategy adopted by the local government and endorsed by the Commission.

5.34.2 In the Agriculture and Viticulture and Tourism zones, where a lot upon which there are two or more additional dwellings is proposed to be subdivided and that lot has an area less than that provided under the *Local Rural Planning Strategy*, the local government may recommend to the Commission the subdivision of the land under the *Strata Titles Act 1985*, provided that—

- (a) where the land is in rural production, that portion of the land cleared and under production or capable of being under production is substantively retained within a single strata lot; or
- (b) where the land is substantially uncleared and not in rural production, the local government may recommend a more equitable division of the land.

5.34.3 Notwithstanding the provisions of clause 5.34.2, where two or more dwellings are developed on a lot, the local government may recommend the subdivision of land under the *Strata Titles Act 1985*, provided that—

- (a) the Certificate of Title of the land was registered in the ownership of more than one person prior to 1 July 1990; and
- (b) the applicants for subdivision were registered as the owners of the land on the Certificate of Title prior to 1 July 1990.

5.35 Setback Requirements in the Agriculture and Viticulture and Tourism Zones

5.35.1 A building in the Agriculture or Viticulture and Tourism zones must not be located closer than 30 metres or such other distance as may be specified in an adopted planning policy to any boundary.

5.35.2 In the Agriculture or Viticulture and Tourism zones, a building must not be constructed on a lot with a common boundary to Caves Road closer than 100 metres to that boundary without planning approval, which must not be granted unless the local government is satisfied that the development is consistent with all relevant provisions of the Scheme. Where the local government receives such application it shall forward the application to Main Roads Western Australia for comment and take such comments into consideration when determining the application.

5.35.3 In the Agriculture or Viticulture and Tourism zones, a building must not be constructed within 100 metres of Bussell Highway or 60 metres of Vasse Highway without planning approval, which must not be granted unless the local government is satisfied that the development is consistent with all relevant provisions of the Scheme. Where the local government receives such application it shall forward the application to Main Roads Western Australia for comment and take such comments into consideration when determining the application.

5.35.4 In the Agriculture or Viticulture and Tourism zones, no person shall use or develop the land between the building setback line and the road alignment for any purpose other than a means of access, landscaping, dam construction (i.e. subject to planning approval pursuant to clause 9.1) or a rural activity permissible in the zone.

5.35.5 For the purposes of clause 5.35.4, the term 'landscaping' may include an entry statement provided that—

- (a) the development is not a structure of urban character;
- (b) only one entry statement may be developed per lot;
- (c) the entry statement is subsidiary to any natural vegetation that currently exists and/or proposed planting as part of a landscaping plan;
- (d) the entry statement is of a design and scale that minimises visual impact and is sympathetic with and submissive to the rural and natural scenic character;
- (e) the entry statement is constructed of materials, and coloured, to be compatible with the surrounding landscape; and
- (f) the entry statement does not exceed an average height of 1.2 metres and maximum height of 1.8 metres (from the natural ground level) and does not exceed a cumulative length of 9 metres.

5.36 Vegetation Surveys in the Conservation and Bushland Protection Zones

In the Conservation and Bushland Protection zones, prior to subdivision, subdividers shall undertake a vegetation survey to identify rare, endangered or otherwise significant vegetation within the proposed building envelope and vehicle access areas, in addition to any other area of the lot as deemed appropriate by the local government, and provide for its appropriate conservation to the satisfaction of the Department of Parks and Wildlife and the local government.

5.37 Special Provisions Relating to the Rural Residential Zone

5.37.1 Subject to clause 5.37.2, the provisions of Part 5 of this Scheme relevant to the "Agriculture" Zone shall apply to all lots greater than 20 hectares within the "Rural Residential" Zone except for the use of "Intensive Agriculture";

5.37.2 On any lot in the Rural Residential zone, unless specified otherwise on a Development Guide Plan, buildings shall not be located—

- (a) within 100 metres of Caves Road, Commonage Road, Wildwood Road, Biddle Road or Hayes Road;
- (b) within 20 metres of any other road or a front or rear boundary;
- (c) within 15 metres of a side boundary.

5.37.3 On any lot in the Rural Residential zone, where conventional and/or reticulated energy sources are to be used, then each dwelling shall be connected to the power supply in the locality by means of underground cable.

5.37.4 On any lot in the Rural Residential zone, no development, clearing of vegetation or fencing is to occur within 30 metres of the centre line of any creek-line.

5.37.5 On any lot in the Rural Residential zone, in areas of remnant vegetation, fencing will be prohibited except within and on the perimeter of a cleared area. All fencing is to be of farm standard post and wire construction.

- 5.37.6 (a) No dam or lake shall be developed unless Planning Approval has been granted.
- (b) No dams or lakes shall be developed unless they are shown on a Development Guide Plan, or in circumstances where the proposed dam or lake—
- (i) will not adversely affect environmental flows within the catchment or downstream of the dam;
 - (ii) will only capture sufficient water to be used for domestic requirements, and/or, for the irrigation of a domestic garden, or for the purposes of a water supply to an approved land-use on the site;
 - (iii) is an off stream dam;
 - (iv) does not exceed a capacity of 1500 cubic metres or comprises a surface area greater than 500 square metres whichever is the lesser; and
 - (v) will not significantly or unreasonably diminish the flow of water for use by downstream users including the environment.

5.37.7 On any lot on which it is permissible within the Rural Residential zone, the keeping of stock may only be approved where it does not require removal of vegetation and such that stock numbers are maintained at levels in accordance with stocking rates to the satisfaction of the Department of Agriculture and Food.

Notes: 1: *Within the Rural Residential zone on any lot less than 1 hectare in area the keeping or rearing of stock is not permissible.*

2: *Within the Rural Residential zone on any lot less than 4 hectares in area, unless specified on a Development Guide Plan the keeping or rearing of stock is not permissible, except for domestic purposes and, in such case, shall not exceed one horse or one cow or two sheep;*

5.38 Special Provisions Relating to the Rural Landscape Zone

5.38.1 On any lot in the Rural Landscape zone, dwellings and any incidental development shall not be constructed within 30 metres of any stream or creek without planning approval.

5.38.2 On any lot in the Rural Landscape zone, all buildings shall have—

- (a) a minimum building setback of 30 metres from adjacent road reserves; and
- (b) a minimum building setback of 20 metres from the front and rear boundaries and 15 metres from side boundaries.

5.38.3 On any lot in the Rural Landscape zone, in areas of remnant vegetation, fencing will be prohibited except within and on the perimeter of a cleared area. All fencing is to be of farm standard post and wire construction.

5.38.4 On any lot in the Rural Landscape zone, keeping of stock is not permitted other than on cleared land, where the approval of local government will be required for fencing to allow limited grazing for the purpose of minimising fire risk through fuel reduction measures.

5.39 Special Provisions Relating to the Bushland Protection Zone

5.39.1 The minimum area of a lot created pursuant to the objectives and policies of the Bushland Protection zone shall be 3 hectares.

5.39.2 No agriculture or grazing shall be undertaken within any vegetated or wetland areas on a lot in the Bushland Protection zone.

5.39.3 Agriculture, Intensive Agriculture or Recreation Agriculture may be undertaken on cleared areas of a lot in the Bushland Protection zone only with planning approval which, in the determination of the application, the local government shall ensure—

- (a) there is no adverse or potential impact on watercourses, wetlands, river or estuary systems or groundwater; and
- (b) adequate buffers are provided between the agricultural use and vegetated areas, wetlands or watercourses. Where Declared Rare Flora is present, advice from the Department of Parks and Wildlife shall be sought in determining an adequate buffer distance.

5.39.4 In determining planning approval for dams (including lakes) on any lot in the Bushland Protection zone, the local government shall ensure—

- (a) that no riparian or other vegetation is required to be removed for the dam construction; and
- (b) that the dam shall not result in any damage to vegetation or wetland areas as a result of alterations to the seasonal water regime.

5.39.5 No wetlands on any lot in the Bushland Protection zone may be filled, drained, cleared or excavated.

5.40 Prohibited Advertisements

Advertisements that advertise goods or services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, are prohibited.

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 map

Areas—

Development Investigation	Airport Protection
Special Provision	Port Geographe Development
Landscape Value	Waste Water Exclusion
Wetland	Waste Water Buffer
Coastal Management	Floodway
Special Character	Development Contribution

6.1.2 In respect of a special control area shown on a Scheme map, or otherwise set out in the Scheme, 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 Development Investigation Area

6.2.1 The purpose of identifying land on the Scheme map as being within a Development Investigation area is to enable the planned and progressive development of the land for other purposes in a manner and at a time appropriate to the orderly and proper planning and development of the land and the locality.

6.2.2 Where land is identified on the Scheme map as being within a Development Investigation area, the local government will require—

- (a) the rezoning of the land consistent with the proposed uses; and
- (b) the preparation of a comprehensive Development Guide Plan or Structure Plan for the land pursuant to Part 7 prior to approving any subdivision or development of the land.

6.2.3 Notwithstanding clause 6.2.2 the local government may approve any development in a manner consistent with the underlying zone of any land included in a Development Investigation area without requiring a Development Guide Plan or Structure Plan where, in the opinion of the local government, such development is of a minor nature and will not adversely affect the future subdivision or development of the land within the zone.

6.2.4 A dwelling house may be erected on an existing lot of land within a Development Investigation area only where it is proposed to be situated on zoned land; it is consistent with the underlying zoning and the local government is satisfied that the siting of the dwelling house is unlikely to prejudice the future development of the land or other land in the vicinity.

6.3 Special Provision Area

6.3.1. Notwithstanding any other provisions of the Scheme, use and development of land identified on the Scheme map within a Special Provision area and specified in Schedule 3, shall be subject to those provisions listed within Schedule 3 specific to the land in addition to any provisions which are generally more applicable to such land under the Scheme.

6.4 Landscape Value Area

6.4.1 The local government shall not grant planning approval for the clearing or development of any land identified within a Landscape Value area on the Scheme map, unless it has considered—

- (a) whether the development will be compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the locality;
- (b) whether the development will materially affect any wildlife refuge, significant wetland, coastal environment or any identified site containing Aboriginal archaeological relics; and
- (c) disturbance to the natural environment, including—
 - (i) visual effects of clearing for development;
 - (ii) maintenance of rural character; and
 - (iii) habitat disturbance.

6.4.2 The local government shall not grant planning approval for the carrying out of development on land within the Landscape Value area or on land on or near any ridgelines where, in the opinion of the local government, that development is likely to substantially detract from the visual amenity of the area, having regard to, among other things, the cumulative visual effect of the development related to other development that may be anticipated in the locality and in the area generally.

6.4.3 Before granting planning approval for the erection of a building on land within the Landscape Value area, the local government shall make an assessment as to whether it should impose conditions relating to—

- (a) the siting of the proposed building;
- (b) the use of prescribed materials on the external surfaces of the building; and
- (c) the number, type and location of existing trees and shrubs which are to be retained and the extent of landscaping to be carried out on the site.

6.4.4 In clause 6.4.3—

“external surfaces” means the external walls and cladding (if any), external doors, external door and window frames, columns, roofs, fences and any surface of a building or work visible from the exterior of a building or work; and

“prescribed materials” means materials with dark tones or dark colouring and of low reflective quality or materials which are painted or similarly treated with dark toned or dark coloured paint or pigment of low reflective quality.

6.5 Wetland Area

6.5.1 If land the subject of an application for planning approval includes land to which this clause applies the development shall, wherever possible, be carried out on that part of the land which is not land identified in a Wetland area.

6.5.2 In the case of an application for subdivision or survey strata subdivision, the local government shall not support the application unless each lot to be created and intended to be used for the purpose of the erection of buildings includes land on which the buildings are intended to be erected which is not within a Wetland area.

6.5.3 Without limiting the local government's ability to grant planning approval, the local government may grant planning approval for the carrying out of development on land to which this clause applies where it is satisfied that—

- (a) the characteristics of the land are different from the general characteristics on which the delineation of the land was based; and
- (b) there are no other reasonable or practical alternatives in the circumstances.

6.5.4 The local government shall not grant planning approval for the carrying out of development on land to which this clause applies unless the applicant has satisfied the local government that—

- (a) the development is essential for the reasonable economic use of the land, the provision of utility services or to reduce the risk of bushfires;
- (b) the development is proposed to be carried out in a manner which minimises—
 - (i) visual and scenic impact;
 - (ii) the risk of soil erosion (including erosion by wind);
 - (iii) the risk of water pollution, through increased siltation or otherwise;
 - (iv) the destruction of rare or locally important vegetation systems; and
- (c) appropriate measures are proposed to retain parts of existing vegetation or to landscape the site.

6.5.5 The local government may require that a statement of environmental effects be prepared in accordance with Schedule 5 to accompany an application for planning approval required by this clause to enable the local government to consider fully the environmental effects of the proposed development.

6.5.6 In determining an application for planning approval required by this clause, the local government must consider—

- (a) advice on the proposal as may be provided by the Department of Parks and Wildlife, the Department of Water and the Water Corporation;
- (b) the environmental effects of the proposed development, including the effect of the proposed development on—
 - (i) the growth of native plant communities;
 - (ii) the survival of native wildlife populations;
 - (iii) the provision and quality of habitats for both indigenous and migratory species; and
 - (iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area, including acidity, salinity and water quality;
- (c) whether feasible alternatives to the proposed development (either on other land or by other means) exist and, if so, the reasons given for choosing the proposed development;
- (d) whether adequate safeguards and rehabilitation measures have been, or will be, taken in respect of the effect of the proposal on the wetland; and
- (e) the public interest (if any) in the carrying out of the proposal compared with the public interest in the preservation of the wetland.

6.6 Coastal Management Area

6.6.1 The local government must not grant planning approval for the carrying out of development on land to which this clause applies, unless it has consulted the Department of Planning.

6.6.2 In deciding whether to grant planning approval for development referred to in clause 6.6.1 the local government must consider—

- (a) the provisions of *State Planning Policy No. 2.6—State Coastal Planning*;
- (b) the likelihood of the proposed development adversely affecting, or being adversely affected by, coastal processes;
- (c) the likelihood of the proposed development adversely affecting any dune or beach of the shoreline or foreshore;
- (d) the likelihood of the proposed development adversely affecting the landscape or the scenic or environmental quality of the land in the locality;
- (e) whether adequate safeguards and rehabilitation measures have been, or will be, taken to protect the environment; and
- (f) any comments made by the Department of Planning and where applicable the Department of Parks and Wildlife.

6.7 Special Character Area

6.7.1. The local government may devise development objectives, provisions and/or controls to reinforce, retain or change the characteristics, form and nature of a designated Special Character area, with such objectives, provisions and/or controls being specified in Schedule 4.

6.7.2 Where such objectives, provisions and/or controls are specified in Schedule 4 in relation to a designated Special Character area, those objectives, provisions and/or controls act in conjunction with the other provisions of this Scheme relevant to that area with the exception that the provisions of Schedule 4 will take precedence over any other provisions of this Scheme.

6.8 Airport Protection Area

6.8.1 The Airport Protection area generally contains all lands likely to be within the predicted 55dB(A)Ldn noise contour for the Busselton Regional Airport.

6.8.2 The local government will not grant planning approval for uses in the Airport Protection area that involve residential use, schools, hospitals, overnight tourist accommodation or other habitable buildings unless those uses are ancillary to the operations of the Busselton Regional Airport and/or where the proponent for the use can demonstrate that the design of buildings is such that noise not louder than 55dB(A)Ldn will be experienced by residents or occupants of those buildings.

6.8.3 Notwithstanding any other provisions of this Scheme, the local government shall not grant planning approval for any development unless it is satisfied that such development will not constitute an obstruction, hazard or potential hazard to aircraft flying in the vicinity and may consult with and consider the advice of the Civil Aviation Safety Authority in making such determination.

6.9 Port Geographe Development Area

6.9.1 The local government, in considering development within the Port Geographe Development area shall be mindful of the following—

- (a) The need to ensure appropriate standards of development and maintenance are achieved;
- (b) The need to control and enhance the health, safety, convenience and general welfare and amenity of the locality; and
- (c) The need to ensure that development control within the Port Geographe Development area is guided by the Port Geographe Development Plan, the Port Geographe Landscape Master Plan and the Port Geographe Village Centre Precinct Plan.

6.9.2 The following provisions shall apply to all land included within the Port Geographe Development area in addition to any provisions which are more generally applicable to such use or development under the provisions of the Scheme—

- (a) Subdivision and development of the land within the Port Geographe Development area shall be generally in accordance with the Port Geographe Development Plan, the Port Geographe Village Centre Precinct Plan and the Port Geographe Landscape Master Plan and as amended from time to time and adopted by the local government and endorsed by the Commission.
- (b) Development of the land for the purposes of grouped dwellings shall be in accordance with the R-Codes and, pursuant to clause 5.3, the provisions of clauses 5.3(a) and (b) shall not apply to standard residential lots with direct canal frontage in the Port Geographe Development area.
- (c) Given that the boundary of each water frontage lot will be generally defined as being 0.5 metres beyond the toe of the stabilised canal edge, the maintenance of all water frontage walling, including rip rap, reinforced reeded slopes, beaches and other structures shall be the responsibility of each water frontage lot owner.
- (d) The minimum lot or site area for the purpose of all residential developments shall exclude the water portion of the lot and shall be calculated on the effective lot area only.
- (e) The stabilised canal edge, as specified in engineering and landscape drawings approved by the local government, shall be maintained by the owner of the subject water frontage lot in a structurally sound condition, to the satisfaction of the local government, and shall not be altered, extended or removed.
- (f) For the purpose of applying and enforcing the relevant setback and development standards, the front of any lot is that boundary which abuts the road reserve. The boundary abutting a waterway is the rear of the lot.
- (g) No building shall be erected closer than 4.5 metres from the landward side of the stabilised canal edge, subject to an average setback of 6.0 metres and the general appearance of the canal being maintained. Engineering certification will also need to be provided with a building licence application ensuring that no additional structural loads are placed on the canal walls.
- (h) No retaining wall or fencing shall be erected within 1.0 metre of the landward side of the stabilised canal edge.
- (i) No side or rear fence situated within 6.0 metres of the landward side of the stabilised canal edge shall exceed 1.0 metre in height.
- (j) No retaining wall, fencing, decking or structure other than those included on the engineering and landscape drawings approved by the local government shall be permitted within the area defined as the stabilised canal edge.
- (k) Any side or rear fencing situated within 6.0 metres from the landward side of the stabilised canal edge shall be of open grill construction and solid fencing shall not be permitted.
- (l) All fencing on canal lots shall be of masonry construction only, except for the sections of fencing that are required to be of open grill standard.
- (m) The local government may permit any dwelling or structure, including retaining wall, stabilised canal edge or fencing, building or outbuilding that does not comply with a standard prescribed in clauses 6.9.2 (e) to (l) above, provided that—
 - (i) the local government is satisfied that there will be an improved architectural amenity resulting from reduced setbacks between buildings and the canal frontage in the particular case;

- (ii) the local government is satisfied that the overall amenity and appearance of the canal frontage will be maintained or improved;
 - (iii) a professional structural engineer provides certification as to the structural soundness of the proposed works (i.e. local government is satisfied that no erosion or soil instability will result); and
 - (iv) the local government has obtained and considered the comments of adjoining and adjacent landowners.
- (n) All proposed or existing clothes drying areas and utility areas, which, in the opinion of the local government, detract from, or have the potential to detract from, the amenity of either the canal frontage or the road frontage, shall be screened from view to the satisfaction of the local government.
- (o) The height of buildings on lots adjacent to the future Layman Road and Vasse Estuary shall be limited to 7.5 metres above the finished surface level of the land as specified on approved subdivisional engineering plans.

6.9.3

- (a) Any modification to the Port Geographe Development Plan shall be subject to the provisions of clause 7.3 relating to Development Guide Plans.
- (b) Notwithstanding any modifications made pursuant to clause 6.9.3 (a) the Port Geographe Development Plan shall contain at least the following elements—
- (i) The requirement for public open space for the development south of Layman Road in accordance with the *Port Geographe Development Plan* endorsed at the Gazettal date of the Scheme.
 - (ii) Provision of a high level of direct public access to waterways/canals.
 - (iii) A general presumption against residential lots backing onto conservation/foreshore reserves.
- (c) The local government must not grant approval for any residential development (i.e. including single houses, grouped dwellings or multiple dwellings) within the Business zone or Tourist zone within the Port Geographe Development area, unless it is satisfied that such development—
- (i) is consistent with the overall objectives of the *Port Geographe Village Centre Precinct Plan*;
 - (ii) will maintain the predominance of business and tourist uses within the zones; and
 - (iii) is to be developed generally in accordance with the *Port Geographe Village Centre Precinct Plan*.

6.9.4 The following provisions shall apply to the Port Geographe Village Centre Precinct Plan—

- (a) Development shall be generally in accordance with the *Port Geographe Village Centre Precinct Plan* and *Port Geographe Village Centre Design Guidelines* adopted by the local government to promote innovative development and ensure that the amenity and general appearance of the Port Geographe Village Centre Precinct is of a high standard.
- (b) A comprehensive range of commercial uses, including uses serving the requirements of marine operators, shall be permitted, together with other residential and tourist accommodation, recreation and community purposes regarded by the local government as being compatible with the intent of the Scheme.
- (c) The areas identified for residential purposes on the *Port Geographe Village Centre Precinct Plan* shall be consistent with the *Port Geographe Village Centre Design Guidelines*. The local government shall require that the comprehensive development proposals are prepared which take into account—
- (i) the effect any proposal will have on the residential amenity of the locality by reason of streetscape, building form, servicing, privacy between buildings, overshadowing and traffic circulation, both on and off-site; and
 - (ii) any other matter required to be taken into account under the provisions of the R-Codes.
- (d) Vehicular and pedestrian access and car parking within the centre shall be in accordance with the *Port Geographe Village Centre Precinct Plan* and the Scheme provisions relating to such matters.
- (e) Landscaping within the centre shall comply with the landscape performance standards and maintenance requirements of the *Port Geographe Landscape Master Plan*.
- (f) The *Port Geographe Village Centre Precinct Plan* shall incorporate and make provision for the following elements to be created in the precinct—
- (i) 3,000m² maximum nett floor area commercial/retail space.
 - (ii) 200m² minimum constructed floor area community/meeting space.
 - (iii) 6 boat ramps and parking at the rear for 40 trailer bays.
 - (iv) 240 car bays located in close proximity to the ramps, incorporating both permanent and temporary bays, part sealed and part informal.
 - (v) Recreation and public waterfront access and parking adjacent to beach foreshore, harbour and marina areas.
 - (vi) A mix of residential, tourist and commercial uses developed in accordance with the *Port Geographe Village Centre Design Guidelines*.

- (g) The local government shall, in considering the *Port Geographe Village Centre Precinct Plan* and any subsequent modifications, be satisfied, prior to adoption, that the following matters have been addressed—
- (i) The objectives of the *Port Geographe Village Centre Precinct Plan* have been followed.
 - (ii) The mix of residential, tourist and business uses, as indicated in the *Port Geographe Village Centre Precinct Plan* and as adopted, have not been adversely affected by any subsequent version of the *Port Geographe Village Centre Precinct Plan*.
 - (iii) That the marine-related facilities and the marina(s) within the boundary of the Port Geographe Village Centre Precinct are to be developed in accordance with the *Port Geographe Village Centre Precinct Plan* and are in accordance with the objectives and policies of the zone.
 - (iv) In adopting any subsequent *Port Geographe Village Centre Precinct Plan*, local government shall ensure that adequate public consultation is carried out by the proponents to allow for local community input and government agency responses or, in the case of minor changes, make the decision in its own right.

6.10 Waste Water Exclusion Area and Waste Water Buffer Area

6.10.1 Notwithstanding any other provision of this Scheme, land included within a Waste Water Exclusion area must not be used or developed for purposes other than open space, public roads, natural bush/forest and agriculture.

6.10.2 Notwithstanding any other provision of this Scheme, land included within a Waste Water Buffer area must not be used or developed for purposes other than open space, specifically permitted commercial and business uses, public roads, light industry and agriculture.

6.11 Floodway Area and Other Flood Prone Land

6.11.1 This clause applies to—

- (a) all land identified within a Floodway area on the Scheme map; and
- (b) any other land identified as flood prone land on a map prepared or adopted by the local government or on other land which, in the opinion of the local government, may be subject to flooding.

6.11.2 Notwithstanding any other provision of this Scheme—

- (a) prior to granting planning approval for the carrying out of any development on land that is shown on the Scheme map as being within, or partly within, a Floodway area, the local government is to carry out an assessment of—
 - (i) the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge floodwaters;
 - (ii) the safety of the proposed development during flood events; and
 - (iii) whether the proposed development involves any possible risk to life, human safety, or private property in time of flood.
- (b) land identified as flood prone land or which, in the opinion of the local government, may be liable to flooding, may not be developed unless—
 - (i) where no works have been carried out to protect the land from flooding, the floor of any habitable building is, or will be, raised 500 millimetres above the 1 in 100 year flood level, as determined by the local government, or where a 1 in 100 year flood level has not been determined, above the maximum recorded flood level; or
 - (ii) in any other case, the local government is satisfied that adequate measures have been taken to offset the likely effects of flooding on the development concerned.

6.11.3 For the purposes of clause 6.11.2, the local government shall consult with, and take into consideration, the advice of the responsible Government agency(s) in relation to the delineation of flood ways and flood prone land, the effect of the development on a floodway, and any other measures to offset the effects of flooding.

6.11.4 In clause 6.11—

“habitable building” means a building designed primarily for housing and/or overnight accommodation for persons.

6.12 Development Contribution Areas

6.12.1 This clause applies to all land shown on the Scheme map (Sheet 34) as being within a Development Contribution Area.

6.12.2 Development contribution areas are shown on the Scheme map as ‘DCA—1’ with a purple border and a number and included in Schedule 15.

6.12.3 Interpretation

In Clause 6.12, unless the context otherwise requires—

‘Administrative costs’ means such costs as are reasonably incurred for the preparation and 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 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 6.12.12.

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

'Development contribution area' means an area shown on the Scheme map as DCA with a number and included in Schedule 15.

'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 6.12 of the Scheme (as referenced in Schedule 15 to this Scheme).

'Development contribution plan report' means a report prepared and distributed in accordance with clause 6.12.12.

'Infrastructure' means 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 Scheme.

'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.

6.12.4 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.

6.12.5 Development contribution plan required

- (a) A development contribution plan is required to be prepared for each development contribution area.

6.12.6 Development contribution plan part of the Scheme

The development contribution plan is incorporated into Schedule 15 as part of this scheme.

6.12.7 Subdivision, strata subdivision and development

The local government shall not withhold its support for subdivision or 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 owners contribution towards the provision of community infrastructure.

6.12.8 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.

6.12.9 Recommended content of development contribution plans

(a) The development contribution plan is to specify—

- (i) the development contribution area and associated precincts to which the development contribution plan applies;
- (ii) the infrastructure and administrative items to be funded through the development contribution plan;
- (iii) the method of determining the cost contribution of each owner; and
- (iv) the indicative priority and/or timing for the provision of infrastructure.

6.12.10 Period of development contribution plan

A development contribution plan shall specify the period during which it is to operate.

6.12.11 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) primary regional roads and other regional roads, as determined by the local government;
- (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.

6.12.12 Development contribution plan report and cost apportionment schedule

- (a) 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.
- (b) 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.
- (c) 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 6.12.13.

6.12.13 Cost contributions based on estimates

- (a) 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.
- (b) Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government—
 - (i) in the case of land to be acquired, in accordance with clause 6.12.14; and
 - (ii) 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.
- (c) In certain circumstances as specified in the adopted Development Contribution Plan Report the local government may have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner upon request.
- (d) Where any cost contribution has been calculated on the basis of an estimated cost, the local government—
 - (i) is to adjust the cost contribution of any owner in accordance with the annual review of estimated costs; and
 - (ii) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.
- (e) Where an owner's cost contribution is adjusted under clause 6.12.13(d), 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.
- (f) 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.
- (g) If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined—
 - (i) by any method agreed between the local government and the owner; or
 - (ii) 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.

6.12.14 Valuation

- (a) Clause 6.12.14 applies in order to determine the value of land to be acquired for the purpose of providing infrastructure.
- (b) In clause 6.12.14—

‘**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, consistent with the working sheet model contained in State Planning Policy 3.6 ‘*Development Contributions for Infrastructure*’. 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 or the Valuer-General as determined by the local government.

- (c) 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.
- (d) 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—
 - (i) by any method agreed between the local government and the owner; or
 - (ii) 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*.

6.12.15 Liability for cost contributions

- (a) An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 6.12.
- (b) An owner’s liability to pay the owner’s cost contribution to the local government arises on the earlier of—
 - (i) at the time of seeking clearance of conditions of subdivision or strata subdivision from the local government;
 - (ii) 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;
 - (iii) prior to the commencement of any development that requires planning approval on the owner’s land within the development contribution area;
 - (iv) prior to the final approval and endorsement of any strata plan by the local government or Western Australian Planning Commission on the owner’s land within the development contribution area; and
 - (v) the approval of a change or extension of use by the local government on the owner’s land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

- (c) Notwithstanding clause 6.12.15(b), 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.
- (d) Where a development contribution plan expires in accordance with clause 6.12.10, 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.

6.12.16 Payment of cost contribution

- (a) The owner, with the agreement of the local government, is to pay the owner’s cost contribution by—
 - (i) cheque or cash;
 - (ii) transferring to the local government or a public authority land in satisfaction of the cost contribution;
 - (iii) the provision of physical infrastructure;
 - (iv) some other method acceptable to the local government; or
 - (v) any combination of these methods.
- (b) 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.
- (c) 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.

6.12.17 Charge on land

- (a) The amount of any cost contribution for which an owner is liable under clause 6.12.15, 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.
- (b) 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 6.12.17(a) to permit a dealing and may then re-lodge the caveat to prevent further dealings.
- (c) If the cost contribution is paid in full, 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 6.12.17.

6.12.18 Administration of funds

- (a) 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.
- (b) Interest earned on cost contributions credited to a reserve account in accordance with clause 6.12.18(a) is to be applied in the development contribution area to which the reserve account relates.
- (c) The local government is to produce an annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

6.12.19 Shortfall or excess in cost contributions

- (a) If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may—
 - (i) make good the shortfall;
 - (ii) enter into agreements with owners to fund the shortfall; or
 - (iii) raise loans or borrow from a financial institution,
 but nothing in paragraph 6.12.19(a)(i) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.
- (b) If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the 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.

6.12.20 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.

6.12.21 Arbitration

Subject to clauses 6.12.14(c) and 6.12.14(d), 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*.

6.13 Designated Bushfire Prone Areas

6.13.1 A Designated Bushfire Prone Area is an area designated as Bush Fire Prone on the Bush Fire Hazard Assessment maps. Dwelling construction within an identified area will be subject to the relevant bushfire prone area building requirements pursuant to the *Building Code of Australia, Australian Standard 3959—2009* and otherwise as set out pursuant to the Scheme.

6.13.2 The *Bush Fire Hazard Assessment* maps held at the local government offices (and as may be amended from time to time) form part of the Scheme for the purposes of this clause.

6.13.3 If an owner disputes his land's identification within a Designated Bushfire Prone Area, that owner may request in writing the local government to reconsider that identification.

6.13.4 On receiving a request made under clause 6.13.3, the local government may by notice in writing served on the person who made that request—

- (a) determine that the land is not within a Designated Bushfire Prone Area; or
- (b) determine that the land's identification within a Designated Bushfire Prone Area is correct.

**PART 7—STRUCTURE PLANS, DEVELOPMENT GUIDE PLANS, DETAILED
AREA PLANS AND DEVELOPER CONTRIBUTIONS PLANS**

7.1 Compliance With Adopted Plans

7.1.1 Subdivision and development shall generally be in accordance with a structure plan, Development Guide Plan, detailed area plan, developer contributions plan or other plan adopted by the local government and, if necessary, endorsed by the Commission as a guide to the subdivision and development of the land, including any such plan adopted and/or endorsed prior to the Gazette of the Scheme in accordance with the correct procedures at the time of its adoption and/or endorsement and which has not been revoked or replaced.

7.1.2 For the purposes of the Scheme, any reference to a 'Development Guide Plan' should be interpreted as also applying to any plan adopted and/or endorsed as a 'subdivision guide plan', any reference to a 'detailed area plan' should be interpreted as also applying to any plan adopted and/or endorsed as a 'detailed local area plan', any reference to a 'developer contributions plan' should be interpreted as also applying to any plan adopted and/or endorsed as a 'developer contributions and staging plan' and any plan adopted and/or described using other terms should be interpreted as being the equivalent of a structure plan, Development Guide Plan, detailed area plan or developer contributions plan, whichever is determined to be the most appropriate depending on the content of the plan and the process by which it was adopted and/or endorsed.

7.1.3 A Development Guide Plan shall be generally consistent with any Structure Plan that relates to the area subject of the Development Guide Plan, and a detailed area plan shall be generally consistent with a Structure Plan and/or Development Guide Plan that relates to the area subject of the detailed area plan.

7.1.4 In the event of any inconsistency between a Development Guide Plan and a Structure Plan that relates to the land subject of the Development Guide Plan, the provisions of the Development Guide Plan shall prevail.

7.1.5 In the event of any inconsistency between a detailed area plan and a Structure Plan and/or Development Guide Plan that relates to the area subject of the detailed area plan, the provisions of the detailed area plan shall prevail.

7.1.6 The local government or the Commission may approve minor variations which conform to the objectives of the zone and the general intent of an adopted plan, but in the Rural Residential, Rural Landscape, Bushland Protection and Conservation zones, where lots are depicted on a Development Guide Plan, no further subdivision of any lot shall be permitted.

7.1.7 In the Rural Residential zone, where clause 7.1.8 is not applicable and subdivision of lots is either—

- (a) not included within an approved Development Guide Plan; or
- (b) not subject of a lot size prescribed in the *Local Rural Planning Strategy* adopted by local government and the Commission; or
- (c) comprising re-subdivision of lots included within an approved Development Guide Plan is proposed;

the local government shall not recommend approval of such subdivision prior to adoption by the local government and endorsement by the Commission of a Development Guide Plan prepared consistent with clause 7.5.

7.1.8 Notwithstanding the provisions of clause 7.1.7 a Development Guide Plan may not be required prior to subdivision and development in the Rural Residential zone subject to the consent of the local government and the Commission. The local government and the Commission will consider issues relevant to the subdivision and development of the land including the scale of the proposal, its consistency with the endorsed strategic plans which relate to the land, and the impacts on the local community in making such a determination under this clause.

7.2 Preparation of Plans

A structure plan, Development Guide Plan, detailed area plan or developer contributions plan, where required by, agreed to, or determined as necessary pursuant to the Scheme, as appropriate, shall be prepared by one or more of the owners of the land affected by the plan or by the local government if the local government agrees to do so.

7.3 Review of Plans

Notwithstanding that reviews of aspects of a structure plan, Development Guide Plan, detailed area plan or developer contributions plan may occur from time to time, within ten years of its adoption by the local government or, if necessary, its endorsement by the Commission, any such plan may be reviewed in the context of the planning framework current at the time the review is undertaken. The process associated with the review shall be the same as the process associated with the adoption of a new plan. Should such a review not have been completed within the specified timeframe, the local government and/or the Commission may, where the development proposed is no longer consistent with the planning framework current at the time the application is determined, refuse applications for planning approval and/or subdivision approval until such time as the necessary review has been undertaken.

7.4 Structure Plans

7.4.1 Where required by the Scheme, a Structure Plan may be prepared.

7.4.2 A draft Structure Plan shall be prepared for all or part of a development investigation area.

7.4.3 A draft Structure Plan is to contain the following details—

- (a) a map showing the area to which the Structure Plan is to apply.
- (b) a site analysis map showing the characteristics of the site including—
 - (i) landform, topography and land capability;
 - (ii) conservation and environmental values including bush land, wetlands, damp-lands, streams and water courses, foreshore reserves and any environmental policy areas;
 - (iii) hydrological conditions, including depth to water table; and
 - (iv) sites and features of cultural heritage value.
- (c) a context analysis map of the immediate surrounds of the site including—
 - (i) the pattern of neighbourhoods, and existing and planned neighbourhoods, town and regional centres;
 - (ii) transport routes, including freeways, arterial routes and neighbourhood connector alignments, public transport routes, strategic cycle routes, bus stops and rail stations; and
 - (iii) existing and future land use.
- (d) for district structure plans a map showing proposals for—
 - (i) the pattern of neighbourhoods around town and neighbourhood centres;
 - (ii) arterial routes and neighbourhood connector streets;
 - (iii) the protection of natural features such as water courses and vegetation;
 - (iv) major open spaces and parklands;
 - (v) major public transport routes and facilities;
 - (vi) the pattern and disposition of land uses; and
 - (vii) schools and community facilities.
- (e) for local structure plans a map showing—
 - (i) neighbourhoods around proposed local and town centres;
 - (ii) existing and proposed commercial centres;
 - (iii) natural features to be retained;
 - (iv) proposed street block layouts;
 - (v) the proposed street network including street types;
 - (vi) proposals for transportation corridors, public transport networks and cycle and pedestrian networks;
 - (vii) proposed land uses including residential densities and estimates of population;
 - (viii) proposed schools and community facilities;
 - (ix) proposed public parklands; and
 - (x) proposed urban water management areas.
- (f) a written report to explain the Structure Plan and to address—
 - (i) the planning framework for the Structure Plan including any applicable or district structure plans, and any policies, strategies and Scheme provisions which apply to the land, and any environmental conditions which apply under the Scheme;
 - (ii) the site analysis including reference to the matters listed in clause 7.4.3 (b) above, and in particular, the significance of the conservation, environmental and heritage values of the site;
 - (iii) the context analysis including reference to the matters listed in clause 7.4.3 (c) above;
 - (iv) how planning for the Structure Plan area is to be integrated with the surrounding land;
 - (v) the design rationale for the proposed pattern of subdivision, land use and development;
 - (vi) traffic management and safety;
 - (vii) parkland provision and management;
 - (viii) urban water management;
 - (ix) proposals for public utilities including sewerage, water supply, drainage, gas, electricity and communication services;
 - (x) the proposed method of implementation including any cost sharing arrangements and details of any staging of subdivision and development.
- (g) any other matter considered relevant by the local government.

7.4.4 The maps referred to in clause 7.4.3 are to—

- (a) be drawn to a scale that clearly illustrates the details referred to in clause 7.4.3; and
- (b) include a north point, visual bar scale, key street names and a drawing title and number.

7.4.5 A draft Structure Plan must, in the opinion of the local government, be consistent with orderly and proper planning.

7.4.6 A draft Structure Plan may, to the extent that it does not conflict with the Scheme, impose a classification on the land included in it by reference to reserves, zones or the R-Codes, and where the draft Structure Plan becomes a structure plan, the local government is to have due regard to such reserves, zones or R-Codes when recommending subdivision or approving development of land.

7.4.7 Where the local government or the Commission requires the preparation of a draft Structure Plan pursuant to clause 7.4.1, a draft Structure Plan prepared by an owner of land the subject of the draft Structure Plan is to be submitted to the local government.

7.4.8 Within 90 days of preparing or receiving a draft Structure Plan that conforms with clauses 7.4.3 to 7.4.5 and complies with the Scheme (or such longer time as may be agreed in writing between the owner who submitted the draft Structure Plan and the local government) the local government is to—

- (a) advertise, or require the owner who submitted the draft Structure Plan to advertise, the draft Structure Plan for public inspection by one or more of the following ways—
 - (i) notice of the draft Structure Plan published in a newspaper circulating in the Scheme area;
 - (ii) a sign or signs displaying notice of the draft Structure Plan to be erected in a conspicuous place or places in the area to which the Structure Plan is intended to apply; and
- (b) give notice, or require the owner/applicant who submitted the draft Structure Plan to give notice, in writing to—
 - (i) all owners whose land is included in the draft structure plan;
 - (ii) all owners and occupiers who, in the opinion of the local government are likely to be affected by the adoption of the draft structure plan; and
 - (iii) such public authorities and other persons as the local government nominates.

7.4.9 The advertisement and notice are to—

- (a) explain the scope and purpose of the draft structure plan;
- (b) specify when and where the draft Structure Plan may be inspected (the notice may include a copy of the draft structure plan); and
- (c) invite submissions to the local government by a specified date not less than 28 days after the giving or the erection of the notice or publication of the advertisement, as the case requires.

7.4.10 The local government is to consider all submissions received and is to within 120 days of the close of the advertising period—

- (a) adopt the draft structure plan, with or without modifications; or
- (b) refuse to adopt the draft Structure Plan and, where the draft Structure Plan was submitted by an owner, give reasons for this to the owner.

7.4.11 If the local government is of the opinion that a modification to the draft Structure Plan is substantial, the local government may—

- (a) readvertise the draft structure plan; or
- (b) require the owner who submitted the draft Structure Plan to readvertise the draft structure plan;

and thereafter, the procedures set out in clause 7.4.8 onwards are to apply.

7.4.12 If within the period referred to in clause 7.4.10, or such other time as may be agreed in writing between the owner who submitted the draft Structure Plan and the local government, the local government has not made a determination under clause 7.4.10, the local government is deemed to have refused to adopt the draft structure plan.

7.4.13 If the draft Structure Plan proposes the subdivision of land, then the local government is to forward the draft Structure Plan to the Commission for its endorsement.

7.4.14 As soon as practicable after receiving the draft structure plan, the Commission is to determine whether to—

- (a) endorse the draft Structure Plan with or without modifications; or
- (b) refuse to endorse the draft structure plan.

7.4.15 The Commission is to notify, as soon as practicable, the local government of its determination under clause 7.4.14.

7.4.16 As soon as practicable after adopting a draft Structure Plan under clause 7.4.10, and if clause 7.4.13 applies, as soon as practicable after being notified of the Commission's decision under clause 7.4.14, the local government is to forward a copy of the Structure Plan to—

- (a) any public authority or person that the local government thinks fit; and
- (b) where the Structure Plan was submitted by an owner of land subject to the structure plan, to that land owner.

7.4.17 The Structure Plan and the Commission's notification under clause 7.4.15 are to be kept at the local government's administrative offices, and are to be made available for inspection by any member of the public during office hours.

7.4.18 The local government may vary a Structure Plan—

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the structure plan; or
- (b) otherwise in accordance with the procedures set out in clause 7.4.3 onwards.

7.4.19 If the local government varies a Structure Plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission.

7.4.20 As soon as practicable after receiving the copy of the variation referred to in clause 7.4.18, the Commission is to determine whether to endorse the proposed variation.

7.4.21 The Commission is to immediately notify the local government of its determination under clause 7.4.20.

7.5 Development Guide Plans

7.5.1 Where required by the Scheme or a structure plan, or considered desirable by the local government to enable the planned development of a particular lot or lots, a Development Guide Plan shall be prepared.

7.5.2 The local government may require a Development Guide Plan to have regard for adjacent lands and in any case shall show, in a comprehensive manner, how the land is to be developed including—

- (a) the proposed lot yield and minimum and average lot sizes;
- (b) any proposed building envelopes;
- (c) the proposed distribution of land uses;
- (d) proposed private open space;
- (e) services and infrastructure;
- (f) proposals for vehicular access, parking, loading, and unloading areas, storage yards and rubbish collection closures;
- (g) the proposed location, orientation and design of buildings and the space between buildings;
- (h) proposals for advertising signs, lighting and fencing;
- (i) proposals for landscaping, finished site levels and drainage;
- (j) protection of sites of heritage, conservation or environmental significance;
- (k) any special development controls and guidelines;
- (l) the management of environmentally sensitive locations, including identification of buffer, vegetation and habitat corridors;
- (m) the allocation, management and treatment of buffers as necessary to surrounding agricultural land;
- (n) the proposed principal road and other transport and movement systems, including relationship with regional infrastructure, such as the Busselton Outer Bypass, where appropriate;
- (o) the proposed provision of community and service facilities;
- (p) proposals for the provision of public utilities and services;
- (q) proposed staging;
- (r) adequate data identifying the physical and environmental characteristics of the land; and
- (s) such other information considered relevant by the local government.

7.5.3 Following receipt of a Development Guide Plan which, in the opinion of the local government, adequately addresses the orderly and proper planning of the land, the local government is to—

- (a) advertise, or require the land owner who submitted the draft Development Guide Plan to advertise, the draft Development Guide Plan for public inspection in one or more of the following ways—
 - (i) notice of the draft Development Guide Plan published in a newspaper circulating in the Scheme area;
 - (ii) a sign or signs displaying notice of the draft Development Guide Plan to be erected in a conspicuous place or places in the area to which the Development Guide Plan is intended to apply; and
- (b) give notice, or require the owner who submitted the draft Development Guide Plan to give notice, in writing to—
 - (i) all owners whose land is included in the draft Development Guide Plan;
 - (ii) all owners and occupiers who, in the opinion of the local government are likely to be affected by the adoption of the draft Development Guide Plan; and
 - (iii) such public authorities and other persons as the local government nominates.

7.5.4 The advertisement and notice are to—

- (a) explain the scope and purpose of the draft Development Guide Plan;
- (b) specify when and where the draft Development Guide Plan may be inspected (the notice may include a copy of the draft Development Guide Plan); and
- (c) invite submissions to the local government by a specified date not less than 28 days after the giving or the erection of the notice or publication of the advertisement, as the case requires.

7.5.5 The local government is to consider all submissions received and is to—

- (a) adopt the draft Development Guide Plan, with or without modifications; or
- (b) refuse to adopt the draft Development Guide Plan and, where the draft Development Guide Plan was submitted by a land owner, give reasons for this to that land owner.

7.5.6 If within 180 days of receipt of a draft Development Guide Plan prepared pursuant to clause 7.5.2, or such other time as may be agreed in writing between the owner who submitted the draft Development Guide Plan and the local government, the local government has not made a

determination under clause 7.5.5, the local government is deemed to have refused to adopt the draft Development Guide Plan.

7.5.7 If the draft Development Guide Plan proposes the subdivision of land, then the local government is to forward the draft Development Guide Plan to the Commission for its endorsement.

7.5.8 As soon as practicable after receiving the draft Development Guide Plan, the Commission is to either—

- (a) approved the proposed Development Guide Plan with or without modifications;
- (b) refuse to approve the proposed Development Guide Plan and give reasons for its decision to the proponent and the local government.

7.5.9 The Commission is to notify, as soon as practicable, the local government of its determination under clause 7.5.8.

7.5.10 The Development Guide Plan so adopted shall be endorsed by the local government and the Commission and shall have no effect until such endorsements are made thereon. The subdivision or development of the land the subject of the Development Guide Plan shall be in accordance with the endorsed Development Guide Plan.

7.5.11 The local government may vary a Development Guide Plan—

- (a) by resolution if, in the opinion of the local government, the variation does not materially alter the intent of the Development Guide Plan; or
- (b) otherwise in accordance with the procedures set out in clause 7.5.2 onwards.

7.5.12 Notwithstanding clause 7.5.11, the local government may reduce the advertising period required under clause 7.5.4 where, in the opinion of the local government and the Commission, the proposed modification does not materially alter or adversely affect the endorsed Development Guide Plan.

7.5.13 If the local government varies a Development Guide Plan by resolution, and the variation proposes the subdivision of land, the local government is to forward a copy of the variation to the Commission.

7.5.14 As soon as practicable after receiving the copy of the variation referred to in clause 7.5.13, the Commission is to determine whether to endorse the proposed variation.

7.5.15 The Commission is to notify, as soon as practicable, the local government of its determination under clause 7.5.14.

7.5.16 Sussex Location 413 Smiths Beach Road, Yallingup which is identified in Schedule 13 will be required to address the provisions of Schedule 13 in addition to the requirements of clause 7.5. In relation to land to which Schedule 13 applies, where there is any inconsistency between a provision of clause 7.5 and Schedule 13, Schedule 13 prevails to the extent of that inconsistency.

7.6 Detailed Area Plans

7.6.1 Where required by the Scheme, a Structure Plan or a Development Guide Plan, or as agreed by the local government and the owner(s) of the land subject of the plan, a detailed area plan shall be prepared.

7.6.2 A detailed area plan may include details as to—

- (a) the proposed lot yield and minimum and average lot sizes;
- (b) any proposed building envelopes;
- (c) the proposed distribution of land uses within a lot;
- (d) proposed private open space;
- (e) proposed services and infrastructure;
- (f) proposed vehicular access, parking, loading, and unloading areas, storage yards and rubbish collection closures;
- (g) proposals for dual use paths and footpaths;
- (h) the location, orientation and design of buildings and the space between buildings;
- (i) any proposed advertising signs, lighting and fencing;
- (j) proposed landscaping, finished site levels and drainage;
- (k) the protection of sites of heritage, conservation or environmental significance;
- (l) any special development controls and guidelines; and
- (m) such other information considered relevant by the local government.

7.6.3 When a draft detailed area plan is prepared pursuant to, and meets the requirements of, clauses 7.6.1 and 7.6.2, the local government is to—

- (a) advertise, or require the land owner who submitted the draft detailed area plan to advertise, the draft detailed area plan for public inspection by one or more of the following ways—
 - (i) notice of the draft detailed area plan published in a newspaper circulating in the Scheme area;
 - (ii) a sign or signs displaying notice of the draft detailed area plan to be erected in a conspicuous place or places in the area to which the detailed area plan is intended to apply; and
- (b) give notice, or require the owner who submitted the draft detailed area plan to give notice, in writing to—
 - (i) all owners whose land is included in the draft detailed area plan;

- (ii) all owners and occupiers who, in the opinion of the local government are likely to be affected by the adoption of the draft detailed area plan; and
- (iii) such public authorities, community groups and other persons as the local government nominates.

7.6.4 The advertisement and notice are to—

- (a) explain the scope and purpose of the draft detailed area plan;
- (b) specify when and where the draft detailed area plan may be inspected (the notice may include a copy of the draft detailed area plan); and
- (c) invite submissions to the local government by a specified date not less than 21 days after the giving or the erection of the notice or publication of the advertisement, as the case requires.

7.6.5 The local government is to consider all submissions received and is to—

- (a) adopt the draft detailed area plan, with or without modifications; or
- (b) refuse to adopt the draft detailed area plan and, where the draft plan was submitted by an owner of the land, give reasons for this to that land owner.

7.6.6 If within 90 days, or such other time as may be agreed in writing between the owner who submitted the draft detailed area plan and the local government, the local government has not made a determination under clause 7.6.5, the local government is deemed to have refused to adopt the draft detailed area plan.

7.6.7 Unless otherwise required by the Scheme, the coming into force of a detailed area plan shall not require the endorsement of the Commission.

7.7 Developer Contributions Plans

7.7.1 Where required by the Scheme, a Structure Plan or Development Guide Plan, a developer contributions plan shall be prepared.

7.7.2 The purpose of a developer contributions plan is to—

- (a) provide for infrastructure to service development and the occupiers and users of that development, including development that will occur following subdivision, where such infrastructure is not currently available to the scale or to the standard necessary and which will not be otherwise provided via the development or subdivision process;
- (b) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners; and
- (c) coordinate the timely provision of infrastructure.

7.7.3 Developer contributions plans are to be prepared in accordance with the following principles

- (a) The need for the infrastructure included in the developer contributions plan and the connection between the development and the demand should be clearly established;
- (b) Both the method for calculating developer contributions and the manner in which they are applied should be clear and transparent to understand and administer;
- (c) Developer contributions should be levied from all development in a developer contributions plan area, based on the relative contribution of the development to the need for the infrastructure;
- (d) Developer contributions should be applied in an accountable manner; and
- (e) The costs of administering a developer contributions plan can be recovered via a developer contributions plan, but the cost of maintaining or operating the infrastructure funded via the plan may not.

7.7.4 Following receipt of a developer contributions plan which, in the opinion of the local government, adequately addresses clauses 7.7.2 and 7.7.3, the local government is to—

- (a) advertise, or require the land owner who submitted the draft developer contributions plan to advertise, the draft developer contributions plan for public inspection in one or more of the following ways—
 - (i) notice of the draft developer contributions plan published in a newspaper circulating in the Scheme area;
 - (ii) a sign or signs displaying notice of the draft developer contributions plan to be erected in a conspicuous place or places in the area to which the developer contributions plan is intended to apply; and
- (b) give notice, or require the owner who submitted the draft developer contributions plan to give notice, in writing to—
 - (i) all owners whose land is included in the draft developer contributions plan;
 - (ii) all owners and occupiers who, in the opinion of the local government are likely to be affected by the adoption of the draft developer contributions plan; and
 - (iii) such public authorities and other persons as the local government nominates.

7.7.5 The advertisement and notice are to—

- (a) explain the scope and purpose of the draft developer contributions plan;
- (b) specify when and where the draft developer contributions plan may be inspected (the notice may include a copy of the draft developer contributions plan); and
- (c) invite submissions to the local government by a specified date not less than 28 days after the giving or the erection of the notice or publication of the advertisement, as the case requires.

7.7.6 The local government is to consider all submissions received and is to—

- (a) adopt the draft developer contributions plan, with or without modifications; or
- (b) refuse to adopt the draft developer contributions plan and, where the draft developer contributions plan was submitted by a land owner, give reasons for this to that land owner.

7.7.7 If within 180 days of receipt of a draft developer contributions plan prepared pursuant to clause 7.7.1, or such other time as may be agreed in writing between the owner who submitted the draft developer contributions plan and the local government, the local government has not made a determination under clause 7.7.6, the local government is deemed to have refused to adopt the draft developer contributions plan.

7.7.8 If the draft developer contributions plan proposes a requirement for the making of developer contributions associated with the subdivision of land, then the local government is to forward the draft developer contributions plan to the Commission for its endorsement.

7.7.9 As soon as practicable after receiving the draft developer contributions plan, the Commission is to determine whether to endorse the draft developer contributions plan.

7.7.10 The Commission is to notify, as soon as practicable, the local government of its determination under clause 7.7.9.

7.7.11 The developer contributions plan so adopted shall be endorsed by the local government and where applicable, the Commission and shall have no effect until such appropriate endorsement(s) are made thereon. The subdivision or development of the land the subject of the developer contributions plan shall be in accordance with the endorsed developer contributions plan.

7.7.12 The local government may vary a developer contributions plan in accordance with the procedures set out in clause 7.7.4 onwards.

PART 8—HERITAGE PROTECTION

8.1 Heritage List

8.1.1 (a) 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.

- (b) Until such time as Council has established a Heritage List, the Heritage List means the municipal inventory prepared by Council pursuant to section 45 of the *Heritage of Western Australia Act 1990*.

8.1.2 In preparing the Heritage List the local government is to—

- (a) have regard to the municipal inventory prepared by the local government under section 45 of the *Heritage of Western Australia Act 1990*; and
- (b) include on the Heritage List such of the entries on the municipal inventory as it considers to be appropriate.

8.1.3 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 8.1.1 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.

8.1.4 Where a place is included on the Heritage List, the local government is to give notice of the inclusion to the Heritage Council of Western Australia and to the owner and occupier of the place.

8.1.5 The local government is to keep a copy of the Heritage List with the Scheme documents for public inspection.

8.1.6 The local government may remove or modify the entry of a place on the Heritage List by following the procedures set out in clause 8.1.3.

Notes: 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.

8.2 Designation of a Heritage Area

8.2.1 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.

8.2.2 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.

8.2.3 If the 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 draft Local Planning Policy for the heritage area;
- (b) advertise the proposal by—
 - (i) publishing a notice of the proposed designation once a week for 2 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.

8.2.4 Notice of a proposal under clause 8.2.3 (b) is to specify—

- (a) the area subject of the proposed designation;
- (b) where the draft 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.

8.2.5 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.

8.2.6 If the local government resolves to adopt the designation, the local government is to forward a copy of the designation to the Heritage Council of Western Australia, the Commission and each owner of land affected by the designation.

8.2.7 The local government may modify or revoke a designation of a heritage area.

8.2.8 Clauses 8.2.3 to 8.2.6 apply, with any necessary changes, to the amendment of a designation of a heritage area.

8.3 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.

- Notes:
1. A heritage agreement may include a covenant on the relevant lot 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*.

8.4 Heritage Assessment

The local government and or the Planning Commission may require a heritage assessment to be carried out prior to the approval of any subdivision or development proposed in a heritage area or in respect of a heritage place listed on the Heritage List and may require a conservation plan to be prepared. The heritage assessment and conservation plan is to determine the extent of the cultural heritage significance of the place and how the place is to be conserved.

8.5 Variations to Scheme Provisions for a Heritage Place Or Heritage Area

8.5.1 Where desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values, the local government may vary any provision of the Scheme provided that where, in the opinion of the local government, the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of the variation, the local government shall—

- (a) consult the affected parties by following one or more of the provisions dealing with advertising pursuant to Clause 10.4; and
- (b) have regard to any expressed views prior to making its decision to approve the variation.

8.5.2 In approving variations under clause 8.5.1 the local government may enter into a Heritage Agreement under Part 4 of the *Heritage of Western Australia Act 1990* with an owner who would benefit from the variation. The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

8.5.3 In approving variations, granting incentives and/or entering into heritage agreements, the local government shall utilise the guidelines outlined in its Heritage Conservation Policy.

PART 9—DEVELOPMENT OF LAND

9.1 Requirement for Approval to Commence Development

Subject to clause 9.2, 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 10.

- 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 and display of any advertisements and the use of land or buildings for that purpose; and in relation to any place entered on the Heritage List or contained within a heritage area, any act or thing likely to cause significant change to the external character of the building, structure or place.*

9.2 Permitted Development

9.2.1 Except as otherwise provided in the Scheme, for the purposes of the Scheme the following development does not require the planning approval of the local government—

- (a) 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 entered in the Register of Heritage 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*; or
 - (iii) included on the Heritage List under clause 8.1 of the Scheme;
- (b) (A) the erection on a lot of a single house and any incidental development; or
(B) any extension, or development of a similar incidental nature such as the erection of an ancillary outbuilding or the construction of a swimming pool, to a developed and lawful Grouped Dwelling;

except where—

- (i) the proposal requires the exercise of discretion by the local government under the Scheme to vary the provisions of the R-Codes;
 - (ii) in the opinion of the local government, development is to be carried out on land of high landscape value that requires specific visual assessment or on land in a Landscape Value area;
 - (iii) the development will be located in a heritage area designated under the Scheme;
 - (iv) the development will be located in a Special Character or Coastal Management area;
 - (v) the development will be located on land within a Floodway area as identified on the Scheme map; or on any other land identified as flood prone land on a map prepared or adopted by the local government; or on other land which, in the opinion of the local government, may be subject to flooding;
 - (vi) the development will be located in the Conservation, Rural Landscape or Bushland Protection zones and will be inconsistent with a Development Guide Plan for the land that has been adopted by the Council and the Western Australian Planning Commission;
 - (vii) the development will be located on or over any land—
 - (I) below the mean high water mark;
 - (II) forming part of the bed of a river, creek, lagoon or other natural watercourse shown uncoloured on the Scheme map; or
 - (III) which has been reclaimed;
 - (viii) the development requires the exercise of discretion by the local government relating to any other provision of the Scheme, unless specifically supported by a detailed area plan, Development Guide Plan, or Structure Plan adopted pursuant to the Scheme;
 - (ix) the development is inconsistent with any provision of an adopted Local Planning Policy;
 - (x) the development is inconsistent with any detailed area plan, Development Guide Plan, or Structure Plan adopted pursuant to the Scheme; or
 - (xi) the proposal is for the erection of a dwelling house on land on which another dwelling house is erected, where the first mentioned dwelling house is intended to replace the other dwelling house.
- (c) 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 the *Heritage of Western Australia Act 1990*;
 - (iii) included on the Heritage List under clause 8.1 of the Scheme; or
 - (iv) located within a heritage area designated under the Scheme;

- (d) the development of any dam, including any associated excavation or filling, even where such development will change the ground level by greater than 0.5 metres or undertaking of any excavation or filling that will change the ground level by 0.5 metres or less, except where the development is—
- (i) located in a Coastal Management or Wetland area and including any filling or draining of any land within a Wetland area;
 - (ii) located on land within a Floodway area as identified on the Scheme map or on any other land identified as flood prone land on a map prepared or adopted by the local government or on other land which, in the opinion of the local government, may be subject to flooding;
 - (iii) located in the Conservation, Rural Landscape or Bushland Protection zones;
 - (iv) located on or over any land—
 - (I) below the mean high water mark;
 - (II) forming part of the bed of a river, creek, lagoon or other natural watercourse shown uncoloured on the Scheme map; or
 - (III) which has been reclaimed;
 - (v) located on a public road or unzoned land (shown uncoloured on the Scheme map);
 - (vi) a dam that—
 - (I) is associated with intensive agriculture, tourist development or rural residential development; or
 - (II) retards the flow of any surface water in a defined creek or artificially retards the source of a defined creek;
- (e) the clearing of vegetation, except where such development is—
- (i) located in a Coastal Management area;
 - (ii) located in a Wetland area, including the damaging of any vegetation;
 - (iii) located in a Landscape Value area, including the damaging of any vegetation, except for development that is associated with the development of a single house undertaken as permitted development pursuant to the Scheme, is associated with approved development, essential for achieving adequate fire protection, or vegetation that immediately endangers life or property;
 - (iv) located on land within a Floodway area as identified on the Scheme map or on any other land identified as flood prone land on a map prepared or adopted by the local government or on other land which, in the opinion of the local government, may be subject to flooding and including the damaging of any vegetation in such areas;
 - (v) located in the Rural Residential, Conservation, Rural Landscape or Bushland Protection zones and including the damaging of any vegetation in such zones, except for development that is associated with approved development or essential for achieving adequate fire protection;
 - (vi) located on land coded R2, R2.5 or R5, and including the damaging of any vegetation, except for development that is associated with approved development or essential for achieving adequate fire protection;
 - (vii) located on or over any land—
 - (I) below the mean high water mark;
 - (II) forming part of the bed of a river, creek, lagoon or other natural watercourse shown uncoloured on the Scheme map; or
 - (III) which has been reclaimed;including the damaging of any vegetation in such areas;
 - (viii) located on a public road or unzoned land (shown uncoloured on the Scheme map), including the damaging of any vegetation in such areas;
- (f) the development of a jetty on a canal within the Port Geographe Development area where it is situated wholly within a specified mooring envelope and is in accordance with the design standards approved by the local government and Commission;
- (g) a home office;
- (h) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (i) the erection, placement or display of any advertisement and the use of land or buildings for that purpose as exempted by Schedule 14, except in respect of a place included in the Heritage List or in a heritage area; and
- (j) development by a local government or a public authority for the purposes of; roads, including the extraction of material for road construction or maintenance, a public work, storm water drainage, recreation areas, landscaping, gardening, bushfire hazard reduction, parking, amenities buildings, river bank stabilization or beach rehabilitation.

Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under section 157 of the Planning and Development Act 2005.

9.2.2 For the purposes of clause 9.2.1, land uses or development which involve—

- (a) the extensive application of fertilizers; or
- (b) the concentration in any location of effluents, including rural industry; or
- (c) private development (excluding public works) on a public road, on a lawfully closed road or on unzoned land (shown uncoloured on the Scheme map);

require planning approval pursuant to clause 9.1.

9.3 Amending Or Revoking 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.

9.4 Unauthorized Existing Development

9.4.1 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.

9.4.2 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 upon the grant of planning approval.

- Notes:*
1. *Applications for approval to an existing development are made under Part 10.*
 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 Planning and Development Act 2005 in respect of the commencement or carrying out of development without planning approval.*

9.5 Temporary Development

Notwithstanding any other provision of the Scheme, the local government may, at its discretion, subject to consideration of all relevant provisions of the Scheme, grant planning approval for development for any purpose for a maximum period of 28 days, whether consecutive or non-consecutive, or a maximum of 12 separate occasions which do not exceed 28 days in total in any one year subject to advertising of the application pursuant to clause 10.4.3 of the Scheme where deemed necessary by the local government.

PART 10—APPLICATIONS FOR PLANNING APPROVAL

10.1 Form of Application

10.1.1 An application for approval for one or more of the following—

- (a) a use or commencement of development on a Reserve under clauses 3.4 or 3.5;
- (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 Table 1—Zoning Table under clause 4.4.2(b);
- (e) alteration or extension of a non-conforming use under clause 4.11;
- (f) a change of a non-conforming use under clause 4.11;
- (g) continuation of a non-conforming use under clause 4.10;
- (h) variation of a site or development requirement under clause 5.5;
- (i) commencement of development under clause 9.1;
- (j) continuation of development already commenced or carried out under clause 9.4;
- (k) a subsequent planning approval pursuant to an approval under clause 11.8.1; and
- (l) the erection, placement or display of an advertisement as deemed necessary by local government under clause 9.2.1 (i);

is, subject to clause 10.1.2, 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.

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

10.2 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 numbers, north point and the dimensions of the site;
 - (ii) the existing and proposed ground levels over the whole of the land the 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 car parking spaces 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 the same; and
- (viii) the nature and extent of any open space and landscaping proposed for the site;
- (b) plans, elevations and sections to a scale of not less than 1:100 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, engineering or urban design studies; and
- (d) any other plan or information that the local government may require to enable the application to be determined.

10.3 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.

10.4 Advertising of Applications

10.4.1 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 as referred to in clause 4.3.2; or
- (b) a use not listed in Table 1—Zoning Table,

the local government is not to grant approval to that application unless notice is given in accordance with clause 10.4.3.

10.4.2 Notwithstanding clause 10.4.1, where 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 10.4.3.

10.4.3 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 14 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 day being not less than 14 days from the day the notice is published; or
- (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 14 days from the day the notice is erected.

10.4.4 The notice referred to in clause 10.4.3 (a) and (b) is to be in the form prescribed in Schedule 8 with such modifications as are considered appropriate by the local government.

10.4.5 Any person may inspect the application for planning approval referred to in the notice and the material accompanying that application at the offices of the local government.

10.4.6 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.

10.4.7 Notwithstanding clause 10.4.1, minor additions to, or modifications of an existing lawful development identified as an "A" Use Class in Table 1—Zoning Table or which are non-conforming uses pursuant to Part 4 of the Scheme, may be exempt from the requirements of clauses 10.4.1 to 10.4.6 above, where—

- (a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- (b) the development will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality;
- (c) the development is consistent with the policies and objectives of the relevant Council policy pursuant to the Scheme.

PART 11—PROCEDURE FOR DEALING WITH APPLICATIONS**11.1 Consultation With Other Authorities**

11.1.1 In considering an application for planning approval the local government may consult with any other statutory, public or planning authority it considers appropriate.

11.1.2 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.

11.2 Matters to Be Considered

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 draft town planning scheme or draft Scheme amendment, which has been adopted for the purpose of community consultation;
- (c) any approved State Planning Policy pursuant to the *Planning and Development Act 2005*;
- (d) any approved environmental protection policy under the *Environmental Protection Act 1986*;
- (e) any relevant policy or strategy of the Commission and any relevant policy adopted by the Government of the State;
- (f) any Local Planning Policy adopted by the local government under clause 2.3, any heritage policy statement for a designated heritage area adopted under clause 8.2.2, and any other plan or guideline adopted by the local government;
- (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 entered in the Register within the meaning of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 8.1, and the effect of the proposal on the character or appearance of a heritage area;
- (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, maneuvering 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 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) where the use or development of land requires the extensive application of fertilisers or the concentration in any location of effluents (including rural industry), whether the measures proposed to manage the application of fertilisers or the methods proposed for the disposal of effluent, with the objective of minimising the movement of any associated nutrients into the water table or other waters off the lot, are adequate;
- (y) the potential loss of any community service or benefit resulting from the planning approval;
- (z) any relevant submissions received on the application;
- (aa) the comments or submissions received from any authority consulted under clause 11.1.1 or clause 11.1.2; and
- (bb) any other planning consideration the local government considers relevant.

11.3 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.

11.4 Form and Date of Determination

11.4.1 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.

11.4.2 Where the local government refuses an application for planning approval the local government is to give reasons for its refusal.

11.5 Term of Approval

11.5.1 Where the local government grants planning approval for the development of land—

- (a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
- (b) the approval lapses if the development has not substantially commenced before the expiration of that period.

11.5.2 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 11.5.1.

11.6 Temporary Planning Approval

Where the local government grants planning approval, the local government may impose conditions 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 the planning approval which is the period within which the development must commence.

11.7 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.

11.8 Approval Subject to Later Approval of Details

11.8.1 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, external appearance of the buildings, means of access, landscaping, and such other matters as the local government thinks fit.

11.8.2 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.

11.8.3. 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 2 years after the date of the determination of the first approval, or such other period as is specified in the approval.

11.9 Deemed Refusal

11.9.1 Subject to clause 11.9.2, 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.

11.9.2 An application for planning approval which is the subject of a notice under clause 10.4 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.

11.9.3 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 11.9.1 or 11.9.2, 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.

11.10 Reviews

An applicant aggrieved by a determination of the local government in respect of the exercise of a discretionary power under the Scheme, including structure plans, Development Guide Plans, detailed area plans and developer contributions plans, or aggrieved by a decision of the Commission with respect to a structure plan, Development Guide Plan, detailed area plan or developer contributions plan, may seek a review under Part 14 of the *Planning and Development Act 2005*.

PART 12—ENFORCEMENT AND ADMINISTRATION

12.1 Powers of the Local Government

12.1.1 The local government in implementing the Scheme has the power 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.

12.1.2 An employee of the local government authorized 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.

12.2 Delegation of Functions

12.2.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee, the Chief Executive Officer (CEO), 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.

12.2.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 12.2.1.

12.2.3 The exercise of the power of delegation under clause 12.2.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

12.2.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 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.

12.3 Person Must Comply With the 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: Section 218 of the Planning and Development Act 2005 provides that a person who—

- (a) contravenes or fails to comply with the provisions of a local planning scheme; or*
- (b) commences or continues to carry out any development which is required to comply with a local planning scheme otherwise than in accordance with that scheme or otherwise than in accordance with any condition imposed with respect to the development by the responsible authority pursuant to its powers under that scheme,*

is guilty of an offence.

Penalty: \$50 000, and a daily penalty of \$5 000.

12.4 Compensation

12.4.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under section 178 of the Act.

Note: A claim for compensation under section 178 of the Planning and Development Act 2005 may be made in the Form No. 7 in Appendix A of the Town Planning Regulations 1967.

12.5 Purchase Or Taking of Land

12.5.1 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 3 months of the claim for compensation being made.

12.5.2 The local government may deal with or dispose of land acquired by it for the purpose of a Reserve upon such terms and conditions as it thinks fit but the land must be used, and preserved, for a use compatible with the purpose for which it is reserved.

Note: Sections 187, 190 and 191 of the Planning and Development Act 2005 empowers the local government to purchase or compulsorily acquire land comprised in a scheme.

12.6 Notice for Removal of Certain Buildings Or Other Work

12.6.1 Under section 214 of the *Planning and Development Act 2005*, not less than 60 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.

12.6.2 The local government may recover expenses under section 215(2) of the *Planning and Development Act 2005* in a court of competent jurisdiction.

PART 13—SCHEDULES
SCHEDULE 1—Interpretations

[cl 1.7.1]

Subject to the provisions of Clause 1.7, terms and expressions shall have the meanings set out hereunder—

- “Abattoir”** means any land or buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.
- “The Act”** means the *Planning and Development Act 2005*.
- “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.
- “Aged Persons’ Home”** means a building or group of buildings used primarily as a residence for aged persons and may include a hostel and/or nursing home.
- “Agriculture”** means any land or buildings used for the raising of stock or crops, but excludes intensive agriculture, poultry farms and feed lots.
- “Amusement Machine”** means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.
- “Amusement Parlour”** means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.
- “Animal Establishment”** means a building or place principally used for the breeding, boarding, training, keeping or caring of animals for commercial purposes, and may include a veterinary clinic and/or riding schools whether or not the trainer/caretaker resides on the premises.
- “Animal Husbandry”** means any land or buildings used for the breeding, keeping, rearing, fattening of pigs or rabbits (for either meat or fur production) on an intensive basis and other livestock in feed lots.
- “Applicant”** means the person or persons that lodged an application for planning approval pursuant to Part 10 and, in the case of decisions by the local government or the Commission relating to structure plans, Development Guide Plans, detailed area plans or developer contributions plans pursuant to Part 7, means the owner of any land that is within the area subject of any such plan.
- “Aquaculture”** means any fish farming operation for which an aquaculture licence issued pursuant of the provisions of Part VIII of the *Fish Resources Management Act 1994* and Part VI of the *Fish Resources Management Regulations 1995* is required.
- “Bed and Breakfast”** means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.
- “Boarding House”** means a building or place—
- (a) where accommodation, meals and laundry facilities are provided to the residents of the building or place; and
 - (b) which is not licensed to sell liquor.
- “Boatel”** means a building, or group of buildings, or place used or intended to be used to accommodate patrons in a manner similar to a hotel or guest house but in which special provision is made for the accommodation of patrons with boats.
- “Building”** means any structure or appurtenance thereto, whether fixed or moveable, temporary or permanent, placed or erected upon land, and the term shall include dwellings and buildings appurtenant to dwellings such as carports, garages, verandahs and retaining walls but shall exclude a boundary fence, pergolas, garden sheds and the like, and swimming pools where no part is more than 600mm above surrounding ground level.
- “Bulk Store”** means a building or place used for the bulk storage of goods where the goods stored or to be stored, are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.
- “Bulky Goods”** means large goods which are, in the opinion of the Council, of such a size and shape as to require—
- (a) a large area for handling, storage or display; or
 - (b) easy and direct vehicular access to enable the goods to be collected by customers after sale but does not include a building or place used for the sale of foodstuffs or clothing.
- “Bus Depot”** means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus service.
- “Bus Station”** means a building or place used as a terminal for the assembly and dispersal of passengers travelling by bus.

“Canal Frontage” means a boundary line between the canal and adjacent lots and shall be defined by a surveyed line on the approved Subdivision Plans.

“Caravan Park & Camping Grounds” means a property licensed for the placement of caravans and may also include camping sites.

“Caretaker’s Residence” means a dwelling on the same site as a building, operation (including tourist development) or plant and occupied by a caretaker of that building, operation or plant.

“Chalet Development” is development (not being a “Rural Holiday Resort”) designed for single occupancy and which comprises detached accommodation units, which may be fully self-contained or not, and which are generally of single storey or split level construction and a character not dissimilar to farm dwellings or cabins.

“Chandlery” means the manufacture, repair, maintenance and modifications of boats and marine equipment.

“Child Care Centre” means a building or place used for the purpose of supervising or caring for children which—

- (a) caters for five or more under school age children whether or not those children are related to the owner or operator of the building or place;
- (b) may include an educational function; and
- (c) may operate for the purposes of gain;

but does not include a building or place providing residential care for those children.

“Club” means any land or buildings used or designed for use by a legally constituted club or associations or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Licensing Act 1988* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

“Commission” means the Western Australian Planning Commission established by Part 2 section 7 of the *Planning and Development Act 2005*.

“Communal or Cluster Farming” means the pursuit of a viable agricultural enterprise by a group of individuals, families or business entities on a multiple occupation basis of a property identified and having high agricultural potential for such activity on a sustainable basis.

“Community Centre” means a building or place owned or controlled by a public authority or a body of persons which may provide for the physical, social, cultural or intellectual development or welfare of the local community, and may include—

- (a) public hall;
- (b) public library;
- (c) public health service;
- (d) rest rooms;
- (e) meeting rooms;
- (f) indoor recreation;
- (g) child-minding facilities;

or any other like building or service, but does not include a building or place elsewhere specifically defined in this Schedule.

“Conservation Tourism” means any land or buildings used to undertake a business primarily involved with promoting, preserving and utilising the conservation, aesthetic, ecological and environmental attributes of the land which may have facilities for the convenience of patrons, such as restaurants, convention areas, sales of arts and craft and souvenirs and rural tourist accommodation, provided that these uses are incidental to the predominant use of the land and buildings for a conservation purpose.

“Convenience Store” means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents, but including the sale of petrol and operated during hours which include, but which may extend beyond, normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300m² net lettable area.

“Corner Shop” means a shop used for the sale of daily grocery needs to persons in the immediate locality, attached to a dwelling and which is operated as an additional use thereto by the permanent tenants of the dwelling.

“Cottage Industry” means an industry which consists of workshop or studio and sales outlet located within a dwelling unit or outbuilding from which arts and crafts are produced and sold, and which—

- (a) The only goods that may be sold on-site are those which are specifically produced in the workshop or studio located on the lot subject to application.
- (b) Does not cause injury to, or prejudicially affect, the amenity of the locality, including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the omission of light, noise, vibration, electrical interference, smell, fumes, smoke, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.
- (c) Does not employ any person not a member of the occupier’s family with exception of one apprentice, trainee or a similar person who is employed purely for the purposes of the approved cottage industry and provided such person is engaged in a formal course of

qualification in that specific apprenticeship or traineeship and with further expansion to allow the continuation of employment by the cottage industry of that particular person as a tradesman or the like beyond the successful completion of such apprenticeship or traineeship

- (d) May take place in an outbuilding which blends with the character of the area and does not detract from the area.

“Council” means the Council of the City of Busselton.

“Dam” means any man made structure or excavation designed and constructed to intercept, accumulate and impound water flowing across, through or under any land and includes an off-stream dam, an on-stream dam, a gully-wall dam, a turkey-nest dam, an excavated soak and any structure, excavation or other device designed to act either solely or partly as a nutrient stripping basin.

“Discount Department Store” means a premises wherein a substantial range of consumer goods are kept in a substantial number of different departments and offered for sale by a single retailer but does not include a supermarket nor a supermarket component.

“Display Home” means a dwelling intended to be open for public inspections as an example of a dwelling design.

“Display Home Centre” means more than one dwelling on the same lot or adjoining, or adjacent lots that are intended to be open for public inspections as examples of dwelling design.

“Dry Industry” means any industrial use permitted by this Scheme where it can be demonstrated that the quality and volume of effluent to be disposed of on-site can be successfully disposed of, without adverse environmental or health effects, utilising effluent disposal systems approved by the Department of Health and the Department of Environment Regulation. In addition, development shall be restricted to the type which is predicted to generate wastewater intended for disposal on-site at a daily volume not exceeding 540 litres per 200m² of lot area.”

“Dwelling” means a building or portion of a building being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by—

- (a) a single person;
- (b) a single family; or
- (c) no more than six persons who do not comprise a single family.

“Educational Establishment” means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory.

“Entry Statement” means a structure placed at and denoting the entry point to a defined area or location and includes associated landscaping and structures.

“Extractive Industry” means an activity which involves the extraction of sand, gravel, clay, soil, rock, stone, or similar substance from the land, and also includes the management of products from any of those materials when the manufacture is carried out on the land from which any of the materials so used is extracted or on land adjacent thereto, and the storage of such materials or products;

“Factory Unit Building” means a building or structure, or group of buildings or structures designed, used or adapted for use as two or more separately occupied production or storage areas.

“Floodway” means the channel of a river or stream and those portions of the flood plain adjoining the channel which are required to carry and discharge floodwaters, and includes land determined in consultation between the Council and the Department of Water to be a floodway.

“Forestry” includes arboriculture, silviculture, plantations and the destruction of trees for the purpose of—

- (a) afforestation, forest protection and cutting, dressing and preparing (otherwise than in a sawmill) wood and other forest products;
- (b) establishing roads necessary for the removal of wood and forest products; or
- (c) forest protection.

“Gazettal Date” means the date when the Scheme is published in the *Gazette* under section 87(4) of the Act and in the case of a non-conforming use, including any amendments thereto and including any amendments to the *Shire of Busselton District Town Planning Scheme No. 20*.

“Generating Works” means a building or place used for the purpose of storing, making or generating gas, electricity or other forms of energy.

“Grouped Dwelling” means a dwelling which is one of a group of two or more dwellings on the same lot, such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise.

“Guesthouse” means a single building on a lot (which may be in addition to any single house already developed) utilised for the purpose of providing holiday accommodation and typically offering full board for guests. The building would be characterised by individual suites which are serviced by centralised dining (not being a public restaurant) and other facilities. Suites would not be self-contained and occupation would generally be reliant on services provided by management.

“Health Care Professional” means a person who renders professional health services to members of the public, and includes—

- (a) a podiatrist registered under the *Podiatrists Act 2005*;
- (b) a chiropractor registered under the *Chiropractic Act 2005*;
- (c) an osteopath registered under the *Osteopaths Act 2005*;
- (d) a physiotherapist registered under the *Physiotherapists Act 2005*;
- (e) an optometrist registered under the *Optometrists Act 2005*; or
- (f) a naturopath, herbalist or practitioner of a like nature.

“Holiday Home (Multiple/Grouped Dwelling)” means a grouped dwelling or multiple dwelling, which may also be used for short stay accommodation for hire or reward for no more than six people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

“Holiday Home (Single House)” means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for hire or reward for no more than 12 people (but does not include a bed and breakfast, chalet development, guesthouse, rural tourist accommodation or tourist accommodation).

“Home Occupation” means a business or activity carried out within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant that—

- (a) entails the conduct of a business, office, a workshop only, and does not entail the retail sale or display of goods of any nature;
- (b) does not cause injury to or prejudicially affect the amenity of the neighbourhood;
- (c) does not detract from the residential appearance of the dwelling house or domestic outbuilding;
- (d) does not entail employment of any person not a member of the occupier’s household;
- (e) does not occupy an area greater than 20m²;
- (f) does not display a sign exceeding 0.2m² in area;
- (g) in the opinion of the Council, is compatible with the principal uses to which land in the zone in which it is located may be put;
- (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling, and will not result in a substantial increase in the amount of vehicular traffic in the vicinity;
- (i) does not entail the presence, parking and garaging of a vehicle of more than 2 tonnes tare weight.

“Hospital” means a building or place used as a—

- (a) hospital
- (b) sanatorium;
- (c) health centre;
- (d) nursing home; or
- (e) home for aged persons, infirm persons, incurable persons or convalescent persons;

whether public or private, and includes a shop or dispensary used in conjunction therewith.

“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.

“Incidental development” means outbuildings (including sheds, garages, and freestanding structures enclosed more than 50%), verandahs, carports, patios, gazebos and similar structures, swimming pools, water tanks; and other structures incidental to a dwelling.

“Industry” means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following—

- (a) the winning, processing or treatment of minerals;
- (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of, or the incidental sale of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include—

- (a) the carrying out of agriculture;
- (b) on-site work on buildings or land; and
- (c) in the case of edible goods, the preparation of food for retail sale from the premises.

“Intensive Agriculture” means any land or buildings used for trade or commercial purposes for the following—

- (a) The production of grapes, vegetables, flowers, fruit and nuts;
- (b) Cultivating plants in a wholesale plant nursery.

“Jetty and Mooring Envelope” means an area designated on the Subdivision Plan and set aside for the construction of a jetty/mooring facility and may be located within a canal or a lot with water frontage or adjacent to a lot with water frontage.

“Light Industry” means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

“Liquid Fuel Depot” means a depot or place used for the bulk storage for wholesale distribution of petrol, oil, petroleum or other inflammable liquid.

“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.

“Major Road Frontage” in relation to land means the frontage of that land to—

- (a) a main or arterial road; or
- (b) a road connecting with a main or arterial road, if the whole or any part of the frontage is within 90 metres (measured along the road alignment of the connecting road) of the alignment of the main or arterial road.

“Manager’s Residence” means a dwelling on the same site as a building, operation (including tourist development) or plant and occupied by the manager of that building, operation or plant.

“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 appurtenant thereto and all offices and storerooms used in connection therewith.

“Marine Facilities” means any maritime facility forming part of a Harbour, Marina, Canal or waterway system and includes marina jetties, wharves, boat ramps, slipway, boat lifting facilities, hardstand, chandlery, marine filling station and boat storage.

“Marine Filling Station” means a facility designed specifically for the refuelling and minor servicing of watercraft.

“Market” means any land or buildings used for a fair, a farmer’s or producer’s market or a swap-meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

“Mean High Water Mark” means the demarcation line on the Scheme map that identifies the interface of the ocean and land, and shall exclude any demarcation of natural inland water systems or man-made harbours/canals.

“Medical Centre” means consulting rooms and professional accommodation for duly qualified and registered medical practitioners, dentists, physiotherapists, optometrists, chiroprodists and pharmacists.

“Mineral Resource Development” means any place, open cut, shaft, tunnel, pit, drive, level or other excavation, drift, gutter, lead, vein, lode or reef whereon, wherein or whereby any operation is carried on for, or in connection with, the purpose of obtaining any metal or mineral by, and mode or method and any place on which any product of the mine is stacked, stored, crushed or otherwise treated but does not include a quarry.

“Motel” means a building or buildings (other than a chalet development, guesthouse, hotel, boarding house, multiple dwelling or grouped dwelling) substantially used for the overnight accommodation of travellers and the vehicles used by them, whether or not the building or buildings are also used in the provision of meals to those travellers or the general public.

“Motor Vehicles and Marine Sales Premises” means any land or buildings used for the display and sale of new or second-hand motorcycles, cars, trucks, caravans and boats or any one or more of them and may include the servicing of motor vehicles sold from the site.

“Motor Vehicle Repair” means any land or buildings used for the mechanical repair and overhaul of motor vehicles, including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

“Multiple Dwelling” means a dwelling as defined in the Scheme in a group of more than one where any part of a dwelling is vertically above part of any other.

“Natural Ground Level” means the levels on a site which precede the proposed development, excluding any site works unless approved by Council or established as part of subdivision of the land preceding development.”

“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.

“Offensive or Hazardous Industry” means an industry which, by reason of the processes involved or the method of manufacture or the nature of the materials used or produced, requires isolation from other buildings.

“Office” means any land or buildings used for the administration of clerical, technical, professional, financial or other like business activities, but does not include administration facilities which are required in association with a separate predominant use on the site.

“Owner”, when used in relation to any land means and includes the Crown and every person who, jointly and severally, whether at law or in equity—

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

“Place” in Part 8 (Heritage Protection) has the same meaning as it has in the *Heritage of Western Australia Act 1990*.

“Place of Assembly” means a public hall, theatre, cinema, music hall, concert hall, dance hall, open-air theatre, drive-in theatre, music bowl or any other building of a like character used as such and whether used for the purposes of gain or not, but does not include a place of public worship or an educational establishment.

“Place of Public Worship” means any land or buildings used primarily for religious activities but does not include an institution for primary, secondary, or higher education, or a residential training institution.

“Plant Nursery” means any land or buildings used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor.

“Poultry Farm” means any land or buildings used for hatching, rearing or keeping of poultry for either egg or meat production on an intensive basis and which does not constitute an offensive trade within the meaning of the *Health Act 1911*.

“Prime Agricultural Land” means land that is identified as being within Class I or II for the purposes of market gardening, orchards or viticulture within the “Busselton/Margaret River, Augusta Land Capability Study” prepared by the Department of Agriculture and Food. Land identified as being within Class I for the purposes of grazing may also be deemed to be Prime Agricultural Land (and subject to the restrictions applying thereto) following specific site assessment and by decision of Council. Land containing remnant vegetation or subject to other environmental or biological influences that render its use for agriculture undesirable is deemed not to be Prime Agricultural Land.

“Private Recreation” means the use of land for parks, gardens, playgrounds, sports arenas or for recreation which are not normally open to the public without charge.

“Professional Consulting Rooms” means a room or a number of rooms forming either the whole of, or part of, attached to or within the curtilage of a dwelling house and used by not more than three legally-qualified medical practitioners or by not more than three dentists, or by not more than three health care professionals, who practise therein the profession of medicine, dentistry or health care respectively and, if more than one, practise in partnership and who employ not more than three employees in connection with that practice.

“Public Utility” means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, communications or other similar services.

“Reception Centre” means any land or buildings used by parties for functions on formal or ceremonial occasions, but not for unhosted use for general entertainment purposes.

“Recreation Agriculture” means the cultivation of land already cleared of the original native vegetation within a specified area of a property for crops and flowers, and other horticultural practices and the keeping of animals and birds for consumption and enjoyment of the occupants of the subject allotment only. The activity is not undertaken on a commercial basis.

“Recreation Area” means—

- (a) a children’s playground;
- (b) an area used for sporting activities or sporting facilities; or

(c) an area used to provide facilities for recreational activities which promote the physical, cultural or intellectual welfare of persons within the community, being facilities provided by—

(i) the Council; or

(ii) a body of persons associated for the purposes of the physical, cultural or intellectual welfare of persons within the community;

but does not include a racecourse or a showground.

“Recreation Establishment” means health farms, religious retreat houses, rest homes, youth camps and the like, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used or intended for use for a purpose elsewhere specifically defined in this Schedule.

“Recreation Facility” means a building or place used for indoor recreation, a billiard saloon, table tennis centre, squash court, swimming pool, gymnasium, health studio, bowling alley, fun parlour or any other building of a like character used for recreation and whether used for the purpose of gain or not, but does not include a place of assembly.

“Research and Development Facility” means a building or buildings predominantly used for tertiary industrial activity involved in the research and development of goods and services, and may include small scale manufacturing that is directly associated with, and ancillary to, the predominant use.

“Research Establishment” means a laboratory or other place where scientific or technological development or research is carried out.

“Residential Building” means a building or portion of a building, together with rooms or outbuildings separate from such building being used or intended, adapted or designed to be used for the purpose of human habitation—

(a) temporarily by two or more persons;

(b) permanently by seven or more persons;

who do not comprise a single family; but does not include a hospital or sanatorium, a prison or hotel, a motel or a residential school.

“Residential Enterprise” means a business or activity carried out that—

(a) is conducted at the normal residence of the person under whose name the activity or business is registered;

(b) does not employ more than one person on a part-time, full-time or casual basis. For the purposes of this clause, the person under whose name the activity or business is registered shall not be deemed to be an employee nor shall any other person whose duties are normally conducted away from the residence;

(c) does not involve the sale or display of goods at the residence except where those goods are manufactured or produced at the residence. For the purposes of this clause, the packaging or repackaging of goods or any process that does not involve a substantial material alteration to the primary article shall not be deemed to be a manufacturing or production process;

(d) does not involve visits to the residence by clients other than by appointment only;

(e) does not require the provision of any service main of a greater capacity than normally required for the zone in which the residence is located;

(f) does not cause injury to, or prejudicially affect, the amenity of the neighbourhood, including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of light, vibration, smell, fumes, smoke, soot, dust, grit or waste products; and

(g) does not result in the emission of any noise or any intermittent noise which, by virtue of its volume or pitch, is likely, in the opinion of the Council, to cause a nuisance to surrounding residents.

“Restaurant” means a building wherein food is prepared for sale and consumption on the premises and the expression shall include a licensed restaurant.

“Restricted Premises” means any premises, part or parts thereof, used or designed to be used primarily 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 publications pursuant to the *Classification (Publications, Films and Computer Games) Enforcement Act 1996*; or

(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;

(c) but shall not include the sale of condoms from any premises or, in the case of a supermarket or pharmacy, the sale of any product which is usually sold from such an outlet.

“Retirement Village” means any land or buildings used to accommodate retirees, together with ancillary facilities, but does not include a “Park Home Park”.

“Roadside Stall” means a place or temporary structure used for selling by retail agricultural produce produced on the allotment of land on which it is situated.

“Rural Enterprise” means the use of rural land and buildings for business activities, the operations of which are related to or are dependent on rural and agricultural activity in the locality in which they are situated.

“Rural Holiday Resort” is any form of Rural Tourist Accommodation, except Caravan Parks & Camping Grounds, comprising more than 10 accommodation units, whether they be rooms, suites or chalets.

“Rural Industry” means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality and includes dairy milking sheds.

“Rural Tourist Accommodation” is defined as comprising Bed & Breakfast Establishments, Caravan Parks & Camping Grounds, Guesthouses and Chalet Development.

“Rural Worker’s Dwelling” means a dwelling which is on land upon which there is already erected a dwelling and which is occupied by persons engaged in rural occupation on that land.

“Salvage Yard” means any land or buildings used for the storage and sale of materials salvaged from the erection, demolition, dismantling or renovating of, or fire or flood damage to structures, including (but without limiting the generality of the foregoing) buildings, machinery, vehicles and boats.

“Sawmill” means any land or buildings where logs or large pieces of timber are sawn but does not include a joinery works.

“Service Industry” means an activity 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, and may include;

- (a) a premises having an ancillary office or retail shop front and used predominantly for receiving and servicing goods; or
- (b) a premises which has an ancillary office or retail shop front and from which goods manufactured on the premises may be sold or serviced .

“Service Station” means any land or buildings used for the retail sale of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs, minor mechanical repairs to motor vehicles but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.

“Shop” means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.

“Showroom” means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or bulky goods but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.

“Single House” means a dwelling standing wholly on its own green title or survey strata lot.

“Stabilised Canal Edge” means a structural or other measure which separates a canal from dry land, excluding a separately constructed jetty but which may include a retaining wall, whether vertical or sloping; beaches; reinforced reeded slopes; or other structure indicated on Council approved engineering or landscape drawings and specifications.

“Stabilised Surface Level of a Lot” means originally constructed surface established over the entire lot, in accordance with the drawings and specifications approved by Council at the time of subdivision.

“Stock & Sale Yard” means any land, building or other structure used for holding and/or sale of animal stock.

“Supermarket” means premises used to sell a range of food and household convenience goods by retail but does not include a discount department store, showroom or takeaway food outlet.

“Takeaway Food Outlet” means any land or buildings 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.

“Tavern” means any land or buildings the subject of a Tavern Licence granted under the provisions of the *Liquor Control Act 1988*.

“Timber Yard” means a building or place for the purpose of handling, cutting and dressing timber and timber products in association with their sale by retail.

“Tourist Accommodation” means a building or group of buildings substantially used for the temporary accommodation of tourists, visitors and travellers which may have facilities for the convenience of patrons such as restaurants, convention areas and the like but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used for a purpose elsewhere specifically defined in this Schedule.

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

“Vegetation” means any tree, shrub or plant regardless of condition or age.

“Veterinary Hospital” means a building or place used for diagnosing or surgically or medically treating animals, whether or not the veterinary surgeon resides on the premises but does not include an animal establishment.

“Warehouse” means a building or place used for the storage of goods, merchandise or materials pending their sale and distribution to persons engaged in the retail trade.

“Waterway Frontage” shall have the same meaning as Stabilised Canal Edge.

“Winery” means the use of land or buildings for the production of viticultural produce, and may include sale of the produce.

SCHEDULE 2—Additional Uses

[cl 4.7]

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
A1	Lot 9 of Lot 7 of Sussex Location 2, Bunyip Road	<p>The only Land Uses permitted shall be—</p> <ul style="list-style-type: none"> A. Arts & Crafts studio and sales outlet with associated tearoom wherein the maximum floor area of the building to accommodate these activities shall be 260m² B. Passive recreation activities C. Wildlife and farm displays D. Caretaker’s residence E. Rural pursuits and associated farm buildings 	Development of the land shall be generally in accordance with the Development Plan endorsed by the Chief Executive Officer.
A2	Lot 11 Corner of Commonage and Genoli Roads, Quindalup	<p>Land Use</p> <ol style="list-style-type: none"> 1. The only Land Uses permitted shall be— <ul style="list-style-type: none"> A. Kiosk, souvenir shop, information centre and associated tearooms wherein the maximum floor area of the building to accommodate these activities shall be 160m² B. Passive recreation activities C. Rural pursuits and associated farm buildings D. Caretaker’s residence and 2. The development of an Arts, Craft and local product showroom and sales use may be permitted subject to Council Approval. 	
A3	Portion of Sussex Location 1403 on Diagram 4226, Certificate of Title Vol. 1422 and Folio 611 Rendezvous Road, Vasse	<ul style="list-style-type: none"> A. 5 chalets B. Rural pursuits and associated farm buildings C. One dwelling house 	<ol style="list-style-type: none"> 1. No person shall occupy the chalets for more than 3 months in any one 12 month period. 2. Development of the land shall be generally in accordance with the Development Plan endorsed by the Chief Executive Officer. 3. Buildings shall be designed and constructed of materials which allow them to blend into the landscape of the lot.

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
			<p>4. No tree or substantial vegetation shall be felled or removed from the lot except where—</p> <ol style="list-style-type: none"> i. required for approved development works ii. required for fire prevention purposes by regulation or by laws; or iii. trees are diseased, dead or dangerous. <p>5. Effluent disposal systems are to be located a minimum of 100m from the high watermark of the drainage channel.</p> <p>6. A minimum depth of 2m is to be maintained between the base of each leach drain and groundwater or bedrock.</p> <p>7. A minimum of 30m clearance is to be maintained between the effluent disposal systems and any bore or well which is intended or available for animal or human consumption.</p>
A4	Lot 1, Sussex Location 4526 Hayes Road, Quindalup	<ol style="list-style-type: none"> 1. Pottery Workshop & Sales 2. Arts & Crafts Workshop/Gallery & Sales Tea Room 3. Wine Tasting & Wine Sales 	
A5	Lot 1 Gunyulgup Valley Drive/Koorabin Drive, Yallingup	<p>Tourist Development The Additional Uses permitted on the specified land are—</p> <ol style="list-style-type: none"> 1. Chalets & Holiday Cabins 2. Guesthouse 3. Restaurant 4. Public Amusement 5. Private Recreation 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club 	The additional uses specified shall be deemed to be “D” uses for the purpose of Part 4 of the Scheme.
A6	Portion of Lot 1002 Butterly Road, Yallingup, being proposed Lot 9 as shown on the endorsed Development Guide Plan (Tourism Development Lot.)	<p>The Additional Uses permitted on the specified land are—</p> <ol style="list-style-type: none"> 1. Chalets & Holiday Cabins 2. Guesthouse 3. Restaurant 4. Public Amusement 5. Private Recreation 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club 	The additional uses specified shall be deemed to be “D” uses for the purpose of Part 4 of the Scheme.

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
A7	Portion Lot 15 Quedjinup Drive, (being proposed Lots 4, 5, 6 and 7 on DGP 0506.026 Rev 4, dated 1 May 2007), Lots 108, 109, 110 and 111 Bina Place and Lot 66 Buckingham Road, Quedjinup	Tourist Development The Additional Uses permitted on the specified land are— <ol style="list-style-type: none"> 1. Chalet & Holiday Cabins 2. Guesthouse 3. Restaurant 4. Public Amusement 5. Private Recreation 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club 	<ol style="list-style-type: none"> 1. The additional uses specified shall be deemed to be “D” uses for the purpose of Part 4 of the Scheme. 2. Chalet Development within proposed Lot 6 is to be limited to a maximum of 10. 3. Chalet Development within proposed Lots 5 and 7 is limited to a maximum of 4 per lot. 4. Chalet Development within proposed Lot 4 is not permitted. 5. Development, other than a single dwelling and ancillary development, within proposed Lots 4, 5, and 7 is limited to only one of the permitted/ specified landuses. 6. Boutique Brewery and Winery are not permitted on proposed Lots 4, 5, 6 and 7.
A8	Lot 111 Nicholson Road/Marrinup Drive, Yallingup	Tourist Development The Additional Uses permitted on the specified land are— <ol style="list-style-type: none"> 1. Chalets & Holiday Cabins 2. Guesthouse 3. Restaurant 4. Public Amusement 5. Private Recreation 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club 	The additional uses specified shall be deemed to be “D” uses for the purpose of Part 4 of the Scheme.
A9	Lot 21, Sussex Location 1411 Corner of Vasse Yallingup and Marybrook Roads, Marybrook	<ol style="list-style-type: none"> 1. Restaurant 2. Ancillary Tourist Convenience Retail Sales (with a maximum floor area of 50m²) 3. Arts & Crafts Sales 	
A10	Lot 3 of Loc 876, Hemsley Rd, Yallingup	<ol style="list-style-type: none"> 1. 15 chalets for Short Stay Accommodation 2. Private Recreation 3. Manager’s Dwelling 4. Owner’s Dwelling 5. Cottage Industry, except that employment of up to 3 persons is permitted 	
A11	Lot 119 Locke Street, Abbey	Retailing of Fish	<ol style="list-style-type: none"> 1. Limiting of on-site processing to the packaging of ready prepared fish. 2. The Additional Use will only be permitted whilst the subject lot is owned by G G Lear and occupied by G G & R Lear. 3. Should the circumstances specified in Paragraph 2 change, the “Additional Use” zone will be deleted and the rezoning of the subject lot will revert back to “Residential” only and the use immediately cease.

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
A12	Lot 13 of Sussex Location 731 Caves Road, Wilyabrup	<ol style="list-style-type: none"> 1. Restaurant 2. Art Gallery & Sales 3. Ancillary Tourist Convenience Retail Sales (maximum floor area of 100m²) 4. Open Air Theatre 	<ol style="list-style-type: none"> 1. The use of "Open Air Theatre" to be restricted as follows— <ol style="list-style-type: none"> (a) Category 1 Events limited to 300 patrons as, and when desired; and (b) Category 2 Events limited to 301-2,500 patrons with each event subject to Council approval, and to occur on a maximum of two days per 12 month period only.
A13	Lot 4 of Sussex Location 2589 Carter Road, Metricup	<ol style="list-style-type: none"> 1. Restaurant 2. Ancillary Tourist Convenience Retail Sales (maximum floor area of 100m²) associated with the lavender industry 3. Arts & Crafts Sales 	
A14	Lot 10 Chapman Hill Road, Chapman Hill	<p>Tourist Development—</p> <ol style="list-style-type: none"> 1. Botanical Gardens 2. Restaurant 3. Shops—Arts & Crafts Sales limited to locally produced products (maximum floor area of 100m²) 4. Reception Establishment 	
A15	Location 296 Cape Naturaliste Road, Dunsborough	Residential R2.5	<ol style="list-style-type: none"> 1. Subdivision of a range of lot sizes down to an R2.5 standard will be permitted in the central, cleared portion of Loc 296 in accordance with a Development Guide Plan to be adopted by Council and endorsed by the WA Planning Commission.
A16	Lot 11 Forrest Beach Rd, Wonnerup	Restaurant	
A17	Lot 134 Marrinup Drive, Yallingup	Arts and Crafts Studio, Workshop and Sales	<p>Development of the land shall generally be in accordance with a Development Plan endorsed by the Chief Executive Officer which is to ensure that any development does not establish a commercial frontage to Marrinup Drive.</p>
A18	Lot 2, Metricup Road, Metricup	<p>Tourist Development</p> <ol style="list-style-type: none"> 1. Tourist Accommodation 2. Restaurant 3. Conference Centre 4. Residence 5. Ancillary and Incidental Uses 	<ol style="list-style-type: none"> 1. Development to comply with approvals issued by the City of Busselton. 2. Development of the land shall be in accordance with a Development Guide Plan adopted by Council and endorsed by the Western Australian Planning Commission pursuant to Part 7 of the Scheme. 3. The additional uses specified shall be deemed to be "D" uses for the purposes of Part 4 of the Scheme.

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
A19	Lot 73 Redgum Way, Vasse	Transport Depot	<p>1. A maximum of 4 trucking vehicles and associated trailers may be garaged on the site at any one time, all of which must be owned by the Harbeck family.</p> <p>2. Storage on the site is to be restricted to potato crates and fertiliser bins which are owned by Mr & Mrs Harbeck, subject to these items being stored in an area agreed to by Council (only) with that area suitably screened to prevent viewing of the items from surrounding areas.</p> <p>3. No items (other than referred to in (2) above) that are transported by the said vehicles may be brought back to the property for unloading, sorting, distribution, storage or sale.</p> <p>4. The "Additional Use" will only be permitted while the subject lot is owned and occupied by G A & M L Harbeck.</p> <p>5. Should the circumstances specified in paragraph 4 change, the "Additional Use" zone will be deleted, the zoning of subject lot will revert back to "Special Rural" only and the use must immediately cease.</p> <p>6. Condition 5 must be secured, prior to issue of the City's Planning Approval, by placing a caveat on the Certificate of Title, Volume 1616, Folio 906.</p> <p>7. That the subject property is not to be used as base for employment other than members of the Harbeck family.</p>
A20	Lot 4 of Sussex Location 1354, Corner of Canal Rocks & Caves Roads, Yallingup	Restaurant, Caretaker/Staff Accommodation and Guesthouse Accommodation	<p>Development of the land shall be in accordance with a detailed Development Guide Plan approved by Council which addresses the following matters—</p> <ul style="list-style-type: none"> • Vehicle access, parking and servicing; • The siting of buildings and storage areas; and • Provisions for landscaping.
A21	Lot 4 of Sussex Location 550 Kaloorup Road, Vasse	<p>1. Museum, Souvenir Shop and Associated Tearoom wherein the maximum floor area of the building to accommodate these activities shall be 160m²</p> <p>2. Passive Recreation activities</p> <p>3. Rural Pursuits and Associated Farm Buildings</p> <p>4. Caretaker's Residence</p> <p>5. Display of Farm Equipment and Demonstration of Farming Practices</p>	<p>1. Development of the land shall be generally in accordance with the Development Plan endorsed by the Chief Executive Officer.</p> <p>2. The planting and continued maintenance of a multi-row windbreak along the eastern boundary of Lot 4 to the specifications and satisfaction of the Department of Agriculture and Food WA and the Department of Water shall be established on the development of the Tourist Facilities.</p>

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
A22	Lot 89, Corner of Caves & Quindalup Siding Roads, Quindalup	<ol style="list-style-type: none"> 1. Arts & Crafts 2. Studio, Sales Outlet for goods manufactured in the general locality 3. Tearoom not exceeding 100m² floor area 4. Arts & Crafts Workshop 5. Wildlife Display 6. Caretaker's Residence 7. Passive Recreation Activities, including BBQ areas 	Development shall be generally in accordance with a Development Guide Plan approved by Council and endorsed by the Chief Executive Officer.
A23	Lot 1 of Portion Sussex Location 1298, Corner of Gunyulgup Valley Drive & Caves Road, Yallingup	<ol style="list-style-type: none"> 1. Arts & Crafts Studio and Sales Outlet 2. Workshop for the purposes of manufacturing Arts & Crafts only, wherein the floor area of the building to accommodate these activities shall be 140m² 3. Refreshment servery building with associated outdoor seating with a maximum kitchen servery floor area to be no greater than 20 m² in area 	Development of the land shall be generally in accordance with the Development Guide Plan endorsed by Council and the WA Planning Commission.
A24	Lot 10 Harman's Road South, Wilyabrup	<ol style="list-style-type: none"> 1. Restaurant 2. Private Recreation 3. Arts & Crafts Workshop 4. Arts & Crafts Sales Outlet (with a maximum floor area of 100m²) 5. One Manager's Residence 	
A25	Lot 1 Corner of Johnson and Pusey Roads, Wilyabrup	<ol style="list-style-type: none"> 1. Production and Sale of Wine and Beer 2. Arts & Crafts Showroom and Sales; and 3. One Manager's/Caretaker's House 	Development of the site shall be generally in accordance with a Development Guide Plan endorsed by Council and the Western Australian Planning Commission.
A26	Lot 21 Caves Road, Naturaliste	Restaurant	
A27	<i>Deleted via Amendment No. 54 to DTPS 20 12.4.05</i>		
A28	Lot 15 Caves Road, Wilyabrup	<ol style="list-style-type: none"> 1. Chalets 2. One Manager's House 3. Accommodation for staff working on the property 4. Reception Establishment 	<ol style="list-style-type: none"> 1. Strata titling shall be in accordance with an Approved Plan and no further strata titling will be permitted. 2. Chalets to be used for short stay purposes only. Maximum stay to be 3 months within any 12 month period. 3. Management and maintenance of the short stay chalets to be undertaken by a single manager.
A29	Lot 6 Caves Road, Wilyabrup	<ol style="list-style-type: none"> 1. One Dwelling House 2. One Manager's/Caretaker's House 3. Arts & Crafts Showroom and Sales 4. Reception Establishment 5. Ancillary Recreation Facilities 	
A30	<i>Deleted Via Amendment No. 108 to DTPS 20 3.10.08</i>		

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
A31	Sussex Location 4421 & 4422, North Side of Yallingup Beach Road, Yallingup, only being Caves House and its immediate surrounds as zoned "Special Purpose—Hotel"	Backpackers' Accommodation, Camping & Caravan Park, Club, Convenience Store, Community Centre, Guesthouse, Market, Motel, Hotel, Place of Public Worship, Private Recreation, Reception Establishment, Recreation Area, Recreation Establishment, Recreation Facility, Refreshment Room, Rural Tourist Facility, Service Station, Shop, Tourist Accommodation, Tavern, Utility Installation, Winery, Open Space, Landscape Protection	Any development shall have regard for the heritage, landscape, environmental and cultural value of the location and shall be consistent with the principles of the Conservation Plan (September 1996), subsequent amendments and additions thereto, and shall be in accordance with a Development Guide Plan prepared for the land and endorsed by Council and the Western Australian Planning Commission.
A32	Part Lot 100 Caves Rd, Yallingup	Rural Holiday Resort	<ol style="list-style-type: none"> 1. Development limited to a maximum number of accommodation units equivalent to 22 chalets. 2. Development limited to Strata Lot 1 as shown on plan dated May 1997.
A33	Portion of Lot 701 of Sussex Location 4211 (being proposed Lot 6 on the Development Guide Plan as endorsed by the WAPC on 19/02/2010), corner of Curlew Rise and Lot 100 Wisteria Drive, Quindalup	<ol style="list-style-type: none"> 1. Tourist Accommodation 2. Arts & Crafts Sales 	<ol style="list-style-type: none"> 1. The Additional Use specified shall be deemed to be an "D" use for the purpose of the Scheme. 2. A maximum of 10 chalets shall be permitted as tourist accommodation. 3. A maximum floor area of 55m² shall apply to the Arts & Crafts Sales.
A34	Lots 23 & 24 Bussell Hwy, Busselton	Veterinary Hospital	<ol style="list-style-type: none"> 1. Development shall generally be in accordance with the Development Guide Plan endorsed by the Chief Executive Officer. 2. Overnight accommodation is restricted to animals in emergency situations or those recuperating from surgery or treatment only.
A35	Lot 201 Blum Boulevard, Yalyalup	<ol style="list-style-type: none"> 1. Local Shopping 2. Liquor Store 3. Takeaway Food Outlet 4. Service Station 	Total Nett Leasable Floorspace shall not exceed 200m ² .
A36	Portion of Sussex Location 413 Smiths Beach Road, Yallingup	The only use classes that are permissible are those use classes shown by the symbol "P", "D" or "A" in the 'Residential' (zone) column of Table 1— Zoning Table of the Scheme.	<ol style="list-style-type: none"> 1. For the purposes of Part 4 of the Scheme, the permissibility of each use class is determined by reference to its permissibility in the 'Residential' (zone) column in Table 1—Zoning Table of the Scheme. 2. The maximum residential density code (R-Code) shall be R25 of the Residential Design Codes (State Planning Policy No. 3.1). The applicable development control and minimum site area per dwelling standards for residential lots shall be based on the respective residential density coding as shown on the endorsed Development Guide Plan for Sussex Location 413. The applicable development control standards and minimum lot size criteria for non-residential uses, which are permitted under the

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
			<p>Scheme, shall be in accordance with the standards specified in the endorsed Development Guide Plan.</p> <p>3. In addition to the requirements of Part 7 and Clause 6.4 of the Scheme, the following provisions apply to Sussex Location 413 in preparation of a Development Guide Plan—</p> <ol style="list-style-type: none"> a. Preparation of a detailed Visual Impact Analysis and Management Plan for the site and to be endorsed by Council. b. Development must be in accordance with Design Guidelines to be prepared for the land in recognition of the outcomes of (a) above, its high landscape value and prominent location to be endorsed by Council prior to any development being approved. c. The Development Guide Plan must address the Combined Methodologies for Sussex Location 413 Smiths Beach Road, Yallingup as adopted by the City of Busselton.
A37	Portion Location 4208 Corner of Biddle and McLachlan Roads, Quindalup	<ol style="list-style-type: none"> 1. Guesthouse 2. Private Recreation 3. Arts & Crafts Studio, Workshop & Sales 4. Permaculture Education and Display 5. Bakery 6. Gallery 7. Chalet Development 	<ol style="list-style-type: none"> 1. The Additional Uses specified shall be deemed to be “D” uses for the purpose of the Scheme. 2. Development is restricted to the Additional Use area depicted on the Scheme map. 3. Chalet Development limited to a maximum number of six (6) chalets providing a variety of accommodation options to a maximum combined floor area of 900m² and reflect a rural tourist character.
A38	Portion Location 4107 Corner of Biddle and Commonage Road, Quindalup	Art & Craft Workshop & Sales; Rural Holiday Resort; Private Recreation; Restaurant	The additional uses specified shall be deemed to be “D” uses for the purpose of Part 4 of the Scheme.
A39	Portion Location 4207 McLachlan Road, Yallingup	Community Centre; Child Care Centre; Recreation Facility; Art & Craft Studio & Sales; Rural Holiday Resort; Private Recreation; Licensed Restaurant; Reception Centre; and Shop having a gross leasable area of 150m ²	The additional uses specified shall be deemed to be “D” uses for the purpose of Part 4 of the Scheme.
A40	Lot 42 Country Road, Bovell	<ol style="list-style-type: none"> 1. Licensed Restaurant 2. Ancillary Arts & Crafts Sales 3. Guesthouse 	<ol style="list-style-type: none"> 1. Development shall be in accordance with a Development Guide Plan endorsed by the Chief Executive Officer, which shall take into consideration the following— <ul style="list-style-type: none"> - Retention of stormwater on-site. - Preservation of remnant vegetation. - Buffers to the future bypass. - Development and effluent disposal system setbacks from the Vasse River.

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
			<p>2. Development shall be subject to preparation of a Foreshore Management Plan to the satisfaction of the Chief Executive Officer.</p> <p>3. Access to the site via Farmhouse Court shall be restricted to private and service vehicles. All other commercial traffic is to gain access to the site via the right-of-way on the eastern boundary. A gate at the entrance to Farmhouse Court shall be constructed to achieve this.</p> <p>4. Landscaping and revegetation of the portion of the right-of-way adjoining Lot 102 to the satisfaction of Council.</p>
A41	Portion Lot 340 Vasse Hwy, Yalyalup	Aviation Research; Education & Training including Incidental Accommodation	Development shall be in accordance with the Busselton Airport Business Park Development Guide Plan and the City of Busselton Industrial Development Code.
A42	Lots 397 and 398 Armitage Drive, Geographe	Child Care Centre	
A43	Pt Lot 2/Pt Lot 7 & Lot 4 Bussell Hwy, Gale St, Busselton	Restaurant	
A44	<i>Deleted Via Amendment No. 84 to DTPS 20 10.06.05</i>		
A45	Portion of Sussex Location 422 Bunker Bay Road, Naturaliste	Permanent Residential occupation of up to a maximum of 15% of tourist units developed on the site or 30 units whichever is the least, to be dealt with as "D" uses under the Scheme.	<p>1. Any unit developed on the site or approved by Council for use for permanent residential occupation shall form an integrated component of the overall development in terms of the type, style and character of the building, the landscaping of the building and shall be managed on an integrated basis with the overall resort and located to form part of the resort.</p> <p>2. All development on the site shall ensure the visual integrity of Bunker Bay is retained.</p>
A46	Lot 382 Freycinet Drive, Geographe	Shop, Restaurant	Development shall generally be in accordance with a Development Guide Plan approved by Council and shall comply with the requirements of Council's Residential Development Policy and comprise a maximum of 6 residential/dwelling units.
A47	Portion of Sussex Location 4422 south side of Yallingup Beach Road, Yallingup, only	Chalet Development	<p>1. Chalet development shall comprise a maximum of 10% of development on the site.</p> <p>2. Development shall be in accordance with a Development Guide Plan prepared and adopted pursuant to Part 7 of the Scheme which shall maximise the retention of vegetation and in particular pine trees on the site and shall have regard to the landscape, cultural values and predominant land use of the site for camping and caravan park.</p>
A48	Lot 33 Caves Road, Marybrook	Caravan Park and Camping Grounds	Development shall be in accordance with Council's Rural Tourist Accommodation Policy.
A49	<i>Deleted Via Amendment No. 105 to DTPS 20 15.06.12</i>		

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
A50	Lot 1 Sheoak and Lagoon Drives, Yallingup	<p>a. Extraction/pressing of olive oil; and</p> <p>b. Tasting and sales of olive oil and sale of associated items.</p>	<p>a. Development shall be in accordance with the Development Guide Plan adopted for the land and endorsed by the Chief Executive Officer accordingly.</p> <p>b. The commercial processing and sale of olives not grown on the subject land is prohibited.</p> <p>c. The proposed tasting and sales area (including the arts and crafts component) to be limited to a maximum floor area of 150m².</p> <p>d. The sale of arts and crafts is to be limited to locally produced arts and crafts and is to be an incidental use in relation to the tasting and sales of olive oil/olives.</p> <p>e. The use of the land for tasting and sales of olive oil and associated items and for the sale of arts and crafts shall not commence until a permanent road access to either Biddle Road or Marrinup Drive is constructed and the temporary access via McLachlan Road is discontinued.</p> <p>f. The retention of the maximum extent of native vegetation as possible shall be maintained on the site in accordance with the Scheme.</p> <p>g. The planting of native trees and shrubs along part of Sheoak and Lagoon Drives and adjacent to the dams to protect the stream and assist with visual buffering as indicated on the Development Guide Plan. A landscape Plan is to be submitted with the application for Planning Approval and shall be implemented prior to the uses occurring on the site. The Landscape Plan shall provide for suitable low native vegetation such as sedges, rushes and shrubs in the setback area adjacent to the east of the eastern-most dam in order to maintain the views of adjacent neighbours.</p> <p>h. An Effluent Management Plan is to be submitted with the application for Planning Approval and shall be implemented to the satisfaction of Council.</p>
A51	Lot 111 Millbrook Road, Yallingup	<p>The Additional Use permitted on the specified land is—</p> <p style="text-align: center;">Chalet Development</p>	<p>1. The Additional Use specified shall be deemed to be a “D” use for the purposes of Part 4 of the Scheme.</p> <p>2. The Additional Use, where permitted, shall be developed in accordance with the Development Guide Plan for the land and in a manner that is consistent with the maintenance of the rural and historic character of the locality.</p>

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
A52	Portions Lots 1 and 110, being Lot 9000, Millbrook Road, Yallingup (proposed Lots 30 and 43).	<p>The Additional Uses permitted on the specified land are—</p> <ol style="list-style-type: none"> 1. Chalets & Holiday Cabins 2. Guesthouse 3. Restaurant 4. Public Amusement 5. Private Recreation 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club 12. Rural Holiday Resort 13. Managers Dwelling 	<ol style="list-style-type: none"> 1. The Additional Uses specified shall be deemed to be “D” uses for the purpose of Part 4 of the Scheme. 2. The additional uses, where permitted, shall be developed in a manner that is considered by Council to be consistent with the endorsed DGP and maintenance of the rural and historic amenity of the locality.
A53	Lot 39 of Location 5 Bussell Highway, West Busselton	<p>The Additional Use permitted on the specified land is—</p> <ul style="list-style-type: none"> - Training and Consulting Rooms 	<ol style="list-style-type: none"> 1. The Additional Use specified shall be deemed to be a “D” use for the purpose of Part 4 of the Scheme. 2. A maximum floor area of 170m² shall be permitted. 3. A maximum of 6 staff shall operate from the premises at any one time. 4. Vehicular access shall be gained from Abbey Street exclusively, with no future access to Bussell Highway.
A54	Lot 226 of portion Sussex Location 161 on the corner of Bussell Highway and Broadwater Boulevard.	<p>The only Land Use permitted shall be—</p> <p>Medical Centre</p>	<p>Design of the development to incorporate;</p> <ul style="list-style-type: none"> • A maximum gross floor area of 765m². • A single storey development of a design and nature that is consistent with the residential character of the surrounding area. • Preparation of a Landscaping Plan detailing and showing dense vegetated buffers on all boundaries. • Maximisation of the retention of mature trees on the site by relocating car parking spaces and the building if necessary.
A55	Sussex Location 2530 Bussell Highway, Metricup	<ol style="list-style-type: none"> 1. Gallery (public display of wood furniture / crafts) 2. Workshop (manufacture of wood furniture / crafts) 	<ol style="list-style-type: none"> 1. The additional uses specified shall be deemed to be “D” uses for the purposes of Part 4 of the Scheme. 2. The gallery is to be confined to the ground floor of the existing dwelling and shall not exceed a gross floor area of 80m². 3. The workshop is to be confined to the existing outbuilding and, in any case, shall not exceed a gross floor area of 190m². 4. The only items displayed in the gallery are to be wood furniture / crafts wholly manufactured on the subject land. 5. Access to all development on the subject land is to be provided by a single crossover access point onto Bussell Highway to the satisfaction of Main Roads WA.

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
A56	Portion of Lot 9005 Pickmore Circus, West Busselton	1. Bed and Breakfast or Chalets or Guesthouse 2. Restaurant/Reception Centre 3. Single House 4. Managers/Caretakers Residence	1. The additional uses specified shall be deemed to be "D" uses for the purpose of Part 4 of the Scheme. 2. No development shall occur on the land prior to preparation of a conservation plan that is approved by the Council 3. Development of the land shall generally be in accordance with a conservation plan approved by the Council.
A57	Lot 1 Cape Naturaliste Road, Dunsborough	Residential R2.5	1. Subdivision and development shall be in accordance with a Development Guide Plan adopted by Council and endorsed by the Western Australian Planning Commission for the land. No further subdivision shall be permitted.
A58	<i>Deleted Via Amendment 101 to DTPS 20 30.11.07</i>		
A59	<i>This Additional Use is unallocated</i>		
A60	Lot 342 Cnr Abbeys Farm Road and Brash Road, Yallingup	Tourist Development The Additional Uses that may be considered at Council's discretion are— <ol style="list-style-type: none"> 1. Tourist Accommodation. 2. Restaurant. 3. Shop. 4. Rural Enterprise (i.e. cellar door sales). 5. Reception Centre (convention centre). 6. Recreation Facility (i.e. health centre). 7. Manager's Residence. 8. Caretaker's Residence. 9. Other facilities ancillary to the overall tourist development which may be considered under Clause 4.3.3 of the Scheme. 	1. The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme. 2. Development of the land shall be generally in accordance with the Development Guide Plan adopted by Council and endorsed by the Western Australian Planning Commission. 3. A maximum of 2 dwellings shall be permitted on the land for the exclusive use of the manager and caretaker only. 4. A maximum of 163 tourist accommodation units shall be permitted on the land. 5. The floor area of the shop shall not exceed 150m ² NLA. 6. Cellar door sales shall be limited to wine produced in the South-West region of Western Australia. 7. All development shall be connected to reticulated water and sewerage services. 8. Development of the land shall be in accordance with the Landscape Plan, Drainage Management Plan and Fire Management Plan adopted by Council. 9. Remnant vegetation shall not be removed except in accordance with approved development plans or Fire Management Plans.
A61	<i>This Additional Use is unallocated</i>		
A62	Lot 40 Caudalie Way, Quindalup	Chalet Development	1. The additional use specified shall be deemed to be a "D" use for the purpose of Part 4 of the Scheme. 2. Subdivision and development of the land shall be in accordance with a Development Guide Plan adopted by Council and endorsed by the Western Australian Planning Commission pursuant to Part 7 of the Scheme. 3. Not more than seven (7) 'single keyed' two bedroom chalets, three (3) guest rooms and one (1) manager's residence comprising a maximum of two bedrooms shall be permitted on the land.

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
A63	Lot 60 of Location 5 Naturaliste Terrace, Dunsborough	Office	<ol style="list-style-type: none"> 1. The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme. 2. A maximum of 6 Staff shall operate from the premises at any one time. 3. An adequate number of car parking bays being provided to accommodate the needs of staff and clientele (established in accordance with Council's Car Parking Policy). 4. No vehicle access shall be provided to Naturaliste Terrace. 5. A landscape plan to be provided to the City's satisfaction.
A64	Pt Lot 17 West Street, West Busselton	Discount Department Store	<ol style="list-style-type: none"> 1. The additional use specified shall be deemed to be a "D" use for the purpose of Part 4 of the Scheme. 2. Development shall be in accordance with a Land Use Concept Plan adopted by Council. <p>The additional use specified shall comprise a single discount department store with a gross leasable floor area of not less than 5,000m² and not more than 8,000m².</p>
A65	<i>This Additional Use is unallocated</i>		
A66	Lot 61 Sussex Location 1049 Vidler Road, Naturaliste	Rural Holiday Resort (maximum of 16 accommodation units), Arts and Craft Gallery and a Restaurant.	<ol style="list-style-type: none"> 1. Additional uses specified shall be deemed a "D" use for the purpose of Part 4 of the Scheme. 2. Development of the Additional Uses specified shall be undertaken consistent with a Development Guide Plan prepared and adopted pursuant to Part 7 of the Scheme, which shall have regard to the landscape values of the site, the Leeuwin Naturaliste Ridge State Planning Policy, the provisions of the City's Rural Tourist Accommodation Policy and any applicable State Tourist Accommodation Policy. 3. Further subdivision of the land will be limited to strata subdivision of the tourist development. 4. For the purpose of assessing any application for planning approval for tourist accommodation, 'Rural Holiday Resort' shall be defined as any form of Rural Tourist Accommodation, except Caravan Parks and Camping Grounds, comprising more than 10 accommodation units, whether they be rooms, suites or chalets but in any event the form of the accommodation shall be single storey and of a rural tourist accommodation character and scale. Guesthouse suites will be self-contained and the occupation of any unit would generally be reliant on centralised services provided by management. 5. All access to the lot is to be taken from Vidler Road and the existing crossover to Caves Road is to be closed to the satisfaction and specification of MRWA at the proponent's cost.

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
			6. For the purposes of assessing any application for planning approval for a restaurant, the proposal shall be required to satisfy the objectives of the Agriculture zone namely objectives (d) and (h) in addition to all other applicable Scheme requirements.
A67	Location 3976 Caves Road, Quindalup	Restaurant	The Additional Use specified shall be deemed to be a "D" use for the purpose of Part 4 of the Scheme.
A68	Lot 3 (House 6) Peel Terrace, Busselton	1. Residential Enterprise 2. Office	The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme.
A69	<i>Deleted via Amendment 88 to DTPS No. 20 04.09.12</i>		
A70	Lot 143 Eagle Bay Road, Eagle Bay	Restaurant	<p>The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme.</p> <ol style="list-style-type: none"> 1. The restaurant shall be developed as, and remain physically and functionally, an integrated component of the Winery Rural Enterprise (Sale of beer) and Boutique Brewery facility with shared access. 2. That for the avoidance of doubt, any subdivision of the restaurant component would be considered to be in conflict with the requirement for the development to be functionally integrated.
A71	Lot 7 Bussell Highway, Busselton	Medical Centre	The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme.
A72	Lot 772 Coley Road, Yallingup	Restaurant	<ol style="list-style-type: none"> 1. The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme. 2. The restaurant shall be developed as, and remain physically and functionally, an integrated component of the cellar door facility with shared access. 3. For avoidance of doubt in respect to 2 above, any subdivision of the restaurant would be considered to be in conflict with the requirement for the development to be functionally integrated. 4. Any development of the additional use will be subject of visual impact assessment consistent with the requirements of the scheme and any adopted local planning policy in place at the time application for planning approval is determined.
A73	Lot 8 (House 226) Naturaliste Terrace, Dunsborough	Shop and Office	
A74	<i>This Additional Use is unallocated</i>		

No.	Particulars Of Land	Land Use Permitted/Specified	Conditions
A75	Pt Lot 4208 Biddle Road, Quindalup	Chalet Development	<p>1. The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme.</p> <p>2. Development is restricted to the Additional Use area depicted on the Scheme map.</p> <p>3. Chalet Development limited to a maximum number of six (6) chalets providing a variety of accommodation options to a maximum combined floor area of 900m² and reflect a rural tourist character.</p>
A76	Pt Lot 4208 Biddle Road, Quindalup	Chalet Development	<p>1. The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme.</p> <p>2. Development is restricted to the Additional Use area depicted on the Scheme map.</p> <p>3. Chalet Development limited to a maximum number of nine (9) chalets providing a variety of accommodation options to a maximum combined floor area of 1350m² and reflect a rural tourist character.</p>
A77	Portion Lot 937 Abbey Farm Road, Yallingup	All uses consistent with the 'Viticulture and Tourism' zone.	The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme.
A78	Lots 64 (Vol & Folio 2192 856), 63 (Vol & Folio 2192 855) and 86 (Vol & Folio 1670 402) Bussell Highway; and Lot 87 (Vol & Folio 1421 302) High Street	Convenience Store Educational Establishment Medical Centre Office Private Recreation Reception Centre Research Establishment Restaurant	1. The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme.
A79	Lot 4 Hemsley Road, Yallingup	Restaurant Tavern	<p>The Restaurant Use specified shall be deemed to be a "D" use for the purpose of the Scheme.</p> <p>i. That for the avoidance of doubt, any subdivision of the restaurant and/or tavern development would be considered to be in conflict with the requirement for the development to be functionally integrated.</p> <p>ii. The tavern use shall be deemed to be an "A" use for the purposes of the Scheme. A tavern may only be developed where it is complementary to a functioning brewery on the site. A standalone tavern may not be developed on the site;</p> <p>iii. A transport impact assessment is to be submitted with any applications for planning approval for a restaurant and/or tavern.</p>

SCHEDULE 3—Special provision areas

[cl 6.3.1]

No.	Particulars of Land	Zone	Special Provisions
SP1	Part of Sussex Locs Pt 70, 660, 829, 1045 & 1046 Naturaliste	Rural Residential	<p>1. Subdivision shall be generally in accordance with the Ridgeland Precinct Concept Subdivision Guide Plan endorsed by Council and approved by the WA Planning Commission. Prior to subdivision of any land within the Specified Area, a Subdivision Guide Plan(s) shall be prepared and thereafter subdivision shall be generally in accordance with the Subdivision Guide Plan(s) endorsed by Council and approved by the WA Planning Commission.</p> <p>2. Houses and associated buildings shall be contained within a 50 metre x 50 metre cleared and fuel-reduced building envelope on each lot.</p> <p>3. No part of a building (except a chimney) shall be higher than the maximum building height. The maximum building height is a plane parallel to the natural grade of a site at a specified distance measured vertically from the natural ground level prior to earthworks. Maximum building heights shall be those indicated on the Subdivision Guide Plan and shall not exceed 7.5 metres except for Lots 2, 3, 10, 13, 14, 15, 16, 19, 20, 21, 22, 23, 25 & 26 of Sussex Loc Pt 829 which shall have a maximum building height of 5.0 metres.</p> <p>4. Building materials and colours must be as approved by Council, in accordance with the following guidelines— Roofs—Non-reflective materials only Colours—No primary colours. Range of dark to medium tones of brown/green/olive, deep red/brown, ochre/brown</p> <p>5. All ancillary buildings and outbuildings shall be located within 30 metres of the residence.</p> <p>6. Council may require, as a condition of subdivision, additional planting and maintenance of indigenous trees and shrubs capable of growing to a height of not less than 2 metres. Additional planting will be required in areas of revegetation shown on the Subdivision Guide Plan.</p> <p>7. On land within the fire control buffer shown on Subdivision Guide Plan(s), fuel reduction measures shall be implemented and maintained where required, strategic firebreaks shall be constructed in accordance with a Fire Management Plan proposed by the subdivider in consultation with the Department of Parks and Wildlife, Department of Fire and Emergency Services and Council.</p> <p>8. On cleared land, the approval of Council will be required for fencing to allow limited grazing for the purpose of minimising fire risk through fuel reduction measures. All fencing to be of farm standard post and wire construction.</p> <p>9. The Subdivision Guide Plan(s) required to be prepared for the land shall address visual impacts resulting from required firebreaks and take into consideration the landscape impacts of any development, especially from the proposed tourist road.</p>
SP2	Part of Sussex Locs Pt 70, 660, 1045 & 1046, Naturaliste	Conservation	<p>1. Subdivision shall be generally in accordance with the Ridgeland Precinct Concept Subdivision Guide Plan endorsed by Council and approved by the WA Planning Commission. Prior to subdivision of any land within the Specified Area, a Subdivision Guide Plan(s) shall be prepared and thereafter subdivision shall be generally in accordance with the Subdivision Guide Plan(s) endorsed by Council and approved by the WA Planning Commission.</p> <p>2. Further subdivision of lots will not be permitted. The Subdivision Guide Plan shall provide allotments</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>consistent with remnant vegetation and landscape protection. A variety of lot sizes are encouraged, but no lot shall be less than 10 hectares.</p> <p>3. Council will request the nomination of building envelopes on the Subdivision Guide Plan(s) to be finalised as a condition of subdivision approval.</p> <p>4. Houses and associated buildings shall be contained within a 50 metre x 50 metre fuel-reduced building envelope on each lot.</p> <p>5. No part of a building (except a chimney) shall be higher than the maximum building height. The maximum building height is a plane parallel to the natural grade of a site at a specified distance measured vertically from the natural ground level prior to earthworks. Maximum building heights shall be those indicated on the Subdivision Guide Plan and shall not exceed 5.0 metres.</p> <p>6. Building materials and colours must be as approved by Council, in accordance with the following guidelines— Roofs—Non-reflective materials only Colours—No primary colours. Range of dark to medium tones of brown/green/olive, deep red/brown, ochre/brown.</p> <p>7. Council may require, as a condition of subdivision, additional planting and maintenance of indigenous trees and shrubs capable of growing to a height of not less than 2 metres. Additional planting will be required in areas of revegetation shown on the Subdivision Guide Plan.</p> <p>8. Keeping of stock on any lot in the zone must be approved by Council and, where stock is permitted, adequate measures will be required to prevent incursion into, and damage to, areas of remnant vegetation or replanted areas.</p> <p>9. The Subdivision Guide Plan(s) required to be prepared for the land shall address visual impacts resulting from required firebreaks and take into consideration the landscape impacts of any development, especially from the proposed tourist road.</p>
SP3	Portion of Lot 340 Vasse Hwy, Yalyalup	Industry	<p>1. Subdivision and development shall generally be in accordance with the Busselton Airport Business Park Development Guide Plan and the City of Busselton Industrial Development Code.</p> <p>2. The following uses shall not be permitted—</p> <ul style="list-style-type: none"> - Abattoir - Amusement Parlour - Auctioneer's Premises - Builder's Yard - Chandlery - Depots for the Sale and Distribution of Coal, Coke and Cut Firewood - Extractive Industry - Fish Processing and Storage - Hardware Store - Laundromat - Marine Collectors Yard - Marine Facilities - Marine Filling Station - Motor Vehicle and Marine Sales - Motor Vehicle Repair - Other Offensive Trade - Place of Assembly - Prescribed Premises

No.	Particulars of Land	Zone	Special Provisions
SP4	Land bounded by the Busselton Bypass Reserve to the north, the eastern boundaries of Lots 183 & 12 to the east, Rendezvous Rd to the south and the western boundary of Lots 176 & 37 and including that portion of Lot 0 within the "Rural Residential" Zone to the west	Rural Residential	<p>At the time of subdivision, Council will recommend to the Western Australian Planning Commission that the subdivider be required to submit, to the satisfaction of the Department of Parks and Wildlife, Department of Water and the Department of Health Western Australia, a drainage and effluent disposal management plan indicating—</p> <ol style="list-style-type: none"> 1. That all lots can achieve a minimum 500mm vertical separation between the winter water table and aerobic treatment unit irrigation areas; 2. That the aerobic treatment units will not adversely impact on surface water quality; and 3. Site works required to achieve 1 and 2 above. <p>Where individual lots cannot meet the requirements of 1 and 2 above, a minimum lot size of 4000 square metres shall apply.</p>
SP5	Lots 1 & 2 Tuart Drive, Wonnerup	Rural Residential Conservation	<ol style="list-style-type: none"> 1. Subdivision and development shall not occur prior to approval and adoption of a Subdivision & Development Guide Plan by Council and the WA Planning Commission. 2. Council will request, as a condition of subdivision, the preparation of a building envelope plan to the satisfaction of the Department of Parks and Wildlife and the City of Busselton to ensure no removal of Tuart trees and to minimise visual impacts of development from Tuart Drive. 3. At the time of making application for subdivision, the subdivider shall be required to submit an Effluent Disposal Management Plan to the satisfaction of the local government and the Department of Health WA.
SP6	Lot 5 & Portion of Lot 50 Eagle Bay Rd, Eagle Bay	Residential (R2 and R2.5)	<ol style="list-style-type: none"> 1. Subdivision and development of the lots shall generally be in accordance with the Subdivision & Development Guide Plans adopted by Council and approved by the WA Planning Commission. 2. No further subdivision of lots will be supported by the local government. 3. The standard minimum building setbacks shall be 15 metres from the front boundary and 10 metres from all other boundaries where setbacks are not specified on the Subdivision & Development Guide Plan. 4. No building shall be constructed closer to Eagle Bay Road than the setback line shown on the Subdivision & Development Guide Plan, with the exception of Lots 12, 13 and 14 which shall have a minimum setback of 30 metres from Eagle Bay Road. 5. No effluent disposal area or buildings on lots abutting Meelup Reserve shall be set back less than 40 metres from the common boundary within Meelup Reserve. 6. All outbuildings are to be contiguous with the main dwelling in terms of building materials, colour and form and shall be located within the building envelope indicated for each lot on the Subdivision Guide Plan and shall be limited to single storey development. 7. Unless otherwise approved by Council, each dwelling shall be connected to a water storage tank of not less than 135,000 litre capacity. The total catchment for the tank shall be not less than 150m². Water tanks shall be fitted with couplings compatible with Department of Fire and Emergency Services requirements so that the total tank capacity is available for fire fighting purposes at any given time.

No.	Particulars of Land	Zone	Special Provisions
			<p>8. Rain water storage tanks are to be sited within the building envelope and form part of the dwelling and outbuilding group. Such tanks shall be painted mist green or similar and screened with vegetation to the satisfaction of Council.</p> <p>9. Council shall require each application for a building licence to be accompanied by a landscaping plan for the lot unless such lot is substantially vegetated, indicating the areas to be subject to tree planting and revegetation in accordance with the Subdivision Development Guide Plan.</p> <p>10. Pre-fabricated kit homes, relocated and transportable dwellings are not permitted.</p> <p>11. Dwelling houses must be limited to a maximum height of 7.5m above the natural ground level at any point, with any second storey (first floor) to comprise a gross floor area of not more than 50% of the gross ground floor area. On Lots 12, 13 and 14 the maximum dwelling height shall be limited to the general tree canopy height on the lot and in any event must not exceed 7.5 m.</p>
SP7	Lots Pt 2, Pt 10, 19 & 20 Vasse Hwy, Yalyalup	Residential (R2 & R5)	<p>1. Duplexes shall not be permitted on any allotment.</p> <p>2. Council may require, as a condition of building approval, the planting and maintenance of 20 native trees and/or shrubs per allotment.</p> <p>3. No building shall be constructed less than 60 metres from Bussell Hwy or 40 metres from Vasse Hwy, provided that the 60 metre setback from Bussell Hwy may be reduced to 50 metres at the discretion of Council where site conditions are appropriate.</p> <p>4. Development of lots adjacent to the saleyards on Pt Lot 2 shall be subject to the closure or relocation of the saleyards or establishment of an appropriate buffer if necessary.</p>
SP8	Lots 541, 542, 543, 544 and 545 Keel Retreat, Geographe	Residential (R15)	Triplex development of those lots may be permitted subject to compliance with Council's Residential Development Policy.
SP9	Lots 529 and 530 William Drive, Broadwater	Special Purpose—Aged Persons Housing	Development of the land shall be in accordance with a Development Guide Plan prepared and adopted pursuant to Part 7 of the Scheme with such to specifically address coastal management, habitat protection, landscape issues, provision of adequate foreshore reserves and public access.
SP10	Portion Lots 2 and 5 Bussell Highway, Yalyalup	Tourist	<p>1. Development of the site shall only take place after the preparation and endorsement by Council of a Development Guide Plan pursuant to Part 7 of the Scheme. Such a Plan shall address the following issues—</p> <ul style="list-style-type: none"> (a) Interrelationship of the various land uses; (b) Access to Bussell Highway, the Ludlow deviation and the Busselton Outer Bypass in consultation with Main Roads WA and Western Australian Planning Commission. (c) Landscaping and buffering to Bussell Highway; <p>2. Development shall be connected to reticulated sewer.</p> <p>3. Prior to subdivision or development of the land the developer shall provide suitable evidence that the proposal will not constrain existing or future mining of this site, or adjoining land to the east, to the satisfaction of the Western Australian Planning Commission, Department of Mines and Petroleum, Department of Environment Regulation and the local government.</p> <p>4. At time of the subdivision/development, if prior to mining of adjoining land, a memorial shall be placed</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>on all created titles within 500m of the southern/eastern boundary of the site advising that mining on the adjoining land (being Location 3819) subject to obtaining the necessary approvals.</p> <p>5. At the time of subdivision, a memorial shall be placed on all created titles within the boundary of the Controlled Airspace associated with the Busselton Regional Airport identifying that the lot is within that boundary.</p> <p>6. The only uses permitted on the site are—</p> <ul style="list-style-type: none"> • Recreation Area, Recreation Establishment, Recreation Facility and Private Recreation • Tourist Accommodation comprising Caravan Park and Camping Grounds and Chalet Development <p>7. The following uses are permitted and shall be restricted to a combined maximum floorspace of 200m² GLA—</p> <ul style="list-style-type: none"> • Market • Tourist Accommodation comprising Caravan Park and Camping Grounds and Chalet Development • Arts and Craft Studio, Workshop and Sales, and Cottage Industry • Wine Tasting and Sales • Tourist Information Centre
SP11	<i>Deleted via Amendment No. 125 to DTPS 20 20.08.13</i>		
SP12	<i>Deleted via Amendment No. 105 to DTPS 20 10.06.12</i>		
SP13	<i>Deleted via Amendment No. 105 to DTPS 20 15.06.12</i>		
SP14	Lot 2 Canal Rocks Road, Yallingup	Conservation	<p>1. At the time of subdivision Council will recommend to the Western Australian Planning Commission that the subdivider prepare and implement a remnant vegetation and rehabilitation plan to the satisfaction of Council and the Department of Parks and Wildlife.</p> <p>2. Development is restricted to—</p> <ol style="list-style-type: none"> (a) one dwelling and associated outbuildings per lot; (b) a proposed 'Bed and Breakfast' as defined under Schedule 1 of the Scheme, with this use being restricted to within the permitted single dwelling to be located on proposed Lot 2; and (c) a maximum height of 7.5 metres.
SP15	Part Lot 1 Causeway Road, Busselton	Special Purpose—Service Station & Plant Nursery	<p>1. Development of the land shall generally be in accordance with a Development Guide Plan adopted by the local government and endorsed by the Western Australian Planning Commission.</p> <p>2. Access along Causeway Road is restricted to "left out" only.</p> <p>3. Road widening of Causeway Road will be provided at the subdivision stage to the satisfaction of Main Roads WA.</p> <p>4. Proposed landscaping areas shown on the Development Guide Plan will be subject to detailed design and approval by Main Roads WA and Council prior to implementation at the subdivision and development stage and shall address the following to Council's satisfaction—</p> <ol style="list-style-type: none"> (a) effective screening of buildings and fences; (b) planting density and height; (c) the function of Causeway Road as an entry corridor to Busselton; and (d) sight distances. <p>5. The architectural design and proposed colour schemes associated with any development on the land will be subject to approval by Council and will</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>need to address the following matters to Council's satisfaction—</p> <ul style="list-style-type: none"> (a) The function of Causeway Road as an entry corridor to Busselton; (b) Landscape and streetscape impacts; (c) Setbacks to road frontages; and (d) Building height.
SP16	Lot 20 being portion Sussex Locations 2316 and 2317; Sussex Location 1611; and, Portion Sussex Location 2318, Ambergate.	Rural Residential Agriculture	<ol style="list-style-type: none"> 1. Subdivision and development of the lots shall generally be in accordance with the Development Guide Plan dated 12 February, 2003, adopted by Council and endorsed by the Western Australian Planning Commission, that formed part of Scheme Amendment No. 4 to District Town Planning Scheme 20. 2. The Council will recommend to the Western Australian Planning Commission that no further subdivision of any lots on the Development Guide Plan be permitted, including those zoned Agriculture. 3. The Subdivider shall prepare an Effluent Disposal and Drainage Management Plan prior to subdivision approval to the satisfaction of the respective Authorities and Council. 4. A covenant shall be placed on each lot to require the provision of alternative onsite effluent disposal systems with nutrient stripping capabilities or aerobic treatment units as a mechanism to ensure environmentally acceptable effluent disposal on the land. The specification for the use of these systems will be completed with each stage of subdivision. 5. The Subdivider shall prepare and implement a Revegetation Plan, that shall include areas of strategic revegetation in addition to those areas on the Development Guide Plan, to Council's satisfaction, at the time of subdivision. 6. The Busselton Pistol Club has a current Lease over Reserve 28419 and is operative on this site, which adjoins the subject land. As a consequence of the Pistol Club activities, residential development will be prohibited on the adjoining subject land within the 47dB(a) noise contour associated with the Pistol Club. This prohibition will remain in force until the Club ceases operation on Reserve 28419. The Subdivider is aware that any future amendments of the Environmental Protection (Noise) Regulations 1997 may vary the setback for residential development and Council and the Western Australian Planning Commission will be regulated by the legislation of the day and impose the appropriate conditions on the subdivision approvals. 7. The following Clauses apply to the Rural Residential lots— <ul style="list-style-type: none"> (a) The minimum building setbacks shall be 20 metres from the front and rear boundaries and 10 metres from the side boundaries, with the exception of— <ol style="list-style-type: none"> (i) Chapman Hill Road and Queen Elizabeth Avenue, where the building setback shall be 90 metres; (ii) lots containing "Transition Buffers", where the building setback shall be 35 metres from the boundary adjacent the "Transition Buffer"; and, (iii) lots containing "Revegetation Buffers", where the building setback shall be a minimum of 10 metres from the edge of the "Revegetation Buffer" area.

No.	Particulars of Land	Zone	Special Provisions
			<p>(iv) Lots containing building envelopes, as required under General Developments Requirements provision 5.32. Development on these lots shall be contained within their nominated building envelopes.</p> <p>(b) At the subdivision stage, lots containing remnant vegetation shall have building envelopes located on existing cleared areas or in such a position that limits the removal of remnant vegetation to Council's satisfaction. Onsite inspections may be necessary to identify the most appropriate locations for these building envelopes.</p> <p>(c) No existing remnant vegetation shall be removed on the lots without the approval of Council and such an approval will only be considered to accommodate development within a designated building envelope, for fire management access, or safety purposes.</p> <p>(d) Reticulated water shall be supplied to each lot.</p> <p>8. The Subdivider shall prepare and implement a Fire Management Plan to the satisfaction of Council and the Department of Fire and Emergency Services, prior to subdivision approval.</p> <p>9. A Memorial shall be placed on the Title of the rural residential lots stating that the area may be subjected to chemical spray—drift, noise, dust and odour from the nearby farmland as a result of normal farm practices.</p>
SP17	Lot 1 of Location 1354 Caves Road, Yallingup	Conservation	<p>1. Rehabilitation works shall be undertaken in accordance with the Rehabilitation Plan adopted by Council for the land.</p> <p>2. Subdivision and development shall be in accordance with a Development Guide Plan and a Fire Management Plan adopted by Council for the land.</p>
SP18	<i>Deleted via Amendment No. 170 to DTPS20 28.12.12</i>		
SP19	Portion of Part Lot 11 Hawker Approach, Yalyalup	Residential	<p>1. Single dwellings only permitted on residential lots.</p> <p>2. No building shall be permitted within 6 metres of a Recreation reserve.</p> <p>3. Uniform open fencing shall be erected on the boundary between residential lots and a Recreation reserve.</p> <p>4. WA peppermint trees (<i>Agonis flexuosa</i>) shall not be cleared or otherwise removed without the written consent of Council.</p> <p>5. At the time of subdivision a memorial shall be placed on all lot titles to advise of the proximity of the Busselton Regional Airport and the potential for noise impacts associated with the operation of the Airport.</p> <p>6. The 40m wide public open space area/buffer along the western boundary of the school site and between Hawker Approach and Lot 313 shall be revegetated in consultation with the Department of Parks and Wildlife to the satisfaction of the City, prior to the issue of clearance of subdivision.</p> <p>7. The developer to undertake an eradication plan for arum lilies and noxious weeds to the satisfaction of the local government, prior to the issue of clearance of subdivision.</p>

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SP20	Lot 1 Dunn Bay Road, Dunsborough	Business	<p>1. WA Peppermint (<i>Agonis flexuosa</i>) trees must be retained where possible as part of any development of the land.</p> <p>2. Prior to development commencing, Western Ringtail Possums must be relocated from any trees required to be removed to the satisfaction of the City of Busselton and the Department of Parks and Wildlife.</p>
SP21	Lot 5 of Sussex Location 122 Coley Road, Yallingup	Conservation	<p>1. Subdivision and development shall be generally in accordance with a Development Guide Plan and the Fire Management Plan as adopted by Council, both forming part of Amendment No. 65 to District Town Planning Scheme 20.</p> <p>2. Rehabilitation works shall be undertaken prior to issue of clearances for subdivision in accordance with the Rehabilitation / Revegetation Plan adopted by Council for the land.</p> <p>3. A Weed Management Plan is to be prepared and implemented for the subject land and is to be maintained in perpetuity by the owner and subsequent owners of the property(ies).</p>
SP22	Lot 401 Spindrift Cove, Dunsborough	Residential (R25)	<p>1. Development and subdivision of Lot 401 shall generally be in accordance with the approved DGP as contained within the Amendment documents (Amendment No. 78 to the Shire of Busselton District Town Planning Scheme No. 20).</p> <p>2. Development and subdivision of Lot 401 shall be restricted to a maximum of 12 dwellings/lots</p> <p>3. Notwithstanding the applicable R25 density code, the R-Codes requirements for the R30 code may be applied in respect to minimum lot sizes and setbacks.</p>
SP23	Lots 2, 6, 31, 32, 202, 501 and 9003 Vasse and Bussell Highways, Yalyalup	Special Purpose Development Area) and Special Purpose Development Deferred Development Area)	<p>1. Development (including subdivision) of the land shall be generally in accordance with the Development Guide Plan and the Detailed Area Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to the Scheme.</p> <p>2. Notwithstanding the provisions of Part 4 of the Scheme, the Development Guide Plan shall include the following details—</p> <ol style="list-style-type: none"> (a) the area to which the Development Guide Plan applies; (b) key opportunities and constraints of the Development Area including, landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport and services; (c) the planning context for the Development Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the proposed Development Guide Plan is to be integrated into the surrounding area; (d) proposed major land uses, in particular, residential areas, public open space and arrangements between different owners if required, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, service industrial and mixed business uses; (e) estimates of future lots (yield), indicative lot layout, dwellings, the average lot area and density (codings), population, employment and commercial floor space; (f) provision for major infrastructure e.g. main drainage, sewerage, water supply and other

No.	Particulars of Land	Zone	Special Provisions
			<p>key infrastructure services, including the future servicing of the industrial land identified on the Busselton Airport Structure Plan;</p> <ul style="list-style-type: none"> (g) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks; (h) buffers or other similar treatment at the interface between development cells and main/arterial roads/local distributor roads/significant local roads or adjoining land; (i) the boundaries of all development precincts which are to be subject of Detailed Area Plans; (j) an ethnographic and archaeological survey is undertaken and the findings are reported to Council and the Department of Indigenous Affairs. Any changes to the subdivision design resulting from the findings of the survey(s) shall be considered in the preparation of the Development Guide Plan; (k) mosquito management strategy (which may be integrated with the drainage management strategy/plan) and implementation strategy is approved by Council; (l) a traffic management plan is approved by Council; (m) a drainage management strategy/plan is approved by Council; (n) the landscaping strategy; and (o) such other information as may be required by Council. <p>3. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p> <p>4. All provisions (such as land use and development controls or approval procedures) applicable to a zone, reserve or R-Code pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan.</p> <p>5. (a) A Detailed Area Plan (DAP) may be required by the Council and where required shall be prepared and submitted for a lot or lot(s)—</p> <ul style="list-style-type: none"> (i) to enhance, elaborate or expand on the details or provisions contained in a proposed Development Guide Plan or a Development Guide Plan; (ii) in place of a development approval required to comply with Part 2 of the Residential Design Codes; or (iii) for any other planning purpose. <p>(b) Upon receiving a Detailed Area Plan the Council is to either—</p> <ul style="list-style-type: none"> (i) Determine that the Detailed Area Plan is to be advertised for a minimum period of 21 days; or (ii) Determine that the Detailed Area Plan is to be considered without advertising; or (iii) Determine that the Detailed Area Plan is not to be advertised or considered until further details have been provided or modifications undertaken; or

No.	Particulars of Land	Zone	Special Provisions
			<p>(iv) Determine that the Detailed Area Plan is not satisfactory for advertising or immediate consideration and refuse it, with the reasons for this decision to be provided to the proponent.</p> <p>(c) If within 90 days of receiving a Detailed Area Plan under clause 5(a) of this Schedule, or such longer period as may be agreed in writing between the person and the Council, the Council has not made one of the determinations referred to in clause 5(b) of this Schedule, the Council is deemed to have refused to approve the Detailed Area Plan.</p> <p>6. A Detailed Area Plan is to be used as the basis for;</p> <p>(a) making recommendations to the Western Australian Planning Commission on subdivision applications; and</p> <p>(b) determining applications for planning approval with respect to the land subject to the Detailed Area Plan.</p> <p>7. A Detailed Area Plan may include details as to—</p> <p>(a) building envelopes;</p> <p>(b) distribution of land uses within a lot;</p> <p>(c) private open space;</p> <p>(d) services;</p> <p>(e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures;</p> <p>(f) the location, orientation and design of buildings and the space between buildings;</p> <p>(g) advertising signs, lighting and fencing;</p> <p>(h) landscaping, finished site levels and drainage;</p> <p>(i) protection of sites of heritage, conservation or environmental significance;</p> <p>(j) special development controls and guidelines;</p> <p>(k) noise buffering;</p> <p>(l) ancillary dwellings, and/or studio dwellings, home business or home workspace;</p> <p>(m) encroachments (reciprocal right of-way, party walls)</p> <p>(n) variations from the Residential Design Codes and other provisions for land use and development control;</p> <p>(o) landscaping strategies/plans that are considered along with a Detailed Area Plan shall include—</p> <p>(i) restoration of remnant vegetation in public open space areas including the replacement of endemic understorey plant species where considered necessary and management of weeds; and</p> <p>(ii) the retention of paddock trees where practicable; and</p> <p>(iii) the provision of habitat for wetland bird species and rehabilitation of wetland areas, where appropriate.</p> <p>8. Notification of prospective purchasers by way of memorial on the title of proposed lots is to be undertaken to warn of the potential threat of viral infection from mosquitoes.</p> <p>9. At the subdivision stage, notification of landowners and prospective purchasers by way of a memorial on the title of the proposed lots is to be undertaken, to inform landowners of possible airport noise with respect to the nearby Busselton Airport operations. A memorial is to be inserted on the title of lots in close proximity to Bussell Highway, Vasse</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>Highway and the proposed Outer Bypass to advise that the amenity of the lot may be affected by traffic noise to the satisfaction of the City of Busselton and Main Roads.</p> <p>10. Prior to subdivision or development the proponent is to prepare a developer contribution and staging plan to the satisfaction of the City to ensure the proponents appropriate and timely contribution toward service infrastructure and community facilities on a progressive and staged basis. An appeal right will exist in respect to determination of the plan pursuant to Clause 11.10 of the Scheme.</p> <p>11. The Council has prepared a draft Noise Management Plan for Busselton Regional Airport, which requires approval by the Environmental Protection Authority. The Council may recommend conditions on the subdivision and development of land requiring noise amelioration measures consistent with the draft Noise Management Plan and subsequently with the Noise Management Plan as finally approved by the Environmental Protection Authority.</p>
SP24	Lot 123 Geographe Bay Road and portion of Part Sussex Location 170 Peppermint Drive, Dunsborough	Residential R15 and R30 as per the Scheme map	<p>1. Restrictive covenants apply to the title of lots created from the land and identify a vegetation protection area which serves to prevent the removal of WA peppermint (<i>Agonis flexuosa</i>). The purpose of the restrictive covenants is to preserve habitat for Western Ringtail Possum.</p> <p>2. No vegetation is permitted to be removed from within the area specified in the restrictive covenant as a vegetation protection area unless such removal is first determined by the local government as being necessary for fire protection or safety purposes.</p>
SP25	Lots 1 and 2 of Sussex Location 364 Smiths Beach Road, Yallingup	Tourist	<p>1. Subdivision and development shall be in accordance with the Development Guide Plan adopted by the local government and endorsed by the Western Australian Planning Commission pursuant to the process and requirements set out under Part 7 of the Scheme.</p> <p>2. No further development or subdivision shall be permitted (except survey strata or strata subdivision of tourist accommodation units) apart from that which is shown on the adopted and endorsed Development Guide Plan.</p> <p>3. A Development Guide Plan (including modification) will only be considered by the local government and the Western Australian Planning Commission where a Development Guide Plan is submitted over the whole of Lots 1 and 2 of Sussex Location 364 Smiths Beach Road, Yallingup and is consistent with the orderly and proper planning for the land and locality.</p>
SP26	Pt Lot 17 and Lot 16 West Street, West Busselton	Restricted Business	<p>1. Development shall be in accordance with a Land Use Concept Plan adopted by Council.</p> <p>2. Development of the land shall make provision for public access and dual use path connections between Prince Regent Drive and Bussell Hwy and West Street in the first stage of development, at the full cost of the developer and to the satisfaction of the local government.</p> <p>3. Development shall make provision for a foreshore and drainage reserve incorporating appropriate wetland buffers and providing for long term public access on site in the first stage of development, to the satisfaction of the City. The reserve is to be surrendered to the Crown free of cost for vesting in the local government.</p> <p>4. A Stormwater and Drainage Management Plan shall be prepared by the developer prior to any subdivision or development that addresses,</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>inter alia, the management of stormwater on site, the provision of nutrient and pollution stripping mechanisms, and avoids adverse impacts on the adjacent wetlands, including during construction, to the satisfaction of the Department of Parks and Wildlife and the local government.</p> <p>5. Development shall address the interface with adjacent Residential zoned land to ensure an appropriate level of amenity and privacy by achieving low impact development outcomes adjacent to the Residential zoned land to the satisfaction of the local government.</p> <p>6. Dust and Noise Management Plans are to be prepared and implemented to the satisfaction of the City in order to maintain the amenity of adjoining residential areas.</p>
SP27	Portion of Lot 9101 Bussell Highway, Abbey	Residential	<p>1. Subdivision and development shall be generally in accordance with the Development Guide Plan adopted for the land.</p> <p>2. No further subdivision of lots shall be permitted.</p> <p>3. Grouped dwellings, including duplexes, shall not be permitted on any lot.</p>
SP28	<i>Deleted via Amendment No. 170 to DTPS 20 28.12.12</i>		
SP29	Lots 501—510 Milkman Avenue, Broadwater	Residential (R40)	All dwellings / grouped dwellings are to have direct frontage to the road, with battleaxe development and/or battleaxe subdivision (including survey strata and strata subdivision) prohibited.
SP30	Lots 4012 Nuttman Road, Chapman Hill	Conservation	Subdivision and Development shall be in accordance with the Development Guide Plan and Fire Management Plan contained within Amendment No. 113 to the Shire of Busselton District Town Planning Scheme No. 20.
SP31	Lot 6, Commonage Road, Quindalup	Industrial	<p>1. The intent of the Dunsborough Industrial Park is to establish an innovative, industrial estate which caters for a wide range of service and industrial activities together with other urban-based, service commercial and industrial activities which are required to cater for the existing and future industrial and service needs of the Dunsborough and surrounding districts.</p> <p>2. (a) Prior to approving the subdivision or development of land within the Dunsborough Industrial Park, the Council shall require the preparation and adoption, under the provisions of Part 7 of the Scheme, of a Structure Plan for the land;</p> <p>(b) The Structure Plan must obtain the endorsement of the Western Australian Planning Commission prior to coming into effect.</p> <p>(c) Where the Council rejects the Structure Plan, or attaches conditions or requires modification which the applicant considers unreasonable, the applicant shall have the right of review pursuant to Part 14 of the Act.</p> <p>(d) Prior to exercising any right of review pursuant to Part 14 of the Act, against a decision of Council the proponent shall submit the Structure Plan and Council's resolution to the Western Australian Planning Commission and request the Western Australian Planning Commission to make a determination.</p> <p>(e) Where the Commission or Council attaches conditions or requires modification which the applicant considers unreasonable, the applicant shall have the right of review pursuant to Part 14 of the Act.</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>3. The Council shall require the Structure Plan to have regard for adjacent lands and such Plan shall show how the land is to be subdivided and developed, including—</p> <ul style="list-style-type: none"> (a) The proposed size and distribution of lots; (b) The proposed allocation of land uses, where appropriate; (c) The proposed provision and treatment of buffer areas required by the Council to protect the amenity of surrounding land uses; (d) The proposed provision and treatment of buffer areas to the sewerage treatment plant situated to the north of the land, in the event that the plant is not relocated; (e) The proposed provision and treatment of buffer areas required to protect important watercourses traversing the site; (f) The provision to be made for the control and management of stormwaters and the management of nutrients; (g) The proposed road system, including road reserve and carriageway widths; (h) The proposed provision of community and public utilities and services; (i) Any special provisions applying to the subdivision and development of the land where not otherwise provided for by the Scheme; and (j) Such other information as, in the circumstances of the case, the Council considers appropriate. <p>4. (a) All necessary buffers to all adjoining lots required as a result of industries located on the Estate shall be provided on Lot 6 of Sussex Location 362 & 802;</p> <p>(b) The Plan shall make provision for buffer areas to the eastern and southern boundaries of the site so as to maintain the amenity of adjoining residences.</p>
SP32	Portion of Lot 21 of Sussex Location 171 Caves Road, Quindalup	Special Purpose	<p>1. Subdivision and development shall generally be in accordance with the Development Guide Plan endorsed by the City and the Western Australian Planning Commission.</p> <p>2. A maximum of 5 lots (excluding the proposed conservation reserve) may be created from the subdivision of the land. No further subdivision will be permitted.</p> <p>3. Single dwellings only permitted on residential lots.</p>
SP33	Lots 11, 35 and 41 Bussell Highway, Busselton	Residential R40/R60	<p>1. Prior to submission of an application for planning approval, a single Development Guide Plan for the whole site shall be prepared and adopted consistent with Part 7 of the Scheme, except that it will not require endorsement by the Western Australian Planning Commission.</p> <p>2. The Development Guide Plan shall ensure that for all residential development above R40—</p> <ul style="list-style-type: none"> (a) not less than 60% of units are single bedroom; (b) the average and minimum site area may be varied by a maximum of 5% less than that minimum area specified in table 1 of the Residential Design Codes of WA in addition to the density bonus applicable to single bedroom dwellings;

No.	Particulars of Land	Zone	Special Provisions
			<p>(c) development is orientated towards and provides for public surveillance of Bussell Highway; and</p> <p>(d) development demonstrates outstanding environmental and sustainability features.</p>
SP34	Lots 65, 77, 4516, & 246 Pettit Crescent, West Busselton	Residential R40	<p>1. The land shall be developed at a minimum density equivalent to R30.</p> <p>2. At the time of development or subdivision, whichever occurs first, an east—west Dual Use Path link being developed for the whole length of the frontage of Lots 65 and 77 in the adjoining reserve to the south, with connectivity to Pettit Crescent and Fairway Drive to the satisfaction of the City of Busselton and the Department of Parks and Wildlife.</p> <p>3. At the time of development or subdivision, whichever occurs first, a Revegetation Plan being prepared and implemented, to the satisfaction of the City of Busselton and the Department of Parks and Wildlife, for the balance of the Reserve (Lots 427 and 391).</p> <p>4. Development shall not detract from the visual amenity of the area having regard to the cumulative visual effect of the development adjacent to a Landscape Value Area. Building design, where applicable, is to address and allow for visual surveillance of the Reserve to the south.</p> <p>5. Fencing associated with residential development adjoining the Reserve is to be of a uniform, open style design for that portion above 1.2m and is to be provided by the developer at the time of development or subdivision, whichever occurs first.</p> <p>6. A Stormwater and Drainage Management Plan shall be prepared for the site and implemented to the satisfaction of the City of Busselton and Department of Water at the subdivision or application for planning approval stage, whichever occurs first.</p>
SP35	Lot 6 (9) Brown Street, Busselton	Business	Notwithstanding the provisions contained within clause 4.2 and clause 5.19 of the Scheme, the City may consider the development of the entire site for residential purposes equivalent to an R80 density or alternatively a mixed-use development to an equivalent density.
SP36	Lots 9009, 204, 205, 1602 and portion of Lot 203 Neville Hyder Drive, Yalyalup and Lots 11, 300, 17 and 9501 Vasse Highway, Yalyalup	Special Purposes (Yalyalup Industrial Development Area)	<p>1. Subdivision and development shall generally be in accordance with the Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to Part 7 of the Scheme.</p> <p>2. Notwithstanding the provisions of Part 7 of the Scheme, the Development Guide Plan shall include the following details—</p> <p>(a) The area to which the Development Guide Plan applies;</p> <p>(b) Key opportunities and constraints of the Development Area including, landform, topography, landscape, vegetation, soils, land capability, conservation and environmental values including bushland, wetlands, damp lands, streams and water courses and any environmental policy areas; hydrological conditions including approximate depth to water table; and sites and features of heritage value;</p> <p>(c) The planning context for the development area including transport routes and existing and future land use;</p> <p>(d) Proposed major land uses in particular, industrial areas and approximate lot sizes, commercial uses and other activities;</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>(e) Urban water management including water quality;</p> <p>(f) Important site features to be retained;</p> <p>(g) Details of any staging of subdivision and development;</p> <p>(h) Estimates of future lots, employment and commercial floor space;</p> <p>(i) Provision of major infrastructure e.g. main drainage, sewerage, water supply and other key infrastructure services;</p> <p>(j) Demonstration of adequate visual and / or noise buffers or other similar treatment, where appropriate, at the interface between development cells and main / arterial roads or adjoining land;</p> <p>(k) The boundaries of specific industry development precincts;</p> <p>(l) Any other information as may be required by the Council;</p> <p>(m) Demonstration that access to the land from Vasse Highway has been provided to the specifications and satisfaction of Main Roads WA and City of Busselton;</p> <p>(n) Arrangements are made with respect to infrastructure within the locality and the district and timely access is provided to all lots; and</p> <p>(o) Arrangements are made for the appropriate ceding of the Busselton Outer Transit Corridor.</p> <p>3. The provisions of the endorsed Development Guide Plan apply to the land as if they were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme;</p> <p>4. All provisions (such as land use and development controls or approval procedures) applicable to a zone or reserve pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan;</p> <p>5. If there is any conflict between the provisions of the Scheme and the Development Guide Plan, the provisions of the Development Guide Plan shall prevail;</p> <p>6. At the subdivision stage notification to prospective purchasers by way of a memorial on title of proposed lots is to be undertaken to warn of the potential threat of viral infection from mosquitoes;</p> <p>7. Prior to lodgement of a subdivision application, a drainage management framework shall be prepared for Lots 9009, 203, 204 and 205 that outlines a coordinated approach to, and demonstrates management measures for, stormwater management, to the satisfaction of the City of Busselton and Department of Water.</p> <p>8. Any application for subdivision approval to the WA Planning Commission for the subject land shall be accompanied by an Urban Water Management Plan approved by the City of Busselton and Department of Water. The UWMP is to provide particular consideration to the usage and impact of drainage outcomes on the south western bushland and storage area within the Busselton Outer Transit Corridor Buffer areas, as follows—</p> <p>(a) Invert (base) levels of basins;</p> <p>(b) AAMGL of groundwater under basin to show adequate separation;</p> <p>(c) Any clearing necessary to construct the basin with appropriate approvals;</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>(d) Any flooding regimes of natural bush within basin areas including appropriate approvals; and</p> <p>(e) Any infrastructure necessary to contain flows within the bund area so that it doesn't flood surrounding bushland.</p> <p>9. As a condition of subdivision approval, the proponent/landowner is to—</p> <p>(a) Prepare and implement a Western Ringtail Possum Management Plan to the satisfaction of the Department of Parks and Wildlife prior to commencement of works.</p> <p>(b) Undertake investigations into acid sulphate soils and, if required as a result of the outcomes and recommendations of this investigation, include management proposals in the construction management programme to the satisfaction of the Department of Environment Regulation and City of Busselton prior to commencement of works.</p> <p>(c) Prepare and implement a revegetation and rehabilitation programme to the satisfaction of the Department of Parks and Wildlife and the City of Busselton with regard to areas of remnant vegetation to be retained and landscape buffers to adjoining travel routes or corridors prior to commencement of works.</p> <p>(d) Prepare and implement a Bushland / Reserve Management Plan to the satisfaction of the Department of Parks and Wildlife and City of Busselton for areas of remnant vegetation to be retained prior to commencement of works.</p> <p>(e) Prepare and implement a Western Grey Kangaroo Management and Relocation Strategy to the satisfaction of the Department of Parks and Wildlife prior to commencement of works.</p> <p>10. A Detailed Area Plan is to be prepared by the proponent and adopted by the Council for the areas identified on the endorsed Development Guide Plan (DGP) prior to lodgement of a subdivision application within this precinct. The Detailed Area Plan is to contain the following details to satisfy the planning requirements of the precincts as appropriate—</p> <p>(a) a schedule of proposed land uses and corresponding indicative floor space;</p> <p>(b) the proposed internal and external road network;</p> <p>(c) a traffic management assessment undertaken by a suitably qualified traffic engineer;</p> <p>(d) strategic location of consolidated access points;</p> <p>(e) details of shared parking, loading and unloading areas, storage yards and rubbish collection enclosures;</p> <p>(f) indicative lot layout;</p> <p>(g) the lot yield;</p> <p>(h) the average lot area and density;</p> <p>(i) distribution of land uses within a lot;</p> <p>(j) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection enclosures;</p> <p>(k) the location, orientation and design of buildings and the space between buildings;</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>(l) advertising signs, lighting and fencing;</p> <p>(m) communal open space provision and arrangements between different landowners, if required;</p> <p>(n) drainage areas;</p> <p>(o) landscaping;</p> <p>(p) special development controls and guidelines; and</p> <p>(q) any other information considered relevant by the Council and required to satisfy the principles, objectives and provisions of the Development Guide Plan.</p> <p>11. If after advertising or immediate consideration, the Council determines the Detailed Area Plan to be generally consistent with the endorsed Development Guide Plan, the Scheme and the orderly and proper planning of the locality, the Council may adopt the Plan with or without modification.</p> <p>12. The right of appeal pursuant to Clause 11.10 of the Scheme shall apply to any decision made by the local government in respect to a Detailed Area Plan.</p>
SP37	<i>Deleted via Amendment No. 162 to DTPS 20 03.10.13</i>		
SP38	Lot 22 Caves Road, Wilyabrup	Viticulture/ Tourism Conservation	<p>1. Subdivision and development is to be generally in accordance with a Development Guide Plan and a Fire Management Plan for the site as adopted by the Council and approved by the Western Australian Planning Commission (WAPC).</p> <p>2. No existing remnant vegetation shall be removed from the 'Conservation' zoned lot, other than for compliance with an approved Fire Management Plan, vehicle access to buildings associated with approved development, clearing for approved development within a building envelope and provision of service infrastructure.</p> <p>3. Remnant vegetation within the 'Conservation' zoned lot shall be the subject of a conservation covenant to be implemented at the time of subdivision, to the satisfaction of the relevant administering authority.</p> <p>4. As a condition of subdivision, the subdivider is to prepare and implement to the satisfaction of the covenanting authority—</p> <p>(a) A regeneration, rehabilitation and revegetation plan which addresses Western Grey Kangaroo management/exclusion; and</p> <p>(b) A weed and pest management plan for the 'Conservation' zoned lot.</p>
SP39	Lots 2, 301, 126, 804, 1, 4, 2363, 3, 51, 52, 11, 33, 50, 15, 35, 9, 13, 7, 161, 163, 2364 and 2365 and portion of Lots 22, 57, 2191, 2192 and 2193 Busselton Bypass, Chapman Hill Road and Queen Elizabeth Avenue, Busselton	Special Purpose (Ambergate North Development Area), Agriculture and Development Investigation Area	<p>General</p> <p>1. Development (including subdivision) of the land shall be generally in accordance with a Development Guide Plan (DGP) and any applicable Detailed Area Plan (DAP) for the land adopted by the Council and endorsed by the Western Australian Planning Commission (WAPC) pursuant to the Scheme.</p> <p>DGP Content Requirements</p> <p>2. The DGP will be required to address the specific notations and requirements, planning policy statements and requirements for structure planning as outlined in the endorsed 'Ambergate North District Structure Plan'.</p> <p>3. Notwithstanding the provisions of Part 7 of the Scheme, the DGP shall include the following details—</p> <p>(a) the area to which the DGP applies;</p> <p>(b) key opportunities and constraints of the DGP area including landform, topography, landscape, vegetation, soils, land capability, conservation and environmental values</p>

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			<p>(including bushland, wetlands, damp lands, streams and water courses and any environmental policy areas), hydrological conditions (including approximate depth to water table) and sites and features of heritage value;</p> <p>(c) the planning context for the DGP area and the surrounding locality including transport routes (including bypass, arterial routes and neighbourhood collector alignments, public transport routes, strategic footpath/cycle routes and bus stops), and existing and future land use;</p> <p>(d) proposed major land uses, in particular, residential areas and densities, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres) and mixed use activities;</p> <p>(e) a 'Pedestrian & Cyclist Access Plan' with a strong emphasis on reducing motor vehicle reliance;</p> <p>(f) urban water management, including water quality;</p> <p>(g) promoting conservation of ecological systems and the biodiversity they support, including ecosystems, habitats, species and genetic diversity;</p> <p>(h) significant natural corridors and important site features to be retained;</p> <p>(i) details of any staging of subdivision and development;</p> <p>(j) estimates of future lots, dwellings, population, employment and commercial floor space;</p> <p>(k) provision for major infrastructure e.g. roads, main drainage, sewerage, water supply and other key infrastructure services;</p> <p>(l) buffers or other similar treatments at the interface between development cells and main/arterial roads or adjoining land;</p> <p>(m) the boundaries of specific development precincts which are to be subject to Detailed Area Plans; and</p> <p>(n) any other information as may be required by the City.</p> <p>DGP Operation</p> <p>4. The conditions of the endorsed DGP apply to the land as if they were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p> <p>5. For land within the 'Special Purpose (Ambergate North Development Area)' zone, all provisions (such as land use and development controls or approval procedures) applicable to a zone, reserve or R-Code pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed DGP.</p> <p>DGP Review</p> <p>6. Notwithstanding that reviews of aspects of the DGP may occur from time to time, within ten years of its endorsement by the Council and the WAPC, any DGP relating to the land shall be subject of an overall, high-level review in the context of the planning framework applicable at the time. The review process shall be the same as the process for the adoption of a new DGP, with the scope of the review being sufficient to ensure that the DGP meets contemporary planning requirements to the satisfaction of the City and WAPC. If an overall</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>review has not been completed within the specified timeframe, the Council and/or the WAPC may refuse applications for planning approval and/or subdivision approval until such time as a review has been undertaken.</p> <p>DAP Requirements</p> <p>7. A Detailed Area Plan (DAP) is to be prepared and adopted by the Council and WAPC for the Village Centre and Local Centre precincts as identified on the endorsed DGP prior to subdivision and/or development within those precincts. The DAP is to contain the following details—</p> <ul style="list-style-type: none"> (a) the proposed internal and external road network; (b) the proposed bicycle and pedestrian network—dual use paths and footpaths; (c) distribution of land uses within a lot; (d) essential infrastructure services; (e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection enclosures; (f) the provision of appropriate interface treatments between proposed development and local distributor roads or significant local roads; (g) the location, orientation and design of buildings and the space between buildings; (h) advertising signs, lighting and fencing; (i) protection of areas and sites of heritage, architectural, aesthetic, scientific, cultural, conservation or environmental significance; (j) indicative lot layout; (k) the lot yield; (l) the average lot area and density; (m) public open space provision and arrangements between different landowners, if required; (n) drainage areas— (o) density codings; (p) special development controls and guidelines; (q) a landscape concept plan, which includes the use of local endemic species that occur within the relevant vegetation complexes and soil types across the DGP area; and (r) any other information considered relevant by the City of Busselton and required to satisfy the principles, objectives and provisions of the DGP. <p>8. The DAP for the Village Centre shall include, in addition to that outlined in the above clause, the following requirements to the satisfaction of the City of Busselton and WAPC—</p> <ul style="list-style-type: none"> (a) initial retail facilities to be located at the entrance (northern end) of the Village Centre; (b) identification of a Discount Department Store site and proposed interim land use including the method of land use transition. and a shop retail floorspace threshold that is not to be exceeded until such time as the interim use has been developed; (c) provision for bulky goods retailing in addition to shop retail development; and (d) inclusion of an education/technology precinct, possibly in proximity to the district open space. <p>DAP Operation</p> <p>9. Upon receiving a DAP the Council is to either—</p> <ul style="list-style-type: none"> (a) Determine that the DAP is to be advertised for a minimum period of 21 days; or

No.	Particulars of Land	Zone	Special Provisions
			<p>(b) Determine that the DAP is to be considered without advertising; or</p> <p>(c) Determine that the DAP is not to be advertised or considered until further details have been provided or modifications undertaken; or</p> <p>(d) Determine that the DAP is not satisfactory for advertising or immediate consideration and refuse it, with the reasons for this decision to be provided to the proponent.</p> <p>10. If after advertising or immediate consideration, the Council determines the DAP to be generally consistent with the endorsed DGP, the Scheme and the orderly and proper planning of the locality, the Council may adopt the DAP with or without modification and forward the DAP to the WAPC for its endorsement. Any substantial changes to the DAP may require a revised DGP to be adopted by the City of Busselton and the WAPC.</p> <p>11. The right of appeal in relation to a DGP pursuant to Clause 11.10 of the Scheme shall apply to any decision made by the City of Busselton and WAPC in respect to a DAP; and</p> <p>Retail Floorspace Controls</p> <p>12. Retail floor space within the Village Centre shall be limited to 14,000m² NLA.</p> <p>13. A Department Store is not permitted in the village centre or DGP area.</p> <p>14. Retail floor space within the Village Centre shall not exceed 9000m² NLA or accommodate a Discount Department Store until the following has occurred—</p> <p>(a) The development of two Discount Department Stores in the Busselton town centre;</p> <p>(b) The development of a minimum 50,000m² of shop retail NLA in the Busselton town centre; and</p> <p>(c) Confirmation of compliance with a City level hierarchy as established in an adopted commercial strategy for the City.</p> <p>15. For the purposes of these special provisions, 'Discount Department Store' shall be defined as "a single large shop retail store organized into departments offering a variety of merchandise; commonly part of a retail chain with NLA of greater than 5,000m², but does not include a Department Store".</p> <p>16. Retail floor space within the Local Centre shall not exceed 500m² NLA until the Village Centre has a developed retail floor space of a minimum 5,000m² NLA.</p> <p>Developer Contributions and Staging Requirements</p> <p>17. Pursuant to the requirements of the Ambergate North District Structure Plan, prior to the approval of development (including subdivision) proposed by an endorsed DGP, a Developer Contributions and Staging Plan (DCSP) shall be prepared to the satisfaction of the City of Busselton and WAPC. The DCSP is to be prepared in consultation with all landowners in the DGP area and is to comprehensively address the staging of development and the equitable provision of community facilities, public open space and civil infrastructure. An appeal right exists in respect to the determination of the DCSP pursuant to Clause 11.10 of the Scheme.</p> <p>18. Contributions shall be made by all landowners within the DGP area in accordance with the requirements of the endorsed DCSP.</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>Development Requirements</p> <p>19. Any application for subdivision shall be accompanied by an Urban Water Management Plan (UWMP) applicable to the application area that has been adopted/endorsed by the City of Busselton, Department of Water and Department of Parks and Wildlife. The UWMP is to provide particular consideration to the usage and impact of drainage outcomes on the northern bushland and wetland area.</p> <p>20. All development and subdivision shall meet the requirements and objectives of an approved Water Quality Improvement Plan for the Vasse Wonnerup Wetlands and Geographe Bay to the satisfaction of the City of Busselton and Department of Water.</p> <p>21. Prior to development (including subdivision), a 'Sustainability Outcomes and Implementation Plan' is to be prepared, which details the targets and methods of delivery in respect to 'sustainability outcomes' inclusive of—</p> <ul style="list-style-type: none"> (a) on-site power generation; (b) efficient use of power and water; (c) on-site water capture and re-use; (d) re-use of grey water; and (e) correct housing orientation for passive heating and cooling. <p>22. At the subdivision stage a condition is to be placed on any approval issued by the WAPC requiring notification of landowners and prospective purchasers by way of memorial on the title of proposed lots is to be undertaken to warn of the potential threat of viral infection from mosquitoes.</p>
SP40	Lots 6 and 8 Causeway Road, Busselton	Residential R40/R60	<p>1. As a condition of subdivision or development approval, whichever occurs first, the Recreation Reserve shall be ceded to the Crown free of cost and without any payment of compensation by the Crown.</p> <p>2. At the time of subdivision or development, whichever occurs first, an east—west dual use path link being constructed within the Recreation Reserve to the south, for the whole length of the frontage of Lots 6 and 8, with connectivity to Causeway Road to the satisfaction of the City of Busselton.</p> <p>3. Subdivision or development at a density less than R40 shall not be permitted.</p> <p>4. Prior to submission of an application for subdivision or planning approval, a Development Guide Plan shall be prepared, assessed and if considered acceptable, adopted pursuant to Part 7 of the Scheme, except that it will not require endorsement by the Western Australian Planning Commission.</p> <p>5. In addition to the matters set out in Part 7 of the Scheme, the DGP shall address the following—</p> <ul style="list-style-type: none"> (a) Design measures to minimise the visual impact of the development on Causeway Road and the adjoining park to the southeast; (b) Appropriate setbacks to Causeway Road and the adjoining park, given the prominent location of the site to the main entry to town; (c) Building mass and height, noting that low rise development is to be achieved for buildings immediately abutting Causeway Road and the adjoining park; (d) controls in relation to building appearance, including exterior finish of buildings; consolidation and integration of vehicle access, and appropriate fencing treatment;

No.	Particulars of Land	Zone	Special Provisions
			<p>(e) Building design is to address and allow for visual surveillance of the park to the east and the Recreation Reserve;</p> <p>(f) Appropriate landscaping, including landscaping improvements for the adjoining park to the satisfaction of the City of Busselton; and</p> <p>(g) The provision of a Local Water Management Strategy.</p> <p>6. Development at a density of R60 will only be supported where the land is amalgamated to enable an integrated development of the whole site.</p>
SP41	Lots 15, 16, 24 & 38 Duchess Street, West Busselton	<p>1. Residential R40/R60</p> <p>2. Limited Office Use</p>	<p>1. Subdivision or development at a density less than R40 shall not be permitted.</p> <p>2. Development at a density of R60 will only be supported where the land is amalgamated to enable an integrated development of the whole site.</p> <p>3. Prior to development approval stage, a detailed area plan shall be submitted for consideration and endorsement of the City of Busselton, which shall address the following matters to the satisfaction of the City—</p> <p>(a) Building mass and height, noting that a two storey height limit is to be achieved for development along the common boundaries shared with Lot 37, unless Lot 37 is incorporated within the development or development is sufficiently separated by vehicle access ways;</p> <p>(b) Controls in relation to building appearance, including exterior finish of buildings; consolidation and integration of vehicle access with rear loading arrangements; and appropriate fencing treatment.</p>
SP42	Lots 9033, 9037 & 1150 Commonage Road, Lots 9036 & 9038 St Michael's Parkway, Lot 9035 Dunsborough Lakes Drive and Pt Lot 9006 Clubhouse Drive Dunsborough	Special Purpose (Dunsborough Lakes Development Area)	<p>1. Subdivision and development shall be generally in accordance with a Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to Part 7 of the Scheme.</p> <p>2. Notwithstanding the provisions of Part 7 of the Scheme, the Development Guide Plan shall also include the following details—</p> <p>(a) the area to which the Development Guide Plan applies;</p> <p>(b) key opportunities and constraints of the Development Area including, landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport and services;</p> <p>(c) the planning context for the Development Area including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the proposed Development Guide Plan is to be integrated into the surrounding area;</p> <p>(d) 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, service industrial and mixed business uses;</p> <p>(e) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;</p> <p>(f) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>(g) buffers or other similar treatment at the interface between development cells and main / arterial roads or adjoining land;</p> <p>(h) the boundaries of all Development Cells which are to be subject of Detailed Local Area Plans; and</p> <p>(i) such other information as may be required by Council.</p> <p>3. The provisions of the endorsed Development Guide Plan apply to the land within the Development Area as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same manner as those provisions included in the Scheme.</p> <p>4. All provisions (such as land use and development controls or approval procedures) applicable to a zone, reserve or R Code pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan and Detailed Local Area Plans where appropriate.</p> <p>5. A Detailed Local Area Plan is to be adopted by Council and endorsed by the Western Australian Planning Commission for a particular Development Cell that is indicated on the endorsed Development Guide Plan prior to subdivision or development within that Development Cell. Nothing in this provision prevents entire DLAP Development Cells from being subdivided from the original parent lot(s) and created as super-lots, provided that no closer subdivision or development of such super-lots occurs prior to endorsement of a DLAP.</p> <p>6. A Detailed Local Area Plan may include plans or other documents, and in any case shall not be adopted by the Council for community consultation until—</p> <p>(a) An ethnographic and archaeological survey is undertaken and the findings are reported to Council and the Department of Indigenous Affairs. Any changes to the subdivision design resulting from the findings of the survey(s) shall be considered in the preparation of the relevant Detailed Local Area Plan.</p> <p>(b) A mosquito management plan (which may be integrated with the drainage management strategy / plan) is approved by Council.</p> <p>(c) A drainage management strategy / plan is approved by Council.</p> <p>(d) Site contamination investigations must be conducted to the satisfaction of the Department of Environment Regulation.</p> <p>7. A Detailed Local Area Plan is to contain such detail as, in the opinion of Council, is required to satisfy the detailed planning requirements of a particular Development Cell that is indicated on the endorsed Development Guide Plan and should include the following details—</p> <p>(a) the proposed internal and external road network;</p> <p>(b) the proposed bicycle and pedestrian network;</p> <p>(c) the relationship between residential, service industrial, tourist, commercial, recreational and community uses;</p> <p>(d) buffering or similar treatment at the interface of different land uses and at the interface of the Development Area and adjoining land;</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>(e) buffering or similar treatment at the interface of development cells and local distributor roads or significant local roads;</p> <p>(f) the indicative lot layout;</p> <p>(g) the lot yield;</p> <p>(h) the average lot area and density;</p> <p>(i) public open space provision;</p> <p>(j) the landscaping strategy;</p> <p>(k) drainage areas;</p> <p>(l) density codings; and</p> <p>(m) provisions for land use and development control.</p> <p>8. Landscaping strategies / plans that are considered along with a Detailed Local Area Plan or at the time of subdivision shall include—</p> <p>(a) restoration of remnant vegetation in public open space areas including the replacement of endemic understorey plant species where considered necessary; and</p> <p>(b) the provision of habitat for wetland bird species and rehabilitation of wetland areas, where appropriate.</p> <p>9. Upon receiving a Detailed Local Area Plan Council is to either—</p> <p>(a) determine that the Detailed Local Area Plan is to be advertised for a minimum period of 21 days; or</p> <p>(b) determine that the Detailed Local Area Plan is to be considered without advertising; or</p> <p>(c) determine that the Detailed Local Area Plan is not to be advertised or considered until further details have been provided or modifications undertaken; or</p> <p>(d) determine that the Detailed Local Area Plan is not satisfactory for advertising or immediate consideration and refuse it, with the reasons for this decision to be provided to the proponent.</p> <p>If after advertising or immediate consideration Council determines the Detailed Local Area Plan to be consistent with the endorsed Development Guide Plan, the Scheme and the orderly and proper planning of the locality, Council may adopt the Plan with or without modification and forward the Plan to the Western Australian Planning Commission for its endorsement.</p> <p>10. Once adopted by Council and endorsed by the Western Australian Planning Commission, a Detailed Local Area Plan is to be used as the basis for—</p> <p>(a) making recommendations to the Western Australian Planning Commission on subdivision applications; and</p> <p>(b) determining applications for planning approval</p> <p>with respect to the land subject to the Detailed Local Area Plan.</p> <p>11. Once approved by Council, a Detailed Local Area Plan constitutes a variation of the Development Guide Plan.</p> <p>12. The right of appeal pursuant to Clause 11.10 of the Scheme shall apply to any decision made by Council or the Western Australian Planning Commission in respect to a Detailed Local Area Plan.</p> <p>13. Salinity and nutrient monitoring of groundwater and surface water shall be carried out by the developer and reported to Council, the Department of Parks and Wildlife and the Department of Water</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>every 12 months. Detailed Local Area Plans may not be considered unless a salinity and nutrient monitoring report has been submitted to Council at every 12 month interval.</p> <p>14. Notification of prospective purchasers by way of memorial on title of proposed lots is to be undertaken to warn of the potential threat of viral infection from mosquitoes.</p> <p>15. Prior to any development or clearance of any subdivision of the land, a Dust Management Plan shall be prepared that addresses dust management at each and every stage of the development. This Plan is to be prepared and implemented to the satisfaction of the Chief Executive Officer ensuring that all policies and mechanisms of dust management endorsed by the City are met.</p> <p>16. Prior to the subdivision or development of the land, the proponent is to prepare a developer contributions and staging plan to the satisfaction of the City for the area south of Dunsborough Lakes Drive and east of the school site to ensure the proponent's appropriate and timely contribution toward service infrastructure, distributor roads and community facilities (including examining the need for change-rooms and other infrastructure in association with the district—level active public open space area) on a progressive and staged basis. With respect to the remainder of the Estate, the plan shall only address contributions required as a result of tourist development proposals and any net increase in development potential beyond that depicted on the endorsed DGP, as at 14 July 2010. An appeal right will exist in relation to the determination of the plan pursuant to clause 11.10 of the Scheme.</p>
SP43	Lot 9005 Pickmore Circus, West Busselton	Special Purpose (Old Broadwater Farm Development Area), Business	<p>1. Subdivision and development of the land shall be generally in accordance with the Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to the Scheme.</p> <p>2. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p> <p>3. All provisions (such as land use and development controls or approval procedures) applicable to a zone, reserve or R-code pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan. Notwithstanding this provision, clause 5.19 of the Scheme shall not apply to the Business zone.</p> <p>4. Prior to final approval of the Development Guide Plan the developer will prepare a Local Water Management Strategy (LWMS) for the full extent of the site in accordance with the principles outlined in Better Urban Water Management (WAPC, 2008). The LWMS will be prepared to the satisfaction of the City of Busselton with advice from Department of Water. The LWMS will provide a framework to ensure that the quality and quantity of surface and groundwater is maintained post-development. The Strategy will address—</p> <ul style="list-style-type: none"> (a) flood management (major events); (b) specify measures to ensure that existing hydrological and ecological functions of the adjacent wetland associated with the New River are not impacted by the future development; (c) establish groundwater conditions (based on monitoring) and management requirements;

No.	Particulars of Land	Zone	Special Provisions
			<p>(d) identify and describe proposed measures to capture and treat the minor events; and</p> <p>(e) outline future monitoring and management requirements.</p> <p>5. As a condition of approval for each stage of subdivision, the developer is to prepare an Urban Water Management Plan (UWMP) for the relevant subdivision stage to the specification and satisfaction of the City of Busselton with advice from the Department of Water. The UWMP will specify how development will occur in a manner that is consistent with the objectives and requirements outlined within the LWMS. The primary objective of the UWMP will be to ensure the implementation of the LWMS at the time of development and will contain details of engineering design in relation to the proposed urban water management approaches.</p> <p>6. Prior to final approval of the Development Guide Plan the developer will prepare a Noise Impact Assessment to the satisfaction of the City of Busselton. The Plan will address the following—</p> <p>(a) identify likely future traffic volumes, road upgrades and/or changes in road surface conditions that may have implications for noise generated from the Busselton Bypass; and</p> <p>(b) determine through quantitative modelling the noise emissions that are expected to be generated by the Busselton Bypass and the extent to which noise emissions are likely to extend into adjacent areas of the subject site.</p> <p>The layout of the Development Guide Plan will reflect any requirements of the assessment that are spatially relevant and require land uptake considerations relevant at this stage of planning. Any future development will be undertaken in accordance with the requirements of the Plan, and details will be provided with subdivision applications as to how noise management is to be undertaken in a manner that is consistent with the Plan.</p> <p>7. As a condition of approval for a stage of subdivision adjacent to the Busselton Bypass the developer will prepare a Noise Management Plan to the satisfaction of the City of Busselton. The Plan will address the following—</p> <p>(a) identify appropriate noise criteria to apply to various uses within the subject site; and</p> <p>(b) outline how the proposed noise criteria will be met within the subdivision area.</p> <p>8. As a condition of approval for each stage of subdivision adjacent to the New river and associated wetlands, the developer will prepare a Foreshore Management Plan to the satisfaction of the City of Busselton. The primary objective of the Plan will be to ensure that the foreshore reserves provide an appropriate buffer to the wetland systems from residential development. The Plan will address the following—</p> <p>(a) identify proposed uses and any works to be undertaken within the foreshore reserves adjacent to subdivision, and provide a management framework to ensure that these do not adversely affect the adjacent wetlands or their hydrological or ecological functions and attributes;</p> <p>(b) outline landscaping and revegetation works to be undertaken within the foreshore reserves; and</p> <p>(c) specify ongoing monitoring and management activities for a period of not less than two</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>years following subdivision at which point the responsibility for the management of the foreshore reserves will be transferred to the City of Busselton.</p> <p>9. As a condition of the first approval to subdivide the developer is to prepare a Golf Course Management Plan to the satisfaction of the City of Busselton with advice from the Department of Parks and Wildlife, to apply to the land to be retained as the golf course. The primary objective of the Plan will be to ensure the preservation of both Western Ringtail Possum and <i>Caladenia procera</i> within the golf course site. The Plan will address the following—</p> <ul style="list-style-type: none"> (a) provide details regarding any proposed realignment of the golf course fairways and other infrastructure/facilities; (b) identify areas of remnant vegetation within the golf course site that provide habitat for Western Ringtail Possum or <i>Caladenia procera</i>, and develop management measures to ensure that the habitat functions of these areas are maintained and where possible enhanced; (c) detail revegetation that will be undertaken to enhance existing habitat functions within the golf course site; and (d) provide a framework for ongoing monitoring and reporting on the resident Western Ringtail Possum population, the <i>Caladenia procera</i> population and any revegetation undertaken for three years following the issue of the title for the golf course lot, and any management response measures proposed. <p>10. As a condition of the first approval to subdivide the developer is to prepare an Orchid Reserve Management Plan to the satisfaction of the City of Busselton with advice from the Department of Parks and Wildlife, to apply to the orchid reserve. The primary objective of the Plan will be to ensure that the orchid reserve is created and managed in a way that ensures the ongoing presence of a viable population of <i>Caladenia procera</i>. The Plan will address the following—</p> <ul style="list-style-type: none"> (a) Provide construction management measures to minimise impacts to the <i>Caladenia procera</i> population when subdivision works are being undertaken and the orchid reserve is created; (b) allow for the identification and relocation of <i>Caladenia procera</i> currently outside the reserve (in areas to be developed) to within the orchid reserve when subdivision works are undertaken; (c) specify a program of weed monitoring and weed management; (d) detail access management measures to ensure that uncontrolled access does not impact on the <i>Caladenia procera</i> population; (e) outline any revegetation that will be undertaken to increase the resilience of the remnant vegetation within the orchid reserve; and (f) specify a program of monitoring and maintenance within the orchid reserve for three years from when the orchid reserve is created. <p>11. As a condition of the first approval to subdivide the developer is to prepare a Western Ringtail Possum Management Plan to the satisfaction of the</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>City of Busselton with advice from the Department of Parks and Wildlife. The primary objective of the Plan will be to ensure that the overall future development of the site is undertaken in a way that is sympathetic to the resident Western Ringtail Possum population. The Plan will address the following—</p> <ul style="list-style-type: none"> (a) detail the results of Western Ringtail Possum counts/surveys involving at least two additional and more recent (two night) counts, that are in addition to the two surveys that have already been undertaken; (b) provide details on how the resident Western Ringtail Possum population can be supported onsite and development occur without requiring animal translocations, or alternatively provide a framework for translocations to occur; (c) outline measures to ensure that potential Western Ringtail Possum habitat will be created within the subdivision area, and in particular in areas of public open space and in road reserves; (d) ensure the creation and maintenance of east-west and north-south corridors through the site through a combination of public open space, adjacent road reserves, foreshore reserves, road reserve landscaping and the planting of these areas with <i>Agonis flexuosa</i>; (e) provide construction management measures to ensure that site works do not result in Western Ringtail Possum mortalities; and (f) specify an ongoing monitoring and maintenance program to extend for three years after the completion of subdivision works (on a stages basis) and to include Western Ringtail Possum counts, <i>Agonis flexuosa</i> canopy condition monitoring, revegetation/landscaping survival. <p>12. As a condition of the first approval to subdivide the developer is to prepare a Western Grey Kangaroo Management Plan to the satisfaction of the Department of Parks and Wildlife.</p> <p>13. As a condition of subdivision approval, the proponent shall prepare a developer contributions plan to the satisfaction of the City of Busselton. An appeal right will exist in respect to determination of the plan pursuant to clause 11.10 of the Scheme.</p>
SP44	<p>Lot 3001 (Reserve 38558), Portion Lot 338 (Portion Reserve 8485), Lots 340 (Vol/Fol 601/96A), Lot 343 (Portion Reserve 37207), Lot 400 (Reserve 38872), Lot 405 (Portion Reserve 37207), Lot 418 (Reserve 28535), Lot 431 and 432, Lot 448 (Reserve 46187), Portion Lot 500 (Reserve 49652), Portion of Scout and Geographe Bay Road Reserves.</p>	<p>Special Purpose (Busselton Foreshore)</p>	<ol style="list-style-type: none"> 1. The intent of the 'Special Purpose (Busselton Foreshore)' zone is to facilitate the planned, progressive renewal and revitalisation of the Busselton Foreshore in accordance with a broad community vision. 2. Development of the land shall be generally in accordance with a Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to the Scheme. 3. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme. 4. The preparation of the Development Guide Plan, required by special provision 2, shall be guided by the City of Busselton endorsed 'Busselton Foreshore Master Plan'.
SP45	<i>Deleted via Amendment No. 174 to DTFS 20 15.11.12</i>		

No.	Particulars of Land	Zone	Special Provisions
SP46	Lot 111 Dunn Bay Road, Dunsborough	Special Purpose	<p>1. Land-use permissibility shall be the same as for the 'Business' Zone, other than as varied by point 2 below.</p> <p>2. The Council may approve use of up to, but no more than, two-thirds of the accommodation units on-site with no restriction on length of stay. The remainder of the accommodation units shall be subject to length of stay restrictions limiting occupancy to no more than 3 months in any 12 month period.</p> <p>For the purposes of this provision 'accommodation unit' means any tourist accommodation unit, grouped dwelling unit, multiple dwelling or other unit used for overnight accommodation or as a place of residence.</p>
SP47	Lot 11 Chapman Hill Road, Ambergate	Special Purpose (Ambergate Automotive Development Area)	<p>1. The intent of this Special Provision Area is to facilitate the development of an attractive, well serviced and convenient site for the long term growth and expansion of motor vehicle and marine sales premises and related activities. The primary objective is to ensure that land uses within the area involve or are directly reliant upon or directly related to motor vehicle and marine sales.</p> <p>2. The following uses shall be permitted—</p> <ul style="list-style-type: none"> • Bus Depot • Chandlery • Educational Establishment • Liquid Fuel Depot • Motor Vehicles and Marine Sales Premises • Motor Vehicle Repair • Research and Development Facility • Service Station • Transport Depot • Warehouse <p>All other uses are not permitted.</p> <p>3. Subdivision and Development shall be generally in accordance with the Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to Part 7 of the Scheme.</p> <p>4. Notwithstanding the provisions of Part 7 of the Scheme, the Development Guide Plan shall include the following details—</p> <ul style="list-style-type: none"> (a) the proposed lot yield and minimum and average lot sizes; (b) any proposed building envelopes; (c) the proposed distribution of land uses; (d) services and infrastructure; (e) proposals for vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures; (f) the proposed location, orientation and design of buildings and the space between buildings; (g) proposals for advertising signs, lighting and fencing including design requirements and amenity controls on the use of illuminated and pylon signage; (h) proposals for landscaping, landscape design finished site levels and drainage; <ul style="list-style-type: none"> (i) protection of sites of heritage, conservation or environmental significance; (j) land use/visual amenity and development controls and guidelines to ensure the appropriate design, siting and heights of buildings particularly those buildings which

No.	Particulars of Land	Zone	Special Provisions
			<p>will be visible from the Busselton Bypass and Chapman Hill Road;</p> <p>(k) the need for pedestrian and cyclist facilities to and within the site where appropriate; and</p> <p>(l) such other information considered relevant by the local government.</p> <p>5. Prior to final approval of the Development Guide Plan the developer will prepare—</p> <p>(a) a Local Water Management Strategy (LWMS) for the full extent of the site in accordance with the principles outlined in Better Urban Water Management (WAPC, 2008). The LWMS will be prepared to the satisfaction of the City of Busselton and Department of Water.</p> <p>(b) an ethnographic and archaeological survey with the findings to be reported to the Council and the Department of Indigenous Affairs.</p> <p>(c) a mosquito management and implementation strategy (which may be integrated with the drainage management plan).</p> <p>(d) a traffic and parking management plan.</p> <p>(e) a landscaping plan.</p> <p>(f) a drainage management plan.</p> <p>(g) a fire management plan.</p> <p>(h) an acid sulphate soil investigation to determine the presence, extent and severity of ASS. If the site is found to contain ASS, an ASS management plan is to be prepared prior to the commencement of subdivision works.</p> <p>6. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p> <p>7. All provisions (such as land use and development controls or approval procedures) applicable to a zone or reserve pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan, however, nothing on the Development Guide Plan can extend the range of permitted land uses as set out in provision 2.</p>
SP48	Lot 11 Chapman Hill Road, Ambergate	Special Purpose (Ambergate Automotive Development Area)	<p>1. The intent of this Special Provision Area is to enable the use and development of the site in order to complement use of the balance portion of Lot 11 Chapman Hill Road (the subject of Special Provision area 47).</p> <p>2. The following uses shall be permitted—</p> <ul style="list-style-type: none"> • Bulk Store • Bus Depot • Chandlery • Educational Establishment • Lunch Bar • Light Industry • Liquid Fuel Depot • Motor Vehicles and Marine Sales Premises • Motor Vehicle Repair • Motor Vehicle Wash • Research and Development Facility • Plant Nursery • Public Utility • Recreation Area

No.	Particulars of Land	Zone	Special Provisions
			<ul style="list-style-type: none"> • Recreation Facility • Service Industry • Service Station • Showroom • Transport Depot • Veterinary Hospital • Warehouse <p>All other uses are not permitted.</p> <p>3. Subdivision and Development shall be generally in accordance with the Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to Part 7 of the Scheme.</p> <p>4. Notwithstanding the provisions of Part 7 of the Scheme, the Development Guide Plan shall include the following details—</p> <ul style="list-style-type: none"> (a) the proposed lot yield and minimum and average lot sizes; (b) any proposed building envelopes; (c) the proposed distribution of land uses; (d) services and infrastructure; (e) proposals for vehicular access, parking, loading and unloading areas, storage yards and rubbish collection closures; (f) the proposed location, orientation and design of buildings and the space between buildings; (g) proposals for advertising signs, lighting and fencing including design requirements and amenity controls on the use of illuminated and pylon signage; (h) proposals for landscaping, landscape design finished site levels and drainage; (i) protection of sites of heritage, conservation or environmental significance; (j) land use/visual amenity and development controls and guidelines to ensure the appropriate design, siting and heights of buildings particularly those buildings which will be visible from the Busselton Bypass and Chapman Hill Road; (k) the need for pedestrian and cyclist facilities to and within the site where appropriate; and (l) such other information considered relevant by the local government. <p>5. Prior to final approval of the Development Guide Plan the developer will prepare—</p> <ul style="list-style-type: none"> (a) a Local Water Management Strategy (LWMS) for the full extent of the site in accordance with the principles outlined in Better Urban Water Management (WAPC, 2008). The LWMS will be prepared to the satisfaction of the City of Busselton and Department of Water. (b) an ethnographic and archaeological survey with the findings to be reported to the Council and the Department of Indigenous Affairs. (c) a mosquito management and implementation strategy (which may be integrated with the drainage management plan). (d) a traffic and parking management plan. (e) a landscaping plan. (f) a drainage management plan. (g) a fire management plan.

No.	Particulars of Land	Zone	Special Provisions
			<p>(h) an acid sulphate soil investigation to determine the presence, extent and severity of ASS. If the site is found to contain ASS, an ASS management plan is to be prepared prior to the commencement of subdivision works.</p> <p>6. All provisions (such as land use and development controls or approval procedures) applicable to a zone or reserve pursuant to the Scheme shall apply to the corresponding land use designations pursuant to the endorsed Development Guide Plan, however, nothing on the Development Guide Plan can extend the range of permitted land uses as set out in provision 2.</p> <p>7. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p>
SP49	Lot 202 Dunn Bay Road, Dunsborough	Special Purpose—Mixed Use	<p>1. Land-use permissibility shall be the same as for the 'Business' Zone, other than as varied by point 2 below.</p> <p>2. The Council may approve the use of up to, but no more than, 75% of any future accommodation units developed on-site with no restriction on length of stay. The remainder of the accommodation units shall be subject of length of stay restrictions limiting occupancy to no more than 3 months in any 12 month period.</p> <p>For the purpose of this provision 'accommodation unit' means any tourist accommodation unit, grouped dwelling unit, multiple dwelling or other unit used for overnight accommodation or as a place of residence.</p>
SP50	Lot 9004 Layman Road, Geographe	Residential R40	<p>1. Fences along the Layman Road frontage shall generally be avoided, there will be appropriate landscaping along the Layman Road frontage and wherever practicable dwellings shall have direct frontage to the roads adjoining the site.</p> <p>2. No vehicular access to the site from Layman Road.</p> <p>3. Car parking and service areas shall not be located adjacent to the Layman Road frontage.</p> <p>4. An area internal to the development area shall be set aside as communal open space for future residents.</p> <p>5. To the extent of any conflict, these special provisions and the controls applicable to development at 'R40' residential density as set out in the Residential Design Codes of WA, shall prevail over the provisions of the Port Geographe Development Plan.</p>
SP51	<i>Deleted via Amendment No. 181 to DTPS 20 26.06.13</i>		
SP52	Lots 64 (Vol & Folio 2192 856), 63 (Vol & Folio 2192 855) and 86 (Vol & Folio 1670 402) Bussell Highway; and Lot 87 (Vol & Folio 1421 302) High Street	Residential R40	<p>1. Notwithstanding the provisions contained within clause 4.2 of the Scheme, the City may consider the development of the entire site for commercial purposes, residential purposes equivalent to an R40 density or alternatively a mixed-use development to a maximum plot ratio of 0.6.</p> <p>2. Building setbacks applicable to the development shall be a minimum 2 metres from the property boundaries abutting Bussell Highway and High Street on existing lots 63, 86 and 87 and tapering back to 4 metres on existing lot 64. All other building setbacks applicable to the development, including commercial components, shall be in accordance with the R-Code designation for the land.</p> <p>3. Parking shall not be provided along the frontages of Bussell Highway or High Street.</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>4. The interface of development with the western and northern boundaries of the site shall be appropriately designed and landscaped to ameliorate any potential impacts of building bulk on the adjoining properties.</p> <p>5. Development of the additional land uses or R40 Residential development shall only be supported where the whole of the land is amalgamated to allow for the integrated development of the site.</p> <p>6. Development of the additional land uses or R40 Residential development shall be based on a maximum of one access point to Bussell Highway.</p>
SP53	Lot 21 Commonage Road, Dunsborough	Agriculture	<p>1. The Council may approve the use of up to, but no more than, 15% of any future caravan sites developed on-site with no restriction on length of stay. The remainder of the caravan sites shall be for short-stay use only and subject to length of stay restrictions limiting occupancy to no more than 3 months in any 12 month period.</p> <p>2. The caravan sites provided for use on an 'unrestricted length of stay' basis shall be proportionate to the total number of short-stay caravan sites developed at any given time.</p> <p>3. Sites to be utilised on an 'unrestricted length of stay' basis are to be clearly identified at planning approval stage, and shall be consolidated into one or more portions of the site so as to effectively manage any potential conflict between short-stay and unrestricted stay occupant.</p>
SP54	Portion of Lot 25 Forrest Beach Road, Wonnerup	Conservation	<p>1. Subdivision and development shall be in accordance with the Development Guide Plan adopted by Council and endorsed by the Western Australian Planning Commission.</p> <p>2. A maximum of 6 lots may be created from the subdivision of the land. No further subdivision or strata subdivision will be permitted.</p> <p>3. Tourist development on the proposed Lot 6 is to be limited to a single Guesthouse which shall be an "A" use for the purpose of the Scheme, under one roof, with a maximum of 12 suites (notwithstanding any determination under Schedule 1) that are not self contained and are serviced by a common dining area (not available to the public). This Guesthouse is to be located within a designated building envelope of no greater than 2500m² as shown on the DGP. No strata subdivision of guest suites will be permitted.</p> <p>4. Assessment of any Guesthouse proposal will have regard to the City's Rural Tourist Accommodation Policy outside those issues listed in 3. above.</p> <p>5. Subdivision and development are to accord with the obligations outlined in the approved foreshore management plan and related conservation covenant.</p> <p>6. The maximum height for any development is 6 metres above natural ground level.</p> <p>7. All development is to be limited to a single storey.</p> <p>8. Use of prescribed materials and dark tones for all development is required as identified under the Landscape Value Area Scheme provisions.</p> <p>9. All areas reserved as 'Recreation' are to be ceded free of cost to the Crown at the subdivision stage.</p>
SP55	Lot 27 Rendezvous Road and Lot 9506 Heritage Drive, Vasse	Special Purpose (Heron Lake Development Area)	<p>1. Development (including subdivision) of the land shall be generally in accordance with a Development Guide Plan for the land adopted by Council and endorsed by the Western Australian Planning Commission pursuant to the Scheme. The principal land uses depicted on the Development Guide Plan shall be low density residential and recreation/wetland conservation.</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>2. Notwithstanding the provisions of Part 7 of the Scheme, the Development Guide Plan shall also include the following details—</p> <ul style="list-style-type: none"> (a) the proposed lot yield and minimum and average lot sizes; (b) services and infrastructure; (c) proposals for landscaping, landscape design finished site levels and drainage; (d) protection of sites of heritage, conservation or environmental significance; (e) the management of environmentally sensitive locations, including identification of buffers, vegetation and habitat corridors; (f) the allocation, management and treatment of buffers as necessary to surrounding agricultural and future residential land; (g) proposed staging; (h) adequate data identifying the physical and environmental characteristics of the land; and (i) road, bicycle and pedestrian network; and (j) such other information considered relevant by the local government. <p>3. Prior to final approval of the Development Guide Plan the developer will prepare—</p> <ul style="list-style-type: none"> (a) a Local Water Management Strategy (LWMS) for the full extent of the site in accordance with the principles outlined in Better Urban Water Management (WAPC, 2008). The LWMS will be prepared to the satisfaction of the City of Busselton, Department of Water and Department of Parks and Wildlife. (b) an ethnographic and archaeological survey, the findings to be reported to the Council and the Department of Indigenous Affairs. (c) a mosquito management and implementation strategy. (d) a traffic impact assessment. (e) a fire management plan. (f) an acid sulphate soil investigation to determine the presence, extent and severity of ASS. If the site is found to contain ASS, an ASS management plan is to be prepared prior to the commencement of subdivision works. <p>4. A Development Guide Plan adopted by the Council for public consultation shall be referred to the Environmental Protection Authority for assessment and advice during the advertising period.</p> <p>5. Prior to final approval the Development Guide Plan shall determine, to the satisfaction of the Department of Parks and Wildlife and Department of Water, the boundaries of wetland areas and appropriate wetland buffer areas to proposed development. The wetland area is to be identified on the DGP as “Reserve for Wetland Conservation” and ceded free of cost to the Crown at the time of subdivision in addition to any public open space land required as a result of the subdivision for residential purposes.</p> <p>6. The provisions of the endorsed Development Guide Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme.</p> <p>7. All provisions (such as land use and development controls or approval procedures) applicable to a zone or reserve pursuant to the Scheme shall apply to the</p>

No.	Particulars of Land	Zone	Special Provisions
			<p>corresponding land use designations pursuant to the endorsed Development Guide Plan.</p> <p>8. Prior to the subdivision or development of the land, the proponent is to prepare a developer contributions and staging plan to the satisfaction of the City to ensure the timely and appropriate contributions towards service infrastructure and community facilities on a progressive and staged basis. An appeal right will exist in relation to the determination of the plan pursuant to clause 11.10 of the Scheme.</p>

SCHEDULE 4—Special Character Areas

[cl 6.7]

1. QUINDALUP SPECIAL CHARACTER AREA

The following provisions shall apply to subdivision and development within the Quindalup Special Character Area as defined on the Scheme map—

- (a) All residential development, including the development of two grouped dwellings at a density of R20 within Sectors 1 and 2, and that part of Section 3 containing Ollis Street and the northern side of Wilson Street, as described in the Quindalup Special Character Area Policy, shall comply with the standards of the R12.5 Code of the R-Codes, with the exception that front setbacks in the area shall be a minimum of 10 metres;
- (b) Council will only permit the construction of grouped housing development of three or more dwellings at a density not exceeding R12.5 with a minimum lot size of 2,400m².
- (c) No residential development shall exceed a maximum height limit of two storeys or a maximum of 9 metres, with the exception that no building is to exceed crown/canopy height of peppermint trees in the immediate vicinity of the proposed dwelling. The height of buildings to be measured vertically from any given point of the building to the natural surface level of the site;
- (d) In the determination of any application for planning approval within the Quindalup Special Character Area Policy, Council shall have regard for the provisions of that policy.

2. YALLINGUP SPECIAL CHARACTER AREA

The following provisions shall apply to subdivision and development within the Yallingup Special Character Area as defined on the Scheme map—

- (a) Council may permit group housing development at Density R20 on sites comprising 900m² or more where it is satisfied that—
 - (i) buildings shall have an appearance of lightweight construction and fit with the site topography which will normally require the use of a stumped construction;
 - (ii) Site coverage should be no more than 40% of the lot area and, where possible, remnant vegetation should be used to reduce the visual mass/bulk of dwellings;
 - (iii) Clearing shall only be permitted within approved footprint areas and the immediate surrounds;
 - (iv) Building style shall be reflective of, and sensitive to, the existing residential character through the use of prominent windows, lightweight and prominent balconies, relatively steep and multi-pitched roofs.
- (b) No residential development shall exceed a maximum height of 10 metres measured vertically from natural ground level at any point of the building except for Lot 105 Dawson Drive, which shall be limited to a maximum height that ensures that the building will not intrude into the skyline created by the dunal system when viewed from beach areas;
- (c) In the determination of any application for planning approval within the Yallingup Special Character Area, Council shall have regard for the general provision of that policy.

3. OLD DUNSBOROUGH SPECIAL CHARACTER AREA

The following provisions shall apply to subdivision and development within the Old Dunsborough Special Character Area as identified on the Scheme map—

- (a) Notwithstanding any other provision of the Scheme, grouped dwellings shall be developed at a density not greater than R25.
- (b) Buildings shall be restricted to a maximum height of 7.5 metres (measured perpendicularly from the highest point of the building to the natural ground level) for land within 150 metres of the mean High Water Mark, and 9.0 metres elsewhere.

- (c) Primary street setbacks shall be a minimum of 10.0 metres in Policy Area 1 pursuant to the Old Dunsborough Special Character Area Policy (i.e. generally lots fronting the foreshore from Vincent Street, Bayview Crescent and Hurford Street). Elsewhere, the primary street setback shall be a minimum of 7.5 metres unless adjoining development and/or site conditions indicate that a minimum setback of 6.0 metres would be appropriate.
- (d) Amalgamation of lots to create grouped dwelling sites will not generally be supported in order to retain, as far as possible, the single residential scale and character of development in the area.

4. ADELAIDE STREET SPECIAL CHARACTER AREA

Front and Side Setbacks

The front setback for development shall be generally not less than 7.5 metres. This also means the front setback to a garage or carport. The front setback may be reduced where the reduction in setback would be consistent with the setback of development on an adjoining lot, and/or such reduction will not be detrimental to the desired streetscape or objectives of these provisions.

Building Form, Proportions and Style

- (a) New commercial development on lots facing Adelaide Street should preferably be accommodated within existing buildings, which may be retrofitted or extended to accommodate the change of use. Any building extensions should preferably take place (i) behind the existing dwelling, or (ii) at an upper level, but set back from the front building line by at least 3.0 m.
- (b) In the case of new commercial or residential buildings facing Adelaide Street, their form and style shall be compatible with surrounding and nearby buildings in regard to their type of construction, and their form, style and detailing.
- (c) New development, alterations or extensions to existing buildings is to have a compatible scale and proportion to surrounding development when viewed from the street.

Landscaping

Trees and other significant native vegetation shall not be removed without the written approval of the local government.

5. EAGLE BAY SPECIAL CHARACTER AREA

The following provisions shall apply to subdivision and development within the Eagle Bay Special Character Area as identified on the Scheme map—

- (a) Other than provided for in a Development Guide Plan, Approved Building Envelope Plan or Structure Plan, development within the various planning sectors, as outlined in the Eagle Bay Special Character Area Local Planning Policy, shall comply with the following setback requirements—

Table 1— Setbacks by Sector	Density	Minimum Setbacks for Development (in metres)		
		Front	Rear	Secondary Street
Sector 1	R5 Density	9.0*	6.0	4.5
Sector 2	R5 Density	15.0	6.0	6.0
	R2 Density	15.0	10.0	10.0
Sector 3	R2.5 Density	20.0	6.0	12.0
	R2 Density	20.0	10.0	12.0
Sector 4	Rural Residential	As per Development Guide Plan	As per Development Guide Plan	

**In determining the appropriate front setback, consideration shall be given to the setback of dwellings on neighbouring/nearby properties and the impact a 9.0 m front setback may have on the existing streetscape.*

- (b) Incidental development shall be setback from front and neighbouring boundaries, including boundaries which interface with coastal foreshore and other public reserves, to protect the prevailing amenity of the locality in accordance with Table 1.
- (c) Where a lot abuts a foreshore or public open space reserve, the setback applicable to development shall be no less than the required front setback distance in order to retain the natural amenity of the Reserve and avoid the encroachment of development on the reserve area.
- (d) The applicable height limits will be 7.5 metres within 150 metres of the high water mark and 9.0 metres for all other areas unless otherwise determined by zoning provisions, a Structure Plan or Development Guide Plan.

SCHEDULE 5—Wetland Areas (Directions for Matters to be included in a Statement of Environmental Effects)

[cl 6.5.5]

The following matters are to be included—

1. A full description of the proposed development.
2. A statement of the objectives of the proposed development.
3. A full description of the existing environment likely to be affected by the proposed development if carried out.
4. An identification and analysis of the likely interactions between the proposed development if carried out.
5. An identification and analysis of the likely interactions between the proposed development and the environment.
6. An analysis of the likely environmental impacts or consequences of carrying out the proposed development, including the effect on—
 - (a) the growth of native plant communities;
 - (b) the survival of native wildlife populations;
 - (c) the provision and quality of habitats for both indigenous and migratory species; and
 - (d) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area, including acidity, salinity and water quality.
7. Whether adequate safeguards and rehabilitation measures have been, or will be, taken to protect the environment.
8. Any feasible alternatives to the carrying out of the proposed development and the reasons for choosing the latter.
9. The consequences of not carrying out the proposed development.
10. Details of any wetlands surrounding the land to which the application for planning approval relates and the appropriateness of imposing conditions requiring the carrying out of works to preserve or enhance the value of those surrounding wetlands.

SCHEDULE 6—Form of Application for Planning Approval

[cl 10.1]

APPLICATION FOR PLANNING APPROVAL

DESCRIPTION OF PROPOSED DEVELOPMENT/USE—

DETAILS OF PROPOSAL:.....

 USE OF ANY PROPOSED BUILDINGS:.....
 ESTIMATED COST OF DEVELOPMENT (GST EXCLUSIVE):.....

LAND ON WHICH DEVELOPMENT/USE IS PROPOSED—

LOT NO.....HOUSE NO.....UNIT NO.....DEPOSITED / STRATA PLAN:.....
 STREET:..... LOCALITY:.....

EXISTING BUILDINGS/USE:.....

SERVICES KNOWN TO BE AVAILABLE:	ELECTRICITY:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	SCHEME WATER:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	DEEP SEWER:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	STORMWATER DRAINAGE:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
	SEALED ROAD ACCESS:	YES <input type="checkbox"/>	NO <input type="checkbox"/>

DETAILS OF APPLICANT—

NAME:.....
 POSTAL ADDRESS:.....
 TELEPHONE NO: SIGNATURE:.....
 CONTACT NAME (IF DIFFERENT FROM ABOVE):.....
 EMAIL ADDRESS: FAX NO:.....

CONSENT OF OWNER(S): (CONSENT OF ALL OWNERS MUST BE SUBMITTED)

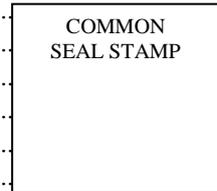
OWNER'S NAME:

POSTAL ADDRESS:.....

.....

TELEPHONE NO:..... SIGNATURE/S:.....

SIGNATORY POSITION IN COMPANY:.....



(If owner is a company)

EMAIL ADDRESS:.....

SCHEDULE 7—Additional Information for Advertisement Approval
Note: To be completed in addition to the Application For Planning Approval.

[cl 10.1.2]

(1) Name of Advertiser (*if different from Owner*)—

.....

(2) Address in Full—

.....

(3) Description of property upon which advertisement is to be displayed, including full details of its proposed position within that property—

.....

(4) Details of Proposed Sign: Width:..... Depth:.....

Height:.....

(5) Colours to be used—

.....

(6) Height above ground level—

(*to top of advertisement*):.....

(*to underside*):.....

(7) Materials to be used:.....

(8) Illuminated: Yes No

(*If "yes", state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source*)—

.....

(9) State period of time for which advertisement is required:.....

(10) Details of 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 superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in Item (10) above—

Signature of Advertiser(s) (if different from landowners)—

.....

Date:

SCHEDULE 8—Notice of public advertisement of planning proposal

[cl 10.4]

PLANNING AND DEVELOPMENT ACT 2005

City of Busselton Local Planning Scheme No. 21

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 and Busselton and Dunsborough Libraries. 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 Busselton

SCHEDULE 9—Notice of determination on application for planning approval

[cl 11.4.1]

PLANNING AND DEVELOPMENT ACT 2005

City of Busselton Local Planning Scheme No. 21

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(s)

Conditions/reasons for refusal—

Note 1: If the development 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 an applicant is aggrieved by this determination there is a right of review by the State Administrative Tribunal in accordance with Part 14 of the *Planning and Development Act 2005*. An application for review must be lodged with the Tribunal within 28 days of the local government's determination.

SCHEDULE 10—Environmental Conditions

[cl 5.6]

No.	Particulars of Land	Gazettal Date	Environmental Conditions
EC1	Portions of Sussex Locations 221, 241, 248 and Part 657 and Lots 1, 2, Part 3 and 173 Bussell Highway, Lot 175 Rendezvous Road, Lots 3, 37 and 174 Kaloorup Road, Part Lot 159, portion of Lot 160 and portion of Sussex Location 4324 Yallingup Siding Road and Part Sussex Location 5, portion of Sussex Location 5252 and Lot 20 Dowell Road, Vasse	October 15, 2004	1 Contamination 1-1 Areas of soil and groundwater contamination resulting from previous activities in the District Town Planning Scheme No. 20 Amendment No. 1 shall be identified and remediated to a standard suitable for the intended land uses. 1-2 Any subdivision or application for planning approval for land in the District Town Planning Scheme No. 20 Amendment No. 1 that has been utilised for farming practices creating the potential for contamination shall be accompanied by a report of an investigation of the area to determine the nature and extent of any soil and groundwater contamination, to the requirements of the Department of Environment Regulation. The site is determined to be contaminated if substances occur in the soil or groundwater at concentrations above background levels and where assessment indicates it poses, or has the potential to pose, an unacceptable risk to human health or the environment.

No.	Particulars of Land	Gazettal Date	Environmental Conditions
			<p>1-3 If unacceptable soil or groundwater contamination is identified by the investigation referred to in condition 1-2, a remediation program shall be prepared and implemented and if necessary, a management plan shall be prepared, to the requirements of the Office of the Environmental Protection Authority, prior to subdivision.</p> <p>1-4 The management plan referred to in condition 1-3 shall be implemented.</p> <p>2 Wetland Management Plan</p> <p>2-1 Prior to ground disturbing activities the developer shall prepare a Wetland Management Plan for the wetlands and buffers to meet the following objectives;</p> <p style="padding-left: 40px;">“to maintain and, where possible enhance the integrity, functions and environmental values of the wetland”.</p> <p>The Wetland Management Plans shall be prepared to the requirements of the responsible authority in consultation with the Office of the Environmental Protection Authority and on advice of the Department of Parks and Wildlife and the Department of Water.</p> <p>Each plan shall include—</p> <ul style="list-style-type: none"> (i) A description of the wetland including its ecosystem, attributes and values; (ii) Management objectives, including the protection of the water regime that supports the wetland; (iii) Management actions to ensure that the management objectives are achieved including control of access through fencing and paths. (iv) Measures to ensure that where there are impacts to a wetland or its buffer caused by development then there will be a net gain in environmental value for the remaining wetland to offset these impacts; (v) A monitoring programme, including definition of performance criteria and analysis procedures, to demonstrate whether the management objectives are being met; (vi) Contingency plans to be implemented in the event that performance criteria are not met; and (vii) Identification of responsibilities for implementation of the plan. <p>3 Drainage and Nutrient Management</p> <p>3-1 Prior to ground disturbing activities, a Drainage and Nutrient Management Plan over the whole of the subject land to ensure that the rate, quantity and quality of water leaving the subject land will not adversely impact on Geographe Bay or wetlands on or in the vicinity of the subject land to the requirements of the local government with the concurrence of the Department of Water on advice from the Office of the Environmental Protection Authority.</p>

No.	Particulars of Land	Gazettal Date	Environmental Conditions
			This plan shall incorporate— <ul style="list-style-type: none"> <li data-bbox="858 293 1321 450">(i) Water Sensitive Urban Design best management practices to achieve the best removal of pollutants and nutrients from surface water and groundwater discharges from the subject land; <li data-bbox="858 454 1321 533">(ii) Water Sensitive Urban Design best management practices to maximise stormwater detention on site; <li data-bbox="858 537 1321 616">(iii) Mechanisms to minimise erosion during and after the development phase; <li data-bbox="858 620 1321 875">(iv) Mechanisms to protect the water regimes of the lakes protected under the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 situated on and nearby the subject land, including water quality and water level; and to ensure that there shall be no direct drainage to the “Franklin” wetland from the proposed adjacent industrial area. <li data-bbox="858 880 1321 1014">(v) A monitoring and reporting programme for nutrient concentration in surface water and groundwater discharges from the subject land; <li data-bbox="858 1019 1321 1176">(vi) Contingency measures to be implemented in the event that pollution and nutrient removal and stormwater detention are not achieving Water Sensitive Urban Design best practice; and <li data-bbox="858 1180 1321 1254">(vii) Identification of responsibilities for implementation of the Drainage and Nutrient Management Plan.

SCHEDULE 11—Vasse Development Zone—Special Provisions

[cl 4.2.13]

1. VASSE DEVELOPMENT ZONE

1.1 Interpretation

In this Schedule, unless the context otherwise requires—

“**Proponent**” means any owner or owners of land to which the draft Development Guide Plan relates that has or have submitted that draft Development Guide Plan; and

“**Draft Development Guide Plan**” means a structure plan, which may apply to either a local area or a district, that has been prepared in accordance with clause 1.4 of this Schedule.

“**Development Guide Plan**” means a Development Guide Plan that has been both approved by the Commission and adopted by the local government under clause 1.5 of this Schedule.

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.

1.3 Planning Requirements

1.3.1 The local government requires a Development Guide Plan for the Vasse Development Zone, or for any particular part or parts of the Zone, before recommending subdivision or approving development of land within the Zone.

1.3.2 Where a Development Guide Plan exists, the subdivision and development of land is to generally be in accordance with the Development Guide Plan.

1.3.3 The local government or the Commission may, as a condition of adopting or approving a draft Development Guide Plan, require a more detailed Development Guide 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 draft Development Guide Plan.

1.4 Preparation of Development Guide Plans

1.4.1 A Development Guide Plan may include plans and other documents.

1.4.2 A Development Guide Plan may, with the agreement of the local government, be prepared and implemented in stages.

1.4.3 A Development Guide Plan is to contain such detail as, in the opinion of the local government, is required to satisfy the planning requirements of the Zone and, without limiting the generality of the foregoing, may include the following details—

- (a) The area to which the Development Guide Plan applies;
- (b) Key opportunities and constraints of the zone including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport and services;
- (c) The planning context for the zone including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Development Guide Plan is to be integrated into the surrounding area;
- (d) 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 areas;
- (e) The proposed indicative lot pattern and general location of any major buildings;
- (f) Estimates of future lots, dwellings, population, employment and retail floor space;
- (g) Provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
- (h) The proposed road network and hierarchy, public transport services and bicycle and pedestrian networks;
- (i) The timeframe and staging of subdivision and development and method of implementation, including any proposals for funding by development contributions;
- (j) Details as appropriate relating to—
 - vehicular access and parking;
 - the location, orientation and design of buildings and the space between buildings;
 - conservation areas;
 - heritage places; and
 - special development control provisions; and
- (k) Such other information as may be required by the local government.

1.4.4 In considering a draft Development Guide Plan for part of the zone, 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 zone, 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.

1.5 Adoption, Approval and Modification of Development Guide Plans

1.5.1 The processes for adoption, approval and modification of a Development Guide Plan prepared in accordance with Clause 1.4 of this Schedule shall be in accordance with Part 7 of the Scheme. Within 7 days of determining that a draft Development Guide Plan is satisfactory for advertising, the local government is to forward a copy of the draft Development Guide Plan to the Commission.

1.5.2 The local government may adopt a minor change to or departure from a Development Guide Plan if, in the opinion of the local government, the change does not materially alter the intent of the Development Guide Plan.

- 1.5.3
- (a) The local government is to forward a copy of the minor change or departure to the Commission within 10 days from the date of adopting the minor change or departure.
 - (b) If the Commission considers that the change or departure adopted by the local government under clause 1.5.2 materially alters the intent of the Development Guide Plan, then the Commission—
 - (i) may require the local government to follow the procedures set out in clause 1.5.1; and
 - (ii) notify the local government of this requirement within 10 days.

1.5.4 Any change to or departure from a Development Guide Plan that is not within clause 1.5.2 is to follow the procedures set out in clause 1.5.1.

1.6 Detailed Area Plans

- 1.6.1
- (a)
 - (i) A proponent will prepare and submit to the local government a detailed areas plan for the residential neighbourhood/village, village centre precinct and industrial area, within which subdivision or development approval is being sought, prior to subdivision and development approval. Detailed area plans are to be designed consistent with “Liveable Neighbourhoods” principles and may include variations to the Development Guide Plan in terms of design.
 - (b) A detailed area plan is to relate to a particular neighbourhood/village, industrial area or the village centre precinct and will be prepared and submitted—
 - (i) to enhance, elaborate or expand on the details or provisions contained in a draft Development Guide Plan or a Development Guide Plan;

- (ii) in place of a development approval required to comply with clause 2.3 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 detailed area plan.
- (d) If within 60 days of receiving a detailed area plan under clause 1.6.1(a) or 1.6.1(e), 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 1.6.1(c), the local government is deemed to have refused the detailed area plan.
- (e) The local government's refusal to approve a detailed area plan under clause 1.6.1 is not a valid reason for the local government to refuse to adopt a Development Guide Plan under clause 1.5.1.
- (f) Notwithstanding that a detailed area plan may have been deemed to have been refused under clause 1.6.1(d) the local government may issue a decision after the expiry of the 60 days and that decision will be regarded as being valid.

1.6.2 Unless clause 1.6.1(b)(ii) of this Schedule applies, once approved by the local government, the detailed area plan in conjunction with the approved Development Guide Plan is to be used as the basis for—

- (a) making recommendation to the Commission on subdivision applications; and
- (b) determining applications for planning approval.

1.6.3 A detailed area 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 closures;
- (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;
- (k) revised lot configurations;
- (l) revised internal road network; and
- (m) such other information considered relevant by the local government.

1.6.4 An approved detailed area plan may be modified or varied with the approval of the local government, but where there is a related Development Guide Plan such modifications are to conform with the intent of any related Development Guide Plan.

1.6.5 A person who has submitted a detailed area plan under clause 1.6 may make an application for review in accordance with Part 14 of the Planning and Development Act 2005 of any decision made by the local government under clause 1.6.1 or 1.6.4.

1.7 Operation of Development Guide Plan

1.7.1 A Development Guide Plan commences operation on the date it is endorsed by the Commission.

1.7.2 Subject to clause 1.7.5, if a Development Guide Plan imposes a classification on the land included in it by reference to reserves, zones, or R-Codes, then until it is replaced by a subsequent amendment to the Scheme or a new Scheme imposing such classifications—

- (a) the provisions of the Development Guide Plan apply to the land within the area as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
- (b) provisions in the Scheme applicable to land in those classifications under the Scheme are to apply to the Vasse Development Zone.

1.7.3 Without limiting the generality of clause 1.7.2 of this Schedule, under a Development Guide Plan—

- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those designations were zones under the Scheme except that Council may approve Offices, Single Houses, Grouped Dwellings and Multiple Dwellings within the Restricted Business Zone;
- (b) the standards and requirements applicable to the zones and Residential Design Codings under the Scheme apply to the areas having corresponding land use designations under the Development Guide Plan or under the detailed area plan;
- (c) the development control procedures including (without limitation) the procedures for the approval of uses and developments under the Scheme are to apply as if the land was correspondingly zoned or reserved under the Scheme;

- (d) where land is classified as a local reservation, the rights, provisions and procedures and the obligations of the local government in regard to compensation set out in the Scheme apply as if the land was correspondingly reserved under the Scheme;
- (e) any other provision, standard or requirement in the Development Guide Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme; and
- (f) the Council shall not consent to development for the purpose of a Single House, Grouped Dwellings or Multiple Dwellings on land in the "Restricted Business" area where the dwellings proposed to be erected do not form a component only of a commercial development unless Council is satisfied that approval of the development would not be inconsistent with the Policies and Objectives of the "Restricted Business" area.

1.7.4 A Development Guide Plan may distinguish between the provisions, standards or requirements which are intended to have effect as if included in the Scheme and any provisions, requirements, or standards which are only for guidance or such other purposes as stipulated in the Development Guide Plan. If no distinction is made, the provisions, standards or requirements specified on the Development Guide Plan will be deemed to form part of the Scheme.

1.7.5 If a provision of a Development Guide Plan which imposes a classification on the land included in it by reference to reserves, zones or R-Codes is inconsistent with the provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

1.8 Additional Requirements

1.8.1 The proponent shall prepare a Mosquito Management Plan as a condition of subdivision approval to the satisfaction of the Department of Health and local government.

1.8.2 The proponent shall create appropriately worded memorials on Certificates of Title of lots created within the Development Guide Plan advising prospective purchasers of the presence of mosquitoes and the potential for mosquitoes to cause Ross River Virus.

1.8.3 The proponent shall cause archaeological surveys and ethnographic consultation to be undertaken prior to subdivision and planning approval for the amendment area to the satisfaction of the Department of Aboriginal Affairs and local government.

1.8.4 The proponent shall prepare a Traffic Management and Implementation Plan addressing Bussell Highway access and future downgrading issues as a condition of subdivision approval and prior to any planning approval along Bussell Highway.

1.8.5 Council shall recommend to the Western Australian Planning Commission as part of any subdivision approval that all lots created within 500 metres of the southern boundary of the amendment area will require a memorial on title advising prospective purchasers that there is potential for dust, spray, noise and other amenity impacts due to the adjoining, approved agricultural uses and practices.

1.8.6 Prior to the subdivision or development of land, the proponent is to prepare a developer contributions and staging plan to the satisfaction of the Council and Commission to ensure the proponent's appropriate and timely contribution toward service infrastructure, distributor roads and community facilities on a progressive and staged basis.

SCHEDULE 12—Deferred Vasse Development Zone—Special Provisions

[cl 4.2.14]

1. The deferment from the Deferred Vasse Development Zone shall be lifted by finalisation and gazettal of a scheme amendment rezoning land from the Deferred Vasse Development Zone to the Vasse Development Zone in accordance with those requirements outlined herein.

2. Council shall only lift the deferment from the Deferred Vasse Development Zone by initiating and granting final approval to a Scheme Amendment as specified in 1. above when it is satisfied that—

- (a) The developer/owner has successfully achieved a level of employment generating uses within Vasse beyond those normally expected within a conventional dormitory suburb. These uses may include industry, recreational, tourism, medical, research and educational functions as generally proposed in the adopted Development Guide Plan.
- (b) With regard to (a) subdivision and development is predicated on the prior construction of such establishments identified in the adopted Development Guide Plan. Accordingly, any application for subdivision and development of lots in accordance with the adopted Development Guide Plan will not be recommended for approval by the Council unless such establishments had been built or Council is satisfied that an irrevocable commitment has been entered into by the proponent to construct such establishments to a level consistent with (a).
- (c) The proponent has reached agreement with Council over the provision of community infrastructure including a contribution to the upgrading of Vasse Community Halls, townscaping the main street and proposed town square as outlined at part 9.3.1 of the Development Guide Plan, the provision of open spaces, landscaping, strategic cycleways and other local community facilities which may include local halls, sporting facilities and other facilities upon agreement. The developer will contribute towards the construction of the Bussell Highway Link Road on the western boundary of the amendment area.
- (d) Adherence to the principal aims of the Liveable Neighbourhoods—Western Australian Planning Commission.

SCHEDULE 13—Provisions Applying to Sussex Location 413 Smiths Beach Road, Yallingup

[cl 7.5.16]

1. The provisions of this schedule apply to Sussex Location 413 Smiths Beach Road, Yallingup only.
2. A Development Guide Plan prepared for the land by the City or the landowner must include the following associated plans or reports—
 - (a) Design and Settlement Guidelines.
 - (b) A Fire Hazard and Fire Risk Assessment Plan and Preliminary Fire Management Plan for the land that is in accordance with Western Australian Planning Commission (WAPC) policy and Department of Fire and Emergency Services (DFES) guidelines on bush fire protection and is consistent with the intent of—
 - (i) retaining remnant vegetation wherever possible, and the need to protect the visual amenity, natural landscape and environmental values of the land; and
 - (ii) preserving the natural environmental values of the Leeuwin Naturaliste National Park, while also complementing the fire management regimes of the National Park.
 - (c) A comprehensive Landscaping and Rehabilitation Plan.
 - (d) An Archaeological and Aboriginal Heritage Survey undertaken by an appropriately qualified consultant.
 - (e) A Community Facilities and Infrastructure Contribution Principles Plan that specifies the basis for determination of contributions to be made to fund community facilities and infrastructure within the locality as a direct result of development of the land.
 - (f) Where applicable, a Coastal Planning Strategy or Foreshore Management Plan prepared in accordance with State Planning Policy No. 2.6—State Coastal Planning Policy.
 - (g) A Visual Landscape Assessment for the whole of the land.
 - (h) Drainage.
 - (i) Movement and car parking.
 - (j) Solar orientation.
 - (k) Landscape and environmental values.

The above plans / reports shall be integrated into the overall Development Guide Plan documentation.

3. In addition to the requirements described in Part 7 of the Scheme, a Development Guide Plan must also address and have due regard to—

- (a) relevant provisions of State Planning Policy No. 6.1—Leeuwin-Naturaliste Ridge Policy (LNRSP), State Planning Policy No. 2.6—State Coastal Planning Policy, State Planning Policy No. 1—State Planning Framework Policy and any other relevant State Planning Policies approved pursuant to Part 3 of the Planning and Development Act 2005.;
- (b) relevant provisions of the Scheme and any relevant local planning policies adopted pursuant to the Scheme;
- (c) the City of Busselton Rural Strategy; and
- (d) in relation to Sussex Location 413 Smiths Beach Road, Yallingup, the Combined Methodologies adopted by the City for the preparation of a Development Guide Plan.

4. In relation to Sussex Location 413 Smiths Beach Road, Yallingup the Identified Developable Land Area(s) shown on a Development Guide Plan will identify where development may be undertaken on the land and must be determined having regard to the—

- (a) overriding need to protect the visual amenity, natural landscape and environmental values of the area; and
- (b) provisions and policies described in 3 above.

5. In relation to Sussex Location 413 Smiths Beach Road, Yallingup a Development Guide Plan must—

- (a) Designate areas to be excluded from the Identified Developable Land Area(s) such as Principal Ridge Protection Area pursuant to the LNRSP, National Park, public open space requirements or similar purposes.
- (b) Establish the primary tourism function of the site.
- (c) Ensure that land identified for subdivision and development of the Identified Developable Land Area(s) is designated so that a ratio of not less than seventy percent (70%) of the overall Identified Developable Land Area(s) be used for tourist uses, as may be granted planning approval in the 'Tourist' zone, and not more than thirty percent (30%) residential development be achieved from the overall Identified Developable Land Area(s).
- (d) Ensure that the density, scale and nature of all development has due regard to the landscape and environmental value of that area.
- (e) Provide for a range of tourist development accessible by the broader community which may include, but not be limited to, campsites, hostels/backpacker accommodation, chalets, lodges, guesthouses and other low-impact development.
- (f) In relation to the Identified Developable Area designated for residential use, a range of residential densities to be shown in clearly delineated residential cells with the maximum residential density code (R-Code) being R25 as per the Residential Design Codes (State Planning Policy No. 3.1).

- (g) Provide integrated recreational facilities that promote visitor and resident interaction and also consider areas for local convenience shopping and services.
 - (h) Ensure that where reasonably possible all utilities and services on the land are contained within the Identified Developable Land Area(s).
 - (i) Ensure that all development is connected to reticulated water, sewerage and power unless the local government and other relevant responsible authorities are satisfied that suitable alternative technologies can be implemented.
 - (j) Ensure all development is assessed for their direct and indirect impact on the natural environmental values and management of the adjacent National Park.
6. Following receipt of a Development Guide Plan the City shall within 90 days either determine that the Development Guide Plan—
- (a) addresses the requirements of Part 7 and other provisions of the Scheme and shall cause the Development Guide Plan to be advertised for a minimum period of 28 days with all expenses incurred by the local government in carrying out advertising to be paid by the proponent; or
 - (b) is not to be advertised until further details or modifications, as required by the local government in its determination, have been provided or undertaken; or
 - (c) does not address the requirements of Part 7 and other requirements of the Scheme, however, the failure to meet the requirements is considered by the local government to be of a nature that would still allow advertising to the community for a minimum period of 28 days, with all expenses incurred by the local government in carrying out advertising to be paid by the proponent; or
 - (d) is not satisfactory for advertising and refuse it, with the reasons for this decision to be provided to the proponent.

With respect to Sussex Location 413 Smiths Beach Road, Yallingup for the purpose of clause 6(a) and 6(c) of Schedule 13 above the minimum advertising period shall be 60 days.

7. Where the local government advertises a Development Guide Plan in accordance with clause 6(a) or 6(c) of Schedule 13, the local government must consider any submissions made and may either—
- (a) refuse to adopt the Development Guide Plan and provide reasons for its decision to the applicant; or
 - (b) adopt the Development Guide Plan with or without modification and subject to such conditions as it thinks fit; or
 - (c) seek more information from the proponent.
8. Any amendment(s) to a Development Guide Plan to which Schedule 13 applies shall for the purposes of the scheme be a Development Guide Plan.
9. With respect to Sussex Location 413 Smiths Beach Road, Yallingup only, a Development Guide Plan prepared pursuant to the relevant specific provisions above shall be deemed refused where a decision in respect of that application is not conveyed to the owner by the local government within 240 days of receipt of it by the local government or such additional time period agreed in writing with the owner.
10. Notwithstanding that a Development Guide Plan, including an amendment to a Development Guide Plan, may be deemed to be refused under clause 9 of Schedule 13, the local government may make a decision in respect of the application.

SCHEDULE 14—Exempted Advertisements

[cl 9.2.1(i)]

- (A) Subject to (B) below, the following advertisements located on privately owned land are exempt from requiring planning approval—
1. A For Sale Sign or an Institutional Sign less than 2.2m² in size, with a maximum width / length of 2.0 metres, provided that there is no more than 1 For Sale Sign or an Institutional Sign on each street frontage of a lot.
 2. An advertisement less than 0.2m² in size erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the property.
 3. Advertisements affixed inside or painted on a shop window by the occupier thereof and relating to the business carried on therein.
 4. Advertisements which are not visible from a public space outside the boundaries of a property.
 5. Advertisements containing changeable public notices or information not larger than 0.7 metres by 0.9 metres in size located on advertising pillars or panels approved by or which have the prior approval of the City for the purposes of displaying public notices or information.
 6. A Wall Sign on a residential multiple dwelling or grouped dwelling indicating the name of the building provided that the advertisement comprises of letters and numbers only, and those letters and numbers do not individually exceed 300mm in height.

7. Advertisements used solely for the direction and/or control of people, animals and/or vehicles or to indicate the name, and/or street number of a premises, providing the area of any such advertisement is less than 0.2m² in size and the advertisement is located wholly within the boundaries of land owned by a person who erected or who maintains the advertisement.
 8. An advertisement that is required by the Builders Registration Board or other government or statutory bodies or authorities on building sites, providing any such advertisement is less than 1.5m² in size and that any such advertisement is removed within 7 days of completion of the building works on the building site.
 9. An advertisement which is a heritage or memorial plaque not exceeding 1m² in size.
 10. An advertisement which does nothing other than indicate an exit or exits, warn of the existence of a hazard or indicate that smoking is prohibited on particular premises and which does not exceed 0.5m² in size.
 11. An Information Sign erected within a site used or occupied by a tourist, recreational, cultural, religious or other community organisation that does not exceed 2.0m² in size or 1.5 metres in height.
 12. An advertisement not exceeding 0.6m² in size that advertises an approved non-residential land use within the Residential zone.
 13. A Display Home Sign in the Residential zone not exceeding 2m² in size.
 14. An advertisement attached to or painted on the wall of a building other than a residential building that identifies the name of the building or business operating from the building, where the total area of advertising is not greater than 5m² per wall.
 15. All advertisements affixed to any shop, showroom or other uses appropriate to a shopping area, below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building.
 16. Advertisements within any lot or on any building that is situated in an Industrial Area provided—
 - (a) Advertisements applied to or affixed to the walls of the building do not—
 - (i) exceed a maximum of four advertisements per building;
 - (ii) exceed an area of 6m² for individual advertisements;
 - (iii) exceed a maximum total area of 10m² per building;
 - (iv) project above the eaves or the ridge of the roof of the building;
 - (v) project from a building whether or not those advertisements are connected to a pole, wall or other building; and
 - (b) free standing advertisements do not exceed—
 - (i) a maximum of two free-standing advertisements per lot;
 - (ii) 5m in height above ground level; and
 - (iii) a maximum total area of 15m² per lot.
- (B) Any advertisement will require planning approval if it—
1. Advertises goods or services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located.
 2. Is located so as to cause an unreasonable impediment to the safe operation of an adjoining road or footpath.
 3. Is likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the *Main Roads Act 1930* or the Regulations made thereunder.
 4. Is located more than 3 metres above the ground level immediately adjacent to it (where a specific height limit is not specified at (A) (1)-(16) above).
 5. Is located upon or inside a vehicle adapted and exhibited to primarily facilitate advertising.
 6. Is in the form of a balloon or air blimp.
 7. Is located to form a part of, or is attached or affixed to a fence or wall which is forward of the approved building setback for any lot in the Industrial zone.
 8. Is located underneath a verandah and does not afford a minimum head clearance of 2.75 metres above the ground level immediately adjacent.”
- (C) For the purpose of interpreting the intent of the provisions of this Schedule, the terms and expressions outlined below shall have the following meanings—
- “**Wall Sign**” means a sign attached to or otherwise displayed on a building or a structure no part of which projects further than 0.3m from that building or structure other than an advertisement that is displayed on, above or below a verandah or a verandah facia.”
- “**Display Home Sign**” means a sign erected on a lot on which a dwelling is erected where the lot and dwelling have been approved as meeting the City’s requirements for a display home.
- “**For Sale Sign**” means a sign indicating that the property or premises whereon the sign is affixed, are for sale, for letting or to be auctioned;
- “**Industrial Area**” means an area zoned Industrial or zoned primarily for the purpose of industrial or light industrial land use under the Scheme;

“Information Panel” means a panel used for displaying government notices or announcements of a religious, educational, cultural, recreational or similar character which are for the benefit of the public generally or particular sections of the public;

“Institutional Sign” means a sign erected or placed on any private property, public place or building used for or in connection with a medical or dental surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature.

SCHEDULE 15—Development Contribution Area

[cl 6.12]

Ref No:	DCA 1—Community Infrastructure
Area:	As depicted on the Scheme map (Sheet 34)
Relationship to other planning instruments	The Development Contribution Plan generally conforms to the City of Busselton Strategic Plan 2010—2020, City of Busselton Leisure Services Plan and the City of Busselton Cultural Plan.
Infrastructure and administrative items to be funded	<p>District Facilities Busselton to Dunsborough Recreation Trail—Dual Use Path Dunsborough to Yallingup Recreation Trail—Dual Use Path Rails to Trails recreation trail Lower South West Learning and Information Facility Regional Gallery Facility upgrade to former Agriculture Bank Building Cultural/Performing Arts Centre Foreshore facilities (toilet block and car park) and Playgrounds Geographe Leisure Centre (group fitness centre) Environmental protection, management and implementation Dunsborough Sport and Recreation Zone including a 6.5 hectare playing field for district facilities Public Art Youth Centre District Community Centre (incorporated in new City Administration Centre) Boat Ramps New active playing fields and development of regional sporting headquarters for soccer and cricket</p> <p>Local Facilities (Busselton) Beachfront amenities—BBQs etc Foreshore Facilities (toilet block and car park) Playgrounds Lou Weston Oval (lighting, resurfacing etc) Sir Stewart Bovell Park (resurfacing, road improvements, additional playing fields)—local use</p> <p>Local Facilities (Dunsborough including Quindalup, Eagle Bay, Commonage and Yallingup) Dunsborough Hall kitchen upgrade Beachfront amenities—BBQs etc Playgrounds Foreshore facilities (toilet block and car park) Naturaliste Community and Cultural Centre (new gym facility) Redevelopment of playing fields Eagle Bay to Rocky Point Path</p> <p>Local Facilities (Broadwater) Foreshore facilities (toilet block and car park) Playgrounds Beachfront amenities BBQs etc Boat ramp Local community centre (in partnership with DCD)</p> <p>Local Facilities (Geographe) Playgrounds Beachfront amenities—BBQs etc Foreshore facilities (toilet block and car park)</p>

	<p>Sports playing field (NB: covered by Port Geographe DCP)</p> <p>Administrative costs including—</p> <p>Costs to prepare and administer the Contribution Plan during the period of operation (including legal expenses, valuation fees, cost of design and cost estimates, proportion of staff salaries, computer software or hardware required for the purpose of administering the plan).</p> <p>Cost to prepare and review estimates including the costs for appropriately qualified independent persons.</p> <p>Costs to prepare and update the Community Infrastructure Cost Contribution Schedule and 'Cost Apportionment' Schedule.</p>
<p>Method for calculating cost contributions</p>	<p>The City's Plan for the District identifies the needs that impact on the Development Contribution Plan. The cost contributions outlined in this plan have been derived based on the need for the facilities generated by the additional development in the Development Contribution Plan. This calculation excludes the—</p> <ul style="list-style-type: none"> • demand for a facility that is generated by the current population in existing dwellings; • land required for public roads, public open space, drainage and other uses not including residential development; • existing dwelling(s) on an existing lot. <p>A cost contribution liability arises only once and at the earliest stage of development in accordance with clause 6.12.15 and the following.</p> <p>Cost contributions shall be calculated on the number of new lots and/or accommodation units/dwelling units proposed, as follows—</p> <ul style="list-style-type: none"> • Where a subdivision is proposed, cost contributions will be sought on a per lot basis at the subdivision approval stage; or • Where residential dwellings/units and/or accommodation units are proposed without concurrent subdivision, cost contributions will be sought on a per dwelling/unit basis at the development approval stage; and • Where a lot may have further subdivision potential (for example, as a grouped dwelling site or conventional freehold subdivision), cost contributions will also be required at the next development stage where additional dwellings or lots are proposed; • Cost contributions applying to development of "Aged or dependent persons' dwellings" or "Single bedroom dwellings" pursuant to the Residential Design Codes shall be calculated on the number of dwelling units permitted prior to the application of the variations permissible under clause 5.1.1 C1.4i of the Residential Design Codes. • A cost contribution rate of 50% of the full dwelling/lot rate will apply to lots/units used for the purpose of tourist accommodation and "Aged Persons' Home" in any zone other than the Residential zone. <p>Notwithstanding the definition of 'lot' as contained in the Residential Design Codes, for the purposes of calculating cost contribution liability within DCA1, the term lot will be inclusive of green title, survey strata and built strata subdivisions.</p>
<p>Period of operation</p>	<p>Until 30 June 2021. However the DCP may also be extended for further periods with or without modification by subsequent Scheme Amendments.</p>
<p>Priority and timing</p>	<p>In accordance with the City of Busselton Strategic Plan 2010-2020 and subsequent revisions of this document.</p>
<p>Review process</p>	<p>The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment areas since the last review and the degree of development potential still existing.</p> <p>The estimated community infrastructure costs contained in the Community Infrastructure Cost Apportionment Schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by an appropriately qualified independent person.</p>
<p>Participants and contributions</p>	<p>In accordance with the Scheme Map and the Community Infrastructure Cost Apportionment Schedule adopted by the local government for DCA 1.</p>

ADOPTION—

Adopted by resolution of the Council of the Shire of Busselton at the Ordinary Meeting of the Council held on the 12th day of August, 2009 (C0908/274) and modifications as required by the Minister adopted by resolution of the Council of the Shire of Busselton at the Ordinary Meeting of the Council held on the 13th day of April, 2011 (C1104/107).

I. W. STUBBS, Mayor.
M. ARCHER, Chief Executive Officer.

FINAL APPROVAL—

Adopted for final approval by resolution of the City of Busselton at the Ordinary Meeting of the Council held on the 10th day of October, 2012 (C1210/278) and the Common Seal of the City of Busselton was hereunto affixed by the authority of a resolution of the Council in the presence of—

I. W. STUBBS, Mayor.
M. ARCHER, Chief Executive Officer.

Recommended/Submitted for Final Approval—

(Signed), Delegated under S.16 of the
Planning and Development Act 2005.

Dated: 28 August 2014.

Final Approval Granted—

J. DAY, Minister for Planning.

Dated: 24 September 2014.
