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PLANNING AND DEVELOPMENT ACT 2005

CITY OF BUNBURY

LOCAL PLANNING SCHEME

No. 8

PREAMBLE

The City of Bunbury under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme No. 8 in accordance with the purposes of the Act.

The Local Planning Scheme of the City of Bunbury consists of this Scheme Text and accompanying Scheme Map (sheets 1 to 14). The Scheme divides the local government district into zones to identify areas for particular land uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of land uses and development allowed in different reserves and zones.

The Scheme Text and Map should be read in conjunction with the Local Planning Strategy, which is the overarching planning instrument of the City's Local Planning Framework. The Local Planning Strategy sets out the long-term planning directions for the local government, applies State and regional planning policies and provides the rationale for the zones and other provisions of the Scheme. In addition to the Local Planning Strategy, the Local Planning Framework provides for local planning policies which set out the general policies of the local government on matters within the Scheme.

The separately gazetted deemed provisions for local planning schemes are prescribed under Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and have automatic statutory effect as part of the Scheme. In addition to the provisions set out in the Scheme Text, the following lists the parts of the deemed provisions included as part of the Scheme—

Part 1 -	Preliminary:	Sets out the meaning of general terms used throughout the Scheme Text.
Part 2 -	Local planning framework:	Sets out the relationship of the Scheme to other planning instrument of the Local Planning Framework (e.g. Local Planning Strategy and local planning policies).
Part 3 -	Heritage protection:	Sets out the suite of heritage protection measures (e.g. establishment of a Heritage List, designation of Heritage Areas, entering into of Heritage Agreements with landowners, requirements for a Heritage Assessment and the giving of Heritage Conservation Notices).
Part 4 -	Structure plans:	Sets out the requirements, effect and procedure for preparing, implementing and amending Structure Plans adopted by the Western Australian Planning Commission (WAPC).
Part 5 -	Activity centre plans:	Sets out the requirements, effect and procedure for preparing, implementing and amending Activity Centre Plans adopted by the Commission.
Part 6 -	Local development plans:	Sets out the requirements, effect and procedure for preparing, implementing and amending Local Development Plans adopted by the local government.
Part 7 -	Requirement for development approval:	Sets out the requirement for development approval and the types and nature of development for which development approval is not required.
Part 8 -	Applications for development approval:	Sets out the form of application and accompanying material required for development approval, and the procedure for advertising applications.
Part 9 -	Procedure for dealing with applications for development approval:	Sets out the procedure for consultation with other authorities and the matters to be considered by the local the government when dealing with and determining applications for development approval.
Part 10 -	Enforcement and administration:	Sets out the powers of the local government for the purposes of implementing the Scheme, the procedure for delegating those powers and other miscellaneous matters.
Part 11 -	Forms referred to in this Scheme:	Application for Development Approval; Additional Information for Development Approval for Advertisements; Notice of Public Advertisement of Planning Proposal; and Notice of Determination on Application for Development Approval.

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PLANNING AND DEVELOPMENT ACT 2005**CITY OF BUNBURY****LOCAL PLANNING SCHEME No. 8****PART 1—PRELIMINARY****1. Citation**

This planning scheme is the City of Bunbury Local Planning Scheme No. 8.

2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

3. Scheme Revoked

The following local planning scheme is revoked—

City of Bunbury Town Planning Scheme No. 7, Gazettal date 13 December 2002 as amended.

4. Notes Do Not Form Part of Scheme

Notes, and instructions printed in italics, do not form part of this Scheme.

Note: The Interpretation Act 1984 section 32 makes provision in relation to whether headings form part of the written law.

5. Responsibility for Scheme

The City of Bunbury is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme Area

This Scheme applies to the area shown on the Scheme Map.

Note: The Scheme area is also subject to the Greater Bunbury Region Scheme (see clause 12).

7. Contents of Scheme

(1) In addition to the provisions set out in this document (the ‘Scheme Text’); this Scheme includes the following—

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
- (b) the Scheme Map (sheets 1 -15);
- (c) the following plans, maps, diagrams, illustrations or materials—
Maps A to D and Diagrams 1 to 4 (inclusive).

(2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to—

- (1) set out the local government’s planning aims and intentions for the Scheme area; and
- (2) set aside land as local reserves for public purposes; and
- (3) zone land within the Scheme area for the purposes defined in this Scheme; and
- (4) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and
- (5) set out procedures for the assessment and determination of development applications; and
- (6) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (7) make provision for the administration and enforcement of this Scheme; and
- (8) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are—

- (1) to implement the intentions and desired outcomes of the Local Planning Strategy in support of the Strategic Community Plan as amended;

- (2) to coordinate and integrate planning at the local level with planning at regional and state levels;
- (3) to avoid and/or mitigate land use and development impacts on environmental and public health;
- (4) to provide for the adequate and efficient servicing of development;
- (5) to facilitate the effective implementation of the State Planning Framework, including the Greater Bunbury Strategy, Greater Bunbury Region Scheme and Greater Bunbury Structure Plan;
- (6) to facilitate the effective implementation of the Local Planning Framework, including the local planning strategy, local planning policies, structure plans, activity centre plans and local development plans; and
- (7) to seek to achieve greater ecologically sustainable development that balances and integrates—
 - (a) preservation of biodiversity and conservation of natural resources;
 - (b) facilitation of economic development; and
 - (c) maintenance of social, cultural and wellbeing of people and communities; by managing the process and effects of land use and development in a manner that applies the precautionary principle and principle of intergenerational equity.

10. Relationship with Local Laws

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11. Relationship with Other Local Planning Schemes

There are no other local planning schemes of the City of Bunbury which apply to the Scheme area.

12. Relationship with Region Planning Scheme

The Greater Bunbury Region Scheme made (or continued) under Part 4 of the Act applies in respect of part or all of the Scheme area.

Note: The authority responsible for implementing the Greater Bunbury Region Scheme is the Western Australian Planning Commission.

PART 2—RESERVES

13. Regional Reserves

- (1) Regional reserves are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The lands marked as regional reserves are lands reserved for a public purpose under the Greater Bunbury Region Scheme.

Note: The process of reserving land under a regional planning scheme is separate from the process of reserving land under the Land Administration Act 1997 section 41.

14. Local Reserves

- (1) In this clause—

‘Department of Main Roads’ means the department principally assisting in the administration of the *Main Roads Act 1930*; and

‘Western Australian Road Hierarchy’ means the document of that name available on the website maintained by the Department of Main Roads.
- (2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (3) The objectives of each local reserve are as follows—

Table 1—Reserve Objectives

Reserve Name	Objectives
Public Open Space	<ul style="list-style-type: none"> To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental Conservation	<ul style="list-style-type: none"> To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Civic and Community	<ul style="list-style-type: none"> To provide for a range of community facilities which are compatible with surrounding development. To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.

Reserve Name	Objectives
Public Purposes	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure.
Infrastructure Services	<ul style="list-style-type: none"> Public purposes which specifically provide for a range of essential infrastructure services.
Education	<ul style="list-style-type: none"> Public purposes which specifically provide for a range of essential education facilities.
Emergency Services	<ul style="list-style-type: none"> Public purposes which specifically provide for a range of essential emergency services.
Government Services	<ul style="list-style-type: none"> Public purposes which specifically provide for a range of government services.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Drainage	<ul style="list-style-type: none"> To set aside land required for significant drainage.
District Distributor Road	<ul style="list-style-type: none"> To set aside land required for a district distributor road being a road classified as a 'Distributor A' or 'Distributor B' under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

15. Additional Uses for Local Reserves

There are no Additional Uses for land in local reserves that apply to this Scheme.

PART 3—ZONES AND USE OF LAND

16. Zones

(1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.

(2) The objectives of each zone are as follows—

Table 2—Zone Objectives

Zone Name	Objectives
Regional Centre	<ul style="list-style-type: none"> To consolidate the city centre's status as Principal Regional Centre. To provide a range of services and uses to cater for both the local and regional community, including but not limited to specialty shopping, restaurants, cafés and entertainment. To ensure that there is provision to transition between the uses in the Regional Centre and the surrounding residential areas and impacts from the operation of the Regional Centre are minimised. To provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Regional Centre. To encourage high quality, pedestrian-friendly, street-orientated development that responds to and enhances the key elements of the Regional Centre, to develop areas for public interaction and enhance the function of the city centre as a local, district and regional transport hub. To ensure the provision of residential opportunities within the Regional Centre including high density housing and tourist accommodation that supports the role of the Regional Centre and meets the needs of the community.
District Centre	<ul style="list-style-type: none"> To designate land for future development as a District Centre. To provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas. To provide for District Centres to focus on weekly needs and services for a wider district catchment. To provide a broad range of employment opportunities to encourage diversity within the District Centre. To ensure a mix of commercial and residential development, which provides for activity and accessibility at the street level and supports the provision of public transport and pedestrian links in conjunction with opportunities for high density residential accommodation.

Zone Name	Objectives
	<ul style="list-style-type: none"> • To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community. • To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme and the Activity Centres for Greater Bunbury Policy.
Neighbourhood Centre	<ul style="list-style-type: none"> • To designate land for future development as a Neighbourhood Centre. • To provide a variety of retail shopping, commercial and recreational facilities and services that meet the daily needs of the retail catchment area population. • To offer a range of supporting health, welfare and community facilities and services in conjunction with opportunities for medium density living within a walkable distance of the Neighbourhood Centre. • To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community. • To provide a basis for future detailed planning in the form of local development plans in accordance with the provisions of this Scheme and the Activity Centres for Greater Bunbury Policy.
Local Centre	<ul style="list-style-type: none"> • To designate land for future development as a Local Centre. • To provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas. • To provide for Local Centres to focus on the main daily household shopping and community needs. • To encourage high quality, pedestrian-friendly, street-orientated development. • To provide a focus for medium density housing. • To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community. • To provide a basis for future detailed planning in the form of local development plans in accordance with the provisions of this Scheme and the Activity Centres for Greater Bunbury Policy.
Mixed Use—Commercial	<ul style="list-style-type: none"> • To facilitate development of non-residential and residential land uses in strategic locations which complements the hierarchy of activity centres with a predominantly commercial character and amenity, which meets both the employment and higher density housing needs of the city. • To facilitate the development of walkable and vibrant places— <ul style="list-style-type: none"> • with a distinctive sense of place that maintains a high standard of urban design and amenity; • within a walkable distance to a designated higher order activity centre; and • with convenient access to existing or future high frequency public transport routes. • To ensure that the scale of development and intensity of land use activity does not generate nuisances detrimental to the health, welfare and safety of residents and transitions sensitively into surrounding Mixed Use—Residential Zone and Residential Zone areas.
Mixed Use—Residential	<ul style="list-style-type: none"> • To facilitate development of residential and non-residential land uses in strategic locations that complements the hierarchy of designated activity centres, including the Mixed Use—Commercial Zone, with a predominantly residential character and amenity that meets both the medium to higher density housing and employment needs of the city. • To facilitate the development of walkable and vibrant places— <ul style="list-style-type: none"> • with a distinctive sense of place that maintains a high standard of urban design and amenity; • with a land use mix appropriate to the role and functions of the locality in supporting desired economic and social activity that services the needs of predominantly residents; and

Zone Name	Objectives
	<ul style="list-style-type: none"> • with provision of greater transit oriented development that supports the viability of public transport and other infrastructure. • To ensure that the scale of development and intensity of land use activity does not generate nuisances detrimental to the health, welfare and safety of residents and transitions sensitively into surrounding residential areas.
Tourism	<ul style="list-style-type: none"> • To promote and provide for tourism opportunities. • To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area. • To allow limited residential uses where appropriate. • 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. • To facilitate and encourage opportunities for integrated development of tourism precincts with distinct visitor and lifestyle oriented amenity, character and function that support and enhance the availability of tourism related services and facilities within strategic locations of the city.
Residential	<ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development. • To preserve and enhance residential amenity in relation to competing land uses and urban design issues within residential neighbourhoods through appropriate housing types, forms and densities, and provision of private and public open spaces that contribute to the city's landscape character.
Private Community Purposes	<ul style="list-style-type: none"> • To provide sites for privately owned and operated recreation, institutions and places of worship. • To integrate private recreation areas with public recreation areas wherever possible. • To separate potentially noisy engine sports from incompatible uses. • To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Service Commercial	<ul style="list-style-type: none"> • To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in the regional centre, other activity centres or industrial zones.
Light Industry	<ul style="list-style-type: none"> • To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. • To encourage the development of safe, clean and attractive light industrial areas that contribute positively to the overall city image by ensuring that acceptable levels of safety and high standards of visual and environmental amenity are provided within sites. • To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.

Zone Name	Objectives
General Industry	<ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone. • To promote the establishment of industrial development that reinforces, but does not compete with the role and functions of strategic industrial areas.
Rural	<ul style="list-style-type: none"> • To provide for the maintenance or enhancement of specific local rural character. • To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural Zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Urban Development	<ul style="list-style-type: none"> • To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. • To provide for a range of residential densities to encourage a variety of residential accommodation. • To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. • To provide an intermediate transitional zone following the lifting of an urban deferred zoning within the Greater Bunbury Region Scheme.
Industrial Development	<ul style="list-style-type: none"> • To designate land for future industrial development. • To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme. • To provide an intermediate transitional zone following the lifting of an industrial deferred zoning within the Greater Bunbury Region Scheme.
Special Use	<ul style="list-style-type: none"> • To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.

Use and Development Class	Zones															
	Regional Centre Zone	District Centre Zone	Neighbourhood Centre Zone	Local Centre Zone	Mixed Use—Commercial Zone	Mixed Use—Residential Zone	Tourism Zone	Residential Zone	Private Community Purpose Zone	Service Commercial Zone	Light Industry Zone	General Industry Zone	Rural Zone	Urban Development Zone	Industrial Development Zone	Special Use Zone
Telecommunications Infrastructure ⁷	D	D	D	D	D	D	D	D	D	P	P	P	P	Refer to clause 18 (7)	Refer to clause 18 (7)	Refer to clause 21
Tourist Development	D	X	X	X	X	X	D	X	X	X	X	X	X			
Trade Display	X	X	X	X	X	X	X	X	X	P	P	D	X			
Trade Supplies ³	P	P	D	X	D	X	X	X	X	P	P	X	X			
Transport Depot ¹	X	X	X	X	X	X	X	X	I	D	P	P	X			
Tree Farm	X	X	X	X	X	X	X	X	X	X	X	X	P			
Veterinary Centre	P	P	D	A	D	A	X	X	D	D	A	X	A			
Warehouse / Storage	X	X	X	X	X	X	X	X	X	P	P	P	X			
Waste Disposal Facility ¹	X	X	X	X	X	X	X	X	X	X	X	A	X			
Waste Storage Facility ¹	X	X	X	X	X	X	X	X	X	X	X	A	X			
Wind Farm	X	X	X	X	X	X	X	X	X	X	X	A	A			
Winery ^{1 & 2}	X	X	X	X	X	X	X	X	X	X	A	A	A			
Workforce Accommodation	X	X	X	X	X	X	X	X	I	X	X	X	I			

- Note:*
1. Land use classes that are deemed to have a potential land use conflict or impact upon 'sensitive land uses', and therefore may require a buffer distance in accordance with Environmental Protection Authority Guidance for the Assessment of Environmental Factors (in accordance with the *Environmental Protection Act 1986*): Separation Distances Between Industrial and Sensitive Land Uses No. 3 (June 2005).
 2. Land use classes that are the subject of a liquor licence granted under the *Liquor Control Act 1988*, which requires separate approval from the relevant public authority.
 3. Floorspace restrictions apply to bulky goods showroom, office, shop and trade supplies uses within Mixed Use—Commercial Zone, Mixed Use—Residential Zone, Tourism Zone and Service Commercial Zone (refer to Schedule 5).
 4. Fast food outlets, liquor store—large, liquor store—small, lunch bars and restaurants / cafés incorporating a drive through facility are not permitted in the Regional Centre Zone, Local Centre Zone, Mixed Use—Commercial Zone, Mixed Use—Residential Zone and Tourism Zone (refer to Schedule 5).
 5. Refer to clause 46.
 6. Multiple dwelling is not permissible in the Neighbourhood Centre Zone and Local Centre Zone unless the use forms part of a mixed use development—refer clause 28.
 7. Under the commonwealth *Telecommunications Act 1997*, 'low-impact' telecommunications facilities are exempt from local government control.

18. Interpreting Zoning Table

(1) The permissibility of uses of land in the various zones in the Scheme area 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.

(2) The symbols used in the Zoning Table have the following meanings—

- P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
- I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
- D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions; and
- X means that the use is not permitted by this Scheme.

Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.

2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.

(3) A specific use class referred to in the Zoning Table is excluded from any other use class described in more general terms.

(4) The local government may, in respect of a use that is not specifically referred to in the Zoning Table and that cannot reasonably be determined as falling within a use class referred to in the Zoning Table—

- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- (b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

(5) If a use of land is identified in a zone as being a class 'P' or class 'I' use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

(6) If a use of land is identified in a zone as being a class 'X' use, the local government must refuse an application for development approval for that use in that zone unless—

- (a) the development approval application relates to land that is being used for a non-conforming use; and
- (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.

(7) If the Zoning Table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land—

- (a) a structure plan; and/or
- (b) an activity centre plan; and/or
- (c) a local development plan.

19. Additional Uses

(1) The Table in Schedule 1 sets out—

- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that additional use.

(2) Despite anything contained in the Zoning Table, land that is specified in the Additional Uses Table referred to in subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted Uses

(1) The Table in Schedule 2 sets out—

- (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
- (b) the conditions that apply to that restricted use.

(2) Despite anything contained in the Zoning Table, land that is specified in the Restricted Uses Table referred to in subclause (1) may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

21. Special Use Zones

There are no Special Use Zones which apply to this Scheme.

22. Non-conforming Uses

(1) Unless specifically provided, this Scheme does not prevent—

- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
- (b) the carrying out of development on land if—
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.

(2) Subclause (1) does not apply if—

- (a) the non-conforming use of the land is discontinued; and
- (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.

(3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government—

- (a) purchases the land; or
- (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to Non-Conforming Use

(1) A person must not, without development approval—

- (a) alter or extend a non-conforming use of land; or
- (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
- (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75 percent or more of its value; or
- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.

(2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

(3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use—

- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
- (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of Non-Conforming Uses

(1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.

(2) A register prepared by the local government must set out the following—

- (a) a description of each area of land that is being used for a non-conforming use;
- (b) a description of any building on the land;
- (c) a description of the non-conforming use;

the date on which any discontinuance of the non-conforming use is noted.

(3) If the local government prepares a register under subclause (1) the local government—

- (a) must ensure that the register is kept up-to-date; and
- (b) must make a copy of the register available for public inspection during business hours at the offices of the local government; and
- (c) may publish a copy of the register on the website of the local government.

(4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

PART 4—GENERAL DEVELOPMENT REQUIREMENTS

25. R-Codes

(1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.

(2) The local government—

- (a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and
- (b) may publish a copy of the R-Codes on the website of the local government.

(3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.

(4) The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (3).

26. Modification of R-Codes

Dual Residential Density Codes—

(1) Where, a lot/development site has a dual residential density, for the purposes of assessing and determining applications for development approval and/or when making a recommendation to the Commission in respect of subdivision, the lower R-Code shall prevail as the maximum permissible residential density.

(2) Despite subclause (1), when considering an application for development approval, or when making a recommendation to the Commission in respect of subdivision, the local government is to apply the lower of the two R-Codes unless—

- (a) the development is determined to be consistent with all relevant R-Codes provisions, parts of the Scheme, local planning policies, structure plans, and local development plans to the satisfaction of the local government; and
- (b) the development retains the heritage values of the premises where included on the Heritage List in accordance with this Scheme and any relevant local planning policy to the satisfaction of the local government; and

- (c) reticulated sewerage is or becomes available to the land subject to the provisions of the Government Sewerage Policy, as amended; and
 - (d) for development of more than two dwellings on a lot, the minimum development site frontage is 25 metres.
- (3) Despite subclause (2)(d), the local government may support development of a lot or recommend support for a subdivision with a development site frontage of less than 25 metres, up to the maximum permissible residential density of the applicable dual density code, subject to—
- (a) reciprocal rights of access being secured over the approved vehicle accessway to allow for shared use of this accessway by the adjoining lot to the satisfaction of the local government and/or Commission; and/or
 - (b) the proposal is facilitating the development of a mixed use development where the land is included within either the Mixed Use—Residential Zone, Mixed Use—Commercial Zone or Tourism Zone; or
 - (c) the proposal is facilitating the development of multiple dwellings where the land is included within the Residential Zone, Mixed Use—Residential Zone, Mixed Use—Commercial Zone or Tourism Zone.
- (4) Front setbacks for residential development (including mixed use development) within the Regional Centre Zone, District Centre Zone, Neighbourhood Centre Zone and Local Centre Zone must be in accordance with Schedule 5.

27. Unrestricted Length of Stay

- (1) Where permissible in the Zoning Table (Table 3), except for the Tourism Zone, holiday house, holiday accommodation and serviced apartment uses are to be developed in the form of a single house, grouped dwelling or multiple dwelling in accordance with the R-Codes and the specific requirements of Building Class 1a, 2 or 3 of the Building Code of Australia, and must be able to be occupied either permanently as a dwelling or temporarily for short-term accommodation purposes.
- (2) Within the Tourism Zone, holiday house, holiday accommodation and serviced apartment uses developed in accordance with the R-Codes and the specific requirements of Building Class 1a, 2 or 3 of the Building Code of Australia may be occupied permanently as a dwelling or temporarily for short-term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or structure plan, subject to the local government having exercised its discretion by granting development approval.

28. Multiple Dwellings in Neighbourhood Centre Zone and Local Centre Zone

Multiple dwellings within the Neighbourhood Centre Zone and Local Centre Zone, shall be developed in accordance with the R-Codes as a part of a mixed use development.

29. State Planning Policy 3.6 to be Read as Part of Scheme

- (1) State Planning Policy 3.6—Development Contributions for Infrastructure, modified as set out in clause 30, is to be read as part of this Scheme.
- (2) The local government—
- (a) must make a copy of State Planning Policy 3.6 available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of State Planning Policy 3.6 on the website of the local government.

30. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6—Development Contributions for Infrastructure.

31. Other State Planning Policies to be Read as Part of Scheme

There are no other state planning policies that are to be read as part of the Scheme.

32. Modification of State Planning Policies

There are no modifications to a State planning policy that, under clause 29 is to be read as part of the Scheme.

33. Environmental Conditions

There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

34. Environmental, Public Health and Amenity Protection

- (1) The emission of noise, vibration, odour, fumes, smoke, vapour, steam, soot ash, dust, waste water, waste products, grit, oil and/or any other type of emission that may potentially impact on environmental and/or public health are to be mitigated within the boundaries of the premises and must not impact on public health and/or cause nuisance to users or occupants of adjoining premises.
- (2) All building services, plant and equipment associated with a mixed use or non-residential development in a mixed use zone is to be—
- (a) acoustically and visually screened from any adjoining and/or adjacent residential land uses, mixed use developments or other sensitive land uses; or alternatively;
 - (b) incorporated within the building, or is housed external to the building and is to be contained within a solid structure and located no closer than 1.5 metres to any adjoining property boundary.

(3) All mixed use and non-residential development in a mixed use zone must provide for the collection and storage of refuse on-site that is screened from view from a street and/or public open space, which is easily accessible for its removal.

(4) The siting, design, and construction of buildings for residential, mixed use and other noise-sensitive land uses within a mixed use zone are to incorporate adequate noise attenuation measures to ensure that the following LAeq levels are not exceeded for dwellings, the residential component of mixed use developments and other noise-sensitive land uses—

- (a) 35 dB(A) in any bedroom in the building at any time 10.00pm to 7.00am; and
- (b) 40 dB(A) at any time anywhere else in the dwelling (other than a garage, kitchen, bathroom or hallway).

(5) Non-residential development and land uses within a mixed use zone shall not be permitted to trade and/or undertake activities (e.g. deliveries) between the hours of 10.00pm and 7.00am Monday to Saturday and 7.00pm to 9.00am on Sundays and public holidays, in accordance with the *Environmental Protection (Noise) Regulations 1967*, unless supported by a noise impact assessment submitted for consideration at the development application stage.

Note: Prepared to the specifications and satisfaction of the local government, any development impact statement should address the scope of issues that have the potential to impact upon the amenity of existing and future residents, such as noise, lighting and crime prevention, and propose appropriate mitigating measures for consideration.

(6) A noise impact assessment prepared by a suitably qualified person, to the specifications and satisfaction of the local government, may be required to be submitted as part of any application for development approval for any development and/or land use where the proposal is for—

- (a) a mixed use development; and/or
- (b) a non-residential use adjoining existing residential or other sensitive land use; and/or
- (c) a residential or other sensitive land use adjoining an existing non-residential use; and/or
- (d) any residential use, mixed use development or other sensitive land use adjoining any designated primary freight road, Railways Reserve, Primary Regional Roads Reserve or Other Regional Roads Reserve,

where there is the potential for noise impacts (land use conflict).

35. Additional Site and Development Requirements

(1) The Table in Schedule 3 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

(2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

36. Additional Development Requirements That Apply to Zones in the Scheme Area

(1) The Table in Schedule 5 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.

(2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement of the R-Codes, an activity centre plan, a local development plan or a state or local planning policy the requirement in subclause (1) prevails.

37. Additional Site and Development Requirements for Areas Covered By Structure Plan, Activity Centre Plan or Local Development Plan

The Table in Schedule 6 sets out requirements relating to development that are included in structure plans, activity centre plans and local development plans that apply in the Scheme area.

38. Requirement for a Local Development Plan in Mixed Use Zones

The preparation, submission and approval of a local development plan for development occurring in the Mixed Use—Commercial Zone, Mixed Use—Residential Zone and Tourism Zone is required for—

- (a) proposals involving the development or redevelopment of a lot greater than 3,000m² in area; or
- (b) the extension or expansion of an existing development (other than the refurbishment of an existing building) on a lot, where the proposed new development is greater than 2,000m² nla.

39. Building Height

Subject to clause 67 (Deemed Provisions): maximum building height shall be determined having regard to any local planning policy setting out standards for building height, and Schedule 5.

40. Landscaping

Primary and secondary front street setback areas and other setback areas not used for access, parking and/or waste management are to be landscaped in accordance with the provisions of the relevant local planning policy.

41. Car Parking Requirements

(1) Subject to the provisions of the Scheme, the Car Parking Table in Schedule 4 indicates the minimum number of car parking bays required for each land use class specified therein within the Scheme area.

(2) Subject to the R-Codes, the local government will not require the provision of onsite car parking for proposals of development or change of use less than 500m² in gross floor area per lot, strata lot or survey strata lot within the Regional Centre Zone.

(3) Where more than one land use is permitted on a lot/development site or within an individual tenancy, the total number of car parking bays required is to be—

- (a) calculated separately for each such land use, whether or not such land use is incidental to the predominant land use; and
- (b) determined by the accumulated number of bays required for each land use as a proportion of the total area of the premises.

(4) Despite subclause (3)(b), where more than one tenancy is proposed/exists on a lot/development site, the total number of car parking bays is determined by the accumulated number of bays required for each tenancy as a proportion of the total area of a land use on the premises.

(5) For each land use class listed in column one of the Car Parking Table, the minimum number of car parking bays to be provided is listed in column two of the Car Parking Table. Unless otherwise specified, the minimum number of car parking bays to be provided for each land use is to be determined per lot, including a strata lot or survey strata lot.

(6) Where the number of car parking bays calculated for a development/use in accordance with the Car Parking Table is not a whole number, the minimum number of car parking bays required shall be rounded up to the next whole number.

(7) When the land use of any premises is changed to a land use class that requires a greater number of car parking bays, additional parking bays shall be provided to meet the requirements of the new land use.

(8) Where an existing premises is enlarged or intensified, such as construction of an additional building or an extension of an existing building, additional car parking bays in accordance with the Car Parking Table shall be provided in respect of the additional building or extension only, provided that—

- (a) there is adequate provision of off-street car parking bays servicing the existing premises; and
- (b) the use of the land use remains the same and any existing area of car parking is not reduced, or if disturbed, any existing car parking bays are replaced in the new development.

(9) For a mixed use development, the number of car parking bays required for the overall development may be reduced by a maximum of up to 30 percent provided that the peak hours of operation of the different uses on the lot/development site are different or do not substantially overlap and the bays are clearly marked limiting the purpose for which the parking may be used at different times of the day.

(10) Reciprocal Parking (Private) and Shared Parking (Local Government)—

- (a) Subject to the provisions of the Scheme, the local government may exercise its discretion in granting development approval to permit a proportion of the total number of car parking bays required under the Scheme to be provided jointly with any one or more other premises within a location, where it is demonstrated to the satisfaction of the local government that reciprocal and/or shared car parking would result in the same number of car parking bays required under the Scheme.
- (b) Reciprocal and/or shared car parking shall only be permitted in locations where the following has been demonstrated to the satisfaction of the local government—
 - (i) reciprocal or shared off-street parking facilities are available in the location that sufficiently accommodates the deficit in required car parking bays; and
 - (ii) the peak hours of operation of land uses so sharing are different and do not substantially overlap, whether or not the premises providing shared car parking separately have the prescribed number of car parking bays; and
 - (iii) that a legally binding agreement has been made to enable those reciprocal or shared off-street parking facilities to be used for that purpose.

Note: Where a reciprocal or shared parking arrangement is proposed as part of an application for development approval, the written consent of the property owner of the reciprocal or shared parking facility must be in the form of a legally binding agreement between both parties that is prepared to the satisfaction of the local government, and at the applicant's/proponents' own cost.

(11) Cash or Land Contribution in Lieu of providing car parking bays—

- (a) Subject to the provisions of the Scheme, the local government may require an applicant for development approval to provide, or may otherwise agree to accept, a cash and/or land contribution in lieu of the provision of a proportion of the total number of car parking bays required under the Scheme.
- (b) A cash and/or land contribution in lieu of providing car parking bays shall only be considered in locations where the following has been demonstrated to the satisfaction of the local government—
 - (i) there is sufficient car parking in the locality; and
 - (ii) a public car park exists or is planned in the locality that adequately services the car parking requirements of both the general public and the proposed development; and
 - (iii) that a legally binding agreement has been made to enable the public car park to be used for the purpose of providing car parking for the proposed development on a permanent basis in accordance with subclause (9).

42. Commercial Vehicle Parking Requirements

(1) A person shall not park, or permit to be parked, more than one commercial vehicle on any lot within a Residential Zone.

(2) No more than one commercial vehicle, of up to a medium rigid vehicle (MRV) design service vehicle type, may be parked on a lot within a Residential Zone, provided that—

- (a) the vehicle is accommodated entirely on a hard standing area within the property boundary of the lot containing only a single house and associated outbuildings; and
- (b) the vehicle does not exceed a maximum of 10 tonnes gross weight; and
- (c) the vehicle does not exceed a maximum of 4.5 metres in height, 3.5 metres in width or 10 metres in length; and
- (d) any vehicle exceeding eight metres in length is parked on a hard standing area that is located behind the front building line of the property and/or is screened from view from outside of the lot; and
- (e) the vehicle is not started or manoeuvred on-site between the hours of 7 pm and 7 am Monday to Saturday or 6 pm and 9 am Sunday and public holidays where noise emission from the operation of the vehicle exceeds the assigned levels for noise sensitive receiving premises under the *Environmental Protection (Noise) Regulations 1997*; and
- (f) the vehicle is not used or designed to be used for—
 - (i) the transportation of livestock, or
 - (ii) the transportation or disposal of liquid or solid wastes, or
 - (iii) the transportation of distillate, petrol, oil or lubricants, or
 - (iv) the transportation of hazardous or noxious chemicals or substances, or
 - (v) a refrigeration unit that is operated on a continuous or intermittent basis; and
- (g) all repairs, servicing or cleaning of the vehicle is not undertaken on the lot.

Note: MRV as defined in Australian Standard AS2890.2 Off-street Parking—Part 2: Commercial Vehicle Facilities, as amended.

(3) The parking of a commercial vehicle within the road reserve, outside of a designated on street service vehicle parking bay, is not permitted within the Scheme area.

43. Variations to Site and Development Requirements

(1) In this clause—

additional site and development requirements means requirements set out in clauses 27, 28 and 34 to 42 inclusive.

(2) The local government may approve an application for a development approval that does not comply with the additional site and development requirements.

(3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.

(4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must—

- (a) consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64 of the deemed provisions; and
- (b) have regard to any expressed views prior to making its determination to grant development approval under this clause.

(5) The local government may only approve an application for development approval under this clause if the local government is satisfied that—

- (a) approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67 of the deemed provisions; and
- (b) the non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

44. Restrictive Covenants

(1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.

(2) If subclause (1) operates to extinguish or vary a restrictive covenant—

- (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
- (b) the local government must not grant development approval for the construction of the residential dwelling unless it gives notice of the application for development approval in accordance with clause 64 of the deemed provisions.

45. Mining Operations

Whilst Mining Operations are exempt from the need for development approval under the *Mining Act 1978*, the local government may exercise its discretion to inform the Minister for Mines and the Minister for Planning in writing that the granting of a mining lease or general purpose lease is contrary to the provisions of the Scheme and the Local Planning Strategy. In providing advice to the Minister for Mines on the suitability of Mining Operations, the local government will be guided by the permissibility of this use in the zoning table.

46. Tree Preservation Orders

(1) The local government, having due regard to—

- (a) the historical, cultural heritage or ecological significance of a tree;
- (b) the amenity or aesthetic quality of a tree;
- (c) the rarity of a tree;
- (d) any other characteristic which in the opinion of the local government makes the tree worthy of preservation;
- (e) the advice of any responsible public authority; and
- (f) any submissions received,

may make a Tree Preservation Order.

(2) A Tree Preservation Order may be made in respect of an individual tree, a group of trees, or an area which contains trees.

(3) Where the local government proposes to make, vary or revoke a Tree Preservation Order, the local government is to—

- (a) Notify in writing each owner of land who would in the opinion of the local government be affected by the proposal and provide the owner with a copy of the proposal.
- (b) Advertise the proposal by—
 - (i) publishing a notice of the proposal once a week for two consecutive weeks in a newspaper circulating in the Scheme area;
 - (ii) erecting a sign giving notice of the proposal in a prominent location in the area that would be affected by the proposal; 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.
- (d) Notice of a proposal made in accordance with subclause (3)(a) is to specify—
 - (i) the tree, group of trees or area the subject of the proposal; and
 - (ii) 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.
- (e) After consideration of any advice or submissions, the local government may resolve to make, vary or revoke a Tree Preservation Order, and shall forward notice of its resolution to each affected owner.
- (f) After a Tree Preservation Order has been made, a notification in the form of a memorial is to be placed on the Certificate(s) of Title of a lot or proposed lot(s), advising the existence of a Tree Preservation Order in accordance with section 70A of the *Transfer of Land Act 1893* to the satisfaction of the local government and at the landowner's/applicant's cost.

(4) The local government's prior development approval is required to clear a tree the subject of a Tree Preservation Order except a tree that—

- (a) presents an immediate risk of personal injury or damage to property;
- (b) must be cleared where necessary and only to the extent necessary—
 - (i) for the purposes of fire prevention or for access for public services or utilities; or
 - (ii) for the commencement or carrying out of development in accordance with a development approval granted under Part 9 of the Deemed Provisions; or
 - (iii) for the carrying out of any condition of subdivision approval for which approval is deemed to be given under Part 10 of the *Planning and Development Act 2005*; or
 - (iv) where expressly required by the terms of a written law.
- (c) In determining an application for development approval to clear a tree the subject of a Tree Preservation Order, the local government may refuse the application, or approve the application with or without conditions.
- (d) An application for development approval to clear a tree the subject of a Tree Preservation Order is to be made in the form prescribed by Schedule 1, and is to be signed by the owner, and accompanied by such plans or information that the local government may require to enable the application to be determined.
- (e) In considering an application for development approval to clear, the local government is to have due regard to—
 - (i) the purpose of the Tree Preservation Order;
 - (ii) the effect of any programme proposed or to be imposed as a condition of approval for the regeneration of trees;

- (iii) the advice received from a responsible public authority consulted under subclause (3)(b);
 - (iv) any relevant policy of the local government or the Western Australian Planning Commission in respect of cultural heritage and/or vegetation in the district or region; and
 - (v) any other matter which the local government considers relevant.
- (f) In considering an application for development approval to clear, the local government may consult with any other statutory, public or planning authority it considers appropriate.
- (5) The local government is to keep a Register of Tree Preservation Orders.
- A copy of the Register is to be kept at the offices of the local government; and made available for public inspection during business hours.
- (6) If any tree the subject of a Tree Preservation Order is cleared contrary to the requirements of the Scheme the local government may, by notice served on the owner of the land to which the Tree Preservation Order relates, require that the owner plant another tree of an appropriate size and species at the same place, and at the owner's cost, within 90 days of the notice being served on the owner or such other time as agreed between the local government and the owner.
- (a) If the owner fails to plant another tree as required under subclause (6), the local government may plant the tree and recover the cost of the tree and associated works from the owner.
 - (b) In relation to any tree planted pursuant to subclause (6), the relevant Tree Preservation Order applies as it applied to the original tree.
- (7) Any person who contravenes a Tree Preservation Order, and clears a tree that is the subject of a Tree Preservation Order without the prior approval of the local government, contravenes the provisions of the Scheme.

PART 5—SPECIAL CONTROL AREAS

47. Special Control Areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in the Table in Schedule 7.

PART 6—TERMS REFERRED TO IN SCHEME

Division 1—General Definitions Used in Scheme

48. Terms Used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows—
 - Building envelope** means the area of land within which all buildings and effluent disposal facilities on a lot must be contained.
 - Building height**, in relation to a building—
 - (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
 - (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes.
 - Cabin** means a dwelling forming part of a tourist development or caravan park that is—
 - (a) an individual unit other than a chalet; and
 - (b) designed to provide short-term accommodation for guests.
 - Chalet** means a dwelling forming part of a tourist development or caravan park that is—
 - (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
 - (b) designed to provide short-term accommodation for guests.
 - City centre** means the Bunbury regional centre or central business district (CBD), as defined by the local government's Local Planning Strategy (Activity Centre Hierarchy) and relevant local planning policies, and as shown on the Scheme Map by the Regional Centre Zone.
 - Commencement day** means the day this Scheme comes into effect under section 87(4) of the Act;
 - Commercial vehicle** means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including—
 - (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
 - (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a).
 - Designated flood level** means the 100 year Annual Recurrence Interval (ARI) flood level for a given location as indicated on the Flood Study Maps prepared by the responsible public authority.

Design vehicle or **design service vehicle** means the vehicle type for which the land use or development is to make on-site provision for the access, circulation, manoeuvring, parking, standing, loading or unloading as required under this Scheme.

Development Impact Statement or **DIS** means a documented statement that may be required by the local government pursuant to clause 63 of the deemed provisions for local planning schemes of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Drive-through means premises designed, constructed and/or operated so that food, goods or services may be purchased, provided or exchanged with customers while remaining in their vehicle.

Floor area has meaning given in the Building Code of Australia (BCA).

Frontage, in relation to a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces.

Health practitioner or **medical practitioner** has the same meaning as in the *Medical Practitioners Act 2008*, which means a person who is registered as a medical doctor, dentist, physiotherapist, radiologist, or other health care professional or paraprofessional registered or certified by a relevant statutory board and generating their own independent patient load.

Incidental use means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use.

Minerals has the meaning given in the *Mining Act 1978* section 8(1).

Net lettable area or **nla** means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas—

- (a) 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 those facilities are not for the exclusive use of occupiers of the floor or building.

Non-conforming use has the meaning given in the *Planning and Development Act 2005* section 172.

Plot ratio, in relation to—

- (a) residential development, has the meaning given in the R-Codes; or
- (b) development other than for residential purposes, means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located.

Precinct means a definable area where particular planning policies, guidelines or standards apply.

Predominant use means the primary use of premises to which all other uses carried out on the premises are incidental.

Retail means the sale or hire of goods or services to the public.

Service vehicle means a vehicle used to remove waste or to transport people or to supply or remove goods and/or services to or from a premises, or used by a tradesperson, and includes the term commercial vehicle.

Service vehicle parking bay means a parking bay for a service vehicle engaged in loading or unloading.

Short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than three months in any 12 month period.

Unrestricted Length of Stay means the occupation of accommodation designed for tourists on either a short-term accommodation or permanent basis.

Wall height, in relation to a wall of a building—

- (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or
- (b) if the building is used for purposes other than residential purposes, means the vertical distance from the natural ground level of the boundary of the property that is closest to the wall to the point where the wall meets the roof or parapet.

Wholesale means the sale of goods or materials to be sold by others.

(2) A word or expression that is not defined in this Scheme—

- (a) has the meaning it has in the *Planning and Development Act 2005*; or
- (b) if it is not defined in that Act—has the same meaning as it has in the R-Codes.

*Division 2—Land Use Terms Used in Scheme***49. Land Use Terms Used**

If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows—

Abattoir means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.

Agriculture—extensive means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture—intensive or animal husbandry—intensive.

Agriculture—intensive means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following—

- (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts;
- (b) the establishment and operation of plant or fruit nurseries;
- (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); and
- (d) aquaculture.

Amusement parlour means premises—

- (a) that are open to the public; and
- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are two or more amusement machines.

Animal establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry—intensive or veterinary centre.

Animal husbandry—intensive means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.

Art gallery means premises—

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale.

Bed and breakfast means a dwelling—

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than four adult persons or one family; and
- (b) containing not more than two guest bedrooms.

Betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*.

Brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*.

Bulky goods showroom means premises—

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes—
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and children's goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools;

and—

- (b) used to sell by wholesale or retail, or hire, goods and accessories if—
 - (i) a large area is required for the handling, display or storage of the goods of a bulky nature; and
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.

Caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1).

Caretaker's dwelling means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant.

Car park means premises used primarily for parking vehicles whether open to the public or not but does not include—

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale.

Child care premises means premises where—

- (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.

Cinema / theatre means premises where the public may view a motion picture or theatrical production.

Civic use means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes.

Club premises means premises used by a legally constituted club or association or other body of persons united by a common interest.

Commercial vehicle parking means premises used for parking of one or two commercial vehicles but does not include—

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land.

Community purpose means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit.

Consulting rooms means premises used by no more than two health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

Convenience store means premises—

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300m² net lettable area (nla).

Convention centre means premises used for the conducting of conventions, conferences, exhibitions, seminars, presentations, lectures or training and other similar activities. A convention centre may contain one or more auditoriums, meeting rooms and other incidental facilities and amenities.

Corrective institution means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility.

Dry cleaning premises means premises used for the cleaning of garments or fabrics by a mechanical and/or chemical process.

Educational establishment means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.

Exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.

Family day care means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided.

Fast food outlet means premises other than a lunch bar used for the preparation, sale and serving of food to customers in a form ready to be eaten -

- (a) without further preparation; and
- (b) primarily off the premises.

Freeway service centre means premises that has direct access to a freeway and which provides all the following services or facilities and may provide other associated facilities or services but does not provide bulk fuel services—

- (a) service station facilities;
- (b) emergency breakdown repair for vehicles;
- (c) charging points for electric vehicles;
- (d) facilities for cyclists;
- (e) restaurant, cafe or fast food services excluding the sale or consumption of alcohol under the Liquor Licensing Act 1988;
- (f) take-away food retailing without a drive-through facility;
- (g) public ablution facilities, including provision for disabled access and infant changing rooms;

- (h) parking for passenger and freight vehicles;
- (i) outdoor rest stop facilities such as picnic tables and shade areas; and
- (j) dump points for the disposal of black and/or grey water from recreational vehicles.

Fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used—

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle.

Funeral parlour means premises used—

- (a) to prepare and store bodies for burial or cremation; and/or
- (b) to conduct funeral services.

Garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.

Holiday accommodation means two or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.

Holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast.

Home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession—

- (a) does not involve employing more than two people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

Home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that—

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not—
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood;

and

- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.

Home office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation—

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling.

Home store means a shop attached to a dwelling that—

- (a) has a net lettable area not exceeding 100m²; and
- (b) is operated by a person residing in the dwelling.

Hospital means premises used as a hospital as defined in the *Hospitals and Health Services Act 1927* section 2(1).

Hotel means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises.

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

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

Industry—extractive means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes—

- (a) the processing of raw materials including crushing, screening, washing, blending or grading; and/or
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.

Industry—light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.

Industry—primary production means premises used—

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses.

Laundromat means premises, open to the public, in which washing machines, with or without provision for drying clothes, are available for use by payment.

Liquor store—large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m².

Liquor store—small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m².

Lunch bar means premises within an industrial or commercial area used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation with a net lettable area of not more than 100m², but does not include a fast food outlet or restaurant.

Marina means—

- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
- (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services.

Marine filling station means premises used for the storage and supply of liquid fuels and lubricants for marine craft.

Market means premises used for the display and sale of goods from stalls by independent vendors.

Medical centre means premises other than a hospital used by three or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.

Mining operations means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out.

Motel means premises, which may be licensed under the *Liquor Control Act 1988*—

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles.

Motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans.

Motor vehicle repair means premises used for or in connection with—

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or re-treading of tyres.

Motor vehicle wash means premises primarily used to wash motor vehicles.

Nightclub means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*.

Office means premises used for administration, clerical, technical, professional or similar business activities.

Park home park means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8.

Place of worship means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.

Reception centre means premises used for hosted functions on formal or ceremonial occasions.

Recreation—private means premises that are—

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge.

Residential Aged Care means a residential facility providing personal and/or nursing care primarily to people who are frail and aged and which, as well as accommodation, includes appropriate staffing to meet the nursing and personal care needs of residents; meals and cleaning services; furnishings; furniture and equipment. May also include residential respite (short term) care but does not include a hospital or psychiatric facility.

Resource recovery centre means premises other than a waste disposal facility used for the recovery of resources from waste.

Restaurant / café means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*.

Restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of—

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth); 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; or
- (c) smoking-related implements.

Road house means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services—

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests;
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies; and
- (f) dump points for disposal of black and/or grey water from recreational vehicles.

Rural home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation—

- (a) does not involve employing more than two people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than three vehicles at any one time or of a vehicle of more than 30 tonnes gross weight.

Rural pursuit / hobby farm means any premises, other than premises used for agriculture—extensive or agriculture—intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household—

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises.

Serviced apartment means a group of units or apartments providing—

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities.

Service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for—

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.

Shop means premises other than a bulky goods showroom, a liquor store—large or a liquor store—small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.

Small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*.

Tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*.

Telecommunications infrastructure means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.

Tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide—

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development.

Trade display means premises used for the display of trade goods and equipment for the purpose of advertisement.

Trade supplies means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises—

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production; and
- (g) use by government departments or agencies, including local government.

Transport depot means premises used primarily for the parking or garaging of three or more commercial vehicles including—

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another.

Tree farm means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5.

Veterinary centre means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.

Warehouse / storage means premises including indoor or outdoor facilities used for -

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods.

Waste disposal facility means premises used—

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste.

Waste storage facility means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.

Wind farm means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use.

Winery means premises used for the production of viticultural produce and associated sale of the produce.

Workforce accommodation means premises, which may include modular or relocatable buildings, used—

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Schedule 1

ADDITIONAL USES TABLE

Part 3 cl. 19

Table 4—Additional Uses Table

No.	Description of Land	Additional Use	Conditions
A.U.1	Pelican Point— Lot 336 (No. 4) Broadway.	The following land use classes are listed as discretionary 'D' uses— <ul style="list-style-type: none"> • Motor Vehicle Wash. 	<ol style="list-style-type: none"> 1. The minimum development setback distance to Estuary Drive is to be not less than 6m. 2. The minimum development setback distance to Broadway is to be not less than 4m. 3. The height of any development is to be limited to a maximum of 9m above natural ground level (two storeys) in height.
A.U.2	South Bunbury— Lot 100 (No. 42) Forrest Avenue.	The following land use classes are listed as discretionary 'A' uses— <ul style="list-style-type: none"> • Service Station. 	
A.U.3	Glen Iris— Lot 1 (No. 34) Vittoria Road.	The following land use classes are listed as discretionary 'A' uses— <ul style="list-style-type: none"> • Shop (maximum floorspace of 1,550m² nla). 	<ol style="list-style-type: none"> 1. Shop use is limited to a maximum retail floorspace area of 1,550m² net lettable area (nla)— <ol style="list-style-type: none"> (a) on any individual lot, including a strata or survey strata lot; and (b) on all or any part of the land in a strata or survey strata scheme; for the entire additional use area. 2. No direct vehicle access is to be provided or permitted to the Forrest Highway.
A.U.4	Glen Iris— Lot 27 (No. 12) Claughton Way.	The following land use classes are listed as discretionary 'A' uses— <ul style="list-style-type: none"> • Service Station. 	
A.U.5	Picton— Lot 101 and Lot 102 South Western Highway.	The following land use classes are listed as permitted 'P' uses— <ul style="list-style-type: none"> • Car Park. 	<ol style="list-style-type: none"> 1. No direct vehicle access is to be provided or permitted to the South Western Highway. 2. Drainage and access arrangements to be to the specifications and satisfaction of Main Roads Western Australia and the local government.
A.U.6	South Bunbury— Lot 53 (No. 2) Vasse Street.	The following land use classes are listed as discretionary 'D' uses— <ul style="list-style-type: none"> • Motor Vehicle, Boat or Caravan Sales; and • Motor Vehicle Repair. 	
A.U.7	Carey Park— Lot 38 (No. 30) Barr Road; Lot 39 (No. 28) Barr Road; Lot 40 (No. 26) Barr Road; Lot 41 (No. 24) Barr Road; Lot 42 (No. 22) Barr Road; Lot 43 (No. 16) Barr Road; Lot 44 (No. 12) Barr Road; Lot 45 (No. 10) Barr Road;	The following land use classes are listed as permitted 'P' uses— <ul style="list-style-type: none"> • Animal Establishment (stables). 	

No.	Description of Land	Additional Use	Conditions
	<p> Lot 26 (No. 8) Barr Road; Lot 25 (No. 6) Barr Road; Lot 46 (No. 31) Barr Road; Lot 47 (No. 29) Barr Road; Lot 48 (No. 27) Barr Road; Lot 49 (No. 25) Barr Road; Lot 50 (No. 23) Barr Road; Lot 51 (No. 21) Barr Road; Lot 35 (No. 19) Barr Road; Lot 34 (No. 17) Barr Road; Lot 33 (No. 15) Barr Road; Lot 32 (No. 13) Barr Road; Lot 31 (No. 11) Barr Road; Lot 30 (No. 9) Barr Road; Lot 27 (No. 7) Barr Road; Lot 28 (No. 5) Barr Road; Lot 29 (No. 3) Barr Road; Lot 471 Barr Road; Lot 22 (No. 58) Brittain Road; Lot 30 (No. 58) Brittain Road; Lot 31 (No. 58) Brittain Road; Lot 21 (No. 62A) Brittain Road; Lot 20 (No. 64) Brittain Road; Lot 19 (No. 66) Brittain Road; Lot 18 (No. 68) Brittain Road; Lot 17 (No. 70) Brittain Road; Lot 52 (No. 72) Brittain Road; Lot 53 (No. 74) Brittain Road; Strata Lot 1 (No. 86A) Ecclestone Street; Strata Lot 2 (No. 86B) Ecclestone Street; Lot 14 (No. 84) Ecclestone Street; Lot 13 (No. 82) Ecclestone Street; Lot 12 (No. 80) Ecclestone Street; Lot 501 (No. 83) Ecclestone Street; Lot 11 (No. 78) Ecclestone Street; Lot 10 (No. 76) Ecclestone Street; Lot 9 (No. 74) Ecclestone Street; Lot 8 (No. 72) Ecclestone Street; </p>		

No.	Description of Land	Additional Use	Conditions
A.U.8	<p>Lot 7 (No. 70) Ecclestone Street; Lot 6 (No. 68A) Ecclestone Street; Lot 5 (No. 66) Ecclestone Street; Lot 4 (No. 64) Ecclestone Street; Lot 3 (No. 62) Ecclestone Street; Lot 2 (No. 60) Ecclestone Street; Lot 1 (No. 58) Ecclestone Street; and Lot 501 (No. 83) Ecclestone Street.</p> <p>Usher— Lot 551 (No. 36) Cranbrook Way; Lot 552 (No. 34) Cranbrook Way; Lot 1 (No. 124) Parade Road; and Lot 555 (No. 46) Campton Avenue.</p>	<p>The following land use classes are listed as discretionary 'A' uses—</p> <ul style="list-style-type: none"> • Medical Centre; and • Shop (pharmacy) (maximum floorspace of 300m² nla). 	<p>1. Shop (pharmacy) use is limited to a maximum floorspace area of 300m² nla in total for the entire additional use area.</p> <p>2. No direct vehicle access is to be provided or permitted to Parade Road.</p>
A.U.9	<p>Bunbury— Lot 1 (No. 30) Spencer Street; Lot 7 (No. 57) Spencer Street; Lot 9 (No. 42) Spencer Street; Lot 10 (No. 40) Spencer Street; Lot 130 (No. 35) Spencer Street; Lot 250 (No. 34) Spencer Street; and Lot 501 (No. 85) Spencer Street.</p>	<p>The following land use classes are listed as permitted 'P' uses—</p> <ul style="list-style-type: none"> • Motor Vehicle, Boat or Caravan Sales. <p>The following land use classes are listed as discretionary 'D' uses—</p> <ul style="list-style-type: none"> • Motor Vehicle Repair. 	
A.U.10	<p>Picton— Lot 100 Wimbridge Road.</p>	<p>The following land use classes are listed as discretionary 'A' uses—</p> <ul style="list-style-type: none"> • Abattoir. 	<p>1. Prior to submitting any application for development approval, the local government may require the proponent to submit an Environmental Management Plan (EMP), prepared by a suitably qualified person to the specifications and satisfaction of the local government in consultation with the relevant public authority. The EMP is to be based upon sustainability principles demonstrating, among other things, containment of all off-site impacts within the off-site buffer from existing and proposed uses.</p> <p>(a) Once approved the EMP shall form part of the conditions of any approval issued for development.</p> <p>(b) The EMP shall address but is not limited to criteria, measures and mechanisms to control—</p> <ul style="list-style-type: none"> (i) noise emissions—including assessment of the need for a detailed noise modelling study; (ii) dust emissions; (iii) stock handling and management; (iv) odour emissions—including assessment of the need for detailed odour modelling study; (v) cleaning and hygiene of animal holding yards; and (vi) waste disposal.

No.	Description of Land	Additional Use	Conditions
			<p>2. Prior to determining any development application for the use of Lot 100 as an Abattoir, including any upgrading, alteration or extension of the abattoir use, the local government may give notice or require the applicant to give notice for the application to be advertised for public comment for a period of not less than 21 days, and will take into account any submissions lodged during the advertising period when determining the application.</p> <p>3. In determining any application for an abattoir use, the local government shall be satisfied that—</p> <ul style="list-style-type: none"> (a) any alteration or extension of use which cannot reasonably be classified to fall within an abattoir land-use is restricted to uses which are ordinarily classified as being incidental to the abattoir use of the land; (b) the application has been referred to the relevant public authority and any comments or recommendations received have been taken into account by the local government; (c) the land-use will not present an unacceptable risk to existing sensitive land uses within the off-site buffer; and (d) the land-use will not present an unacceptable risk to proposed sensitive land uses outside the off-site buffer.
A.U.11	<p>Davenport— Lot 1 Rawling Road, and Lot 5 South Western Highway.</p>	<p>The following land use classes are listed as discretionary 'A' uses—</p> <ul style="list-style-type: none"> • Abattoir. 	<p>1. Prior to submitting any application for development approval, the local government may require the proponent to submit an Environmental Management Plan (EMP), prepared by a suitably qualified person to the specifications and satisfaction of the local government in consultation with the relevant public authority. The EMP is to be based upon sustainability principles demonstrating, among other things, containment of all off-site impacts within the off-site buffer from existing and proposed uses—</p> <ul style="list-style-type: none"> (a) Once approved the EMP shall form part of the conditions of any approval issued for development. (b) The EMP shall address but is not limited to criteria, measures and mechanisms to control— <ul style="list-style-type: none"> (i) noise emissions—including assessment of the need for a detailed noise modelling study; (ii) dust emissions; (iii) stock handling and management; (iv) odour emissions—including assessment of the need for detailed odour modelling study; (v) cleaning and hygiene of animal holding yards; and (vi) waste disposal. <p>2. In determining any application for an abattoir use, the local government shall be satisfied that—</p> <ul style="list-style-type: none"> (a) any alteration or extension of use which cannot reasonably be classified to fall within an abattoir land-use is restricted to uses which are ordinarily classified as being incidental to the abattoir use of the land;

No.	Description of Land	Additional Use	Conditions
			<p>(b) the application has been referred to the relevant public authority and any comments or recommendations received have been taken into account by the local government;</p> <p>(c) the land-use will not present an unacceptable risk to existing sensitive land uses within the off-site buffer; and</p> <p>(d) the land-use will not present an unacceptable risk to proposed sensitive land uses outside the off-site buffer.</p> <p>3. The local government may determine that incidental development such as car park and staff amenities does not require advertising.</p>
A.U.12	East Bunbury— Lot 14 (No. 81) King Road, and Lot 15 (No. 81) King Road.	The following land use classes are listed as discretionary 'A' uses— • Service Station.	
A.U.13	South Bunbury— Lot 11 (No. 188) Spencer Street, and Lot 10 (No. 188) Spencer Street.	The following land use classes are listed as discretionary 'A' uses— • Service Station.	
A.U.14	Ocean Drive locality— Strata Lots 1 and 2 (No. 93) Ocean Drive; Strata Lots 1 to 3 (No. 95A, 95B and 95C) Ocean Drive; Strata Lots 1 to 10 (No. 97) Ocean Drive; Lot 1 (No. 105) Ocean Drive; Lot 44 (No. 107) Ocean Drive; Lot 575 (No. 109) Ocean Drive; Lot 574 (No. 111) Ocean Drive; Lot 573 (No. 113) Ocean Drive; Lot 1 (No. 115) Ocean Drive; Lot 571 (No. 117) Ocean Drive; Lot 570 (No. 119) Ocean Drive; Lot 1 (No. 121) Ocean Drive; Lot 42 (No. 137) Ocean Drive; Lot 43 (No. 139) Ocean Drive; Lot 44 (No. 141) Ocean Drive; Lot 45 (No. 143) Ocean Drive; Lot 46 (No. 145) Ocean Drive; Lot 47 (No. 147) Ocean Drive; Lot 4 (No. 151) Ocean Drive; Lot 5 (No. 4) Beach Road;	<p>The following land use classes are listed as discretionary 'D' uses— • Holiday Accommodation; and • Holiday House.</p> <p>The following land use classes are listed as discretionary 'A' uses— • Serviced Apartment.</p>	<p>1. Holiday house, holiday accommodation and serviced apartment uses are to be developed in the form of single house, grouped dwelling or multiple dwelling in accordance with the R-Codes and the specific requirements of Building Class 1a, 2 or 3 of the Building Code of Australia, and must be able to be occupied either permanently as a dwelling or temporarily for short-term accommodation purposes (unrestricted length of stay), subject to the local government having exercised its discretion by granting development approval.</p>

No.	Description of Land	Additional Use	Conditions
	<p>Strata Lots 1 to 4 (No. 1) Beach Road;</p> <p>Lot 26 (No. 165) Ocean Drive;</p> <p>Strata Lot 1 to 6 (No. 167) Ocean Drive;</p> <p>Lot 23 (No. 169) Ocean Drive;</p> <p>Strata Lots 1 to 3 (No. 171A, 171B and 171C) Ocean Drive;</p> <p>Strata Lots 1 to 7 (No. 173) Ocean Drive;</p> <p>Strata Lots 5 to 8 (No. 2) Hayward Street;</p> <p>Lot 22 (No. 187) Ocean Drive;</p> <p>Lot 21 (No. 189) Ocean Drive;</p> <p>Lot 20 (No. 191) Ocean Drive;</p> <p>Lot 2 (No. 193) Ocean Drive;</p> <p>Lot 1 (No. 195) Ocean Drive;</p> <p>Lot 22 (No. 1) Hoylake Avenue;</p> <p>Lot 21 (No. 199) Ocean Drive;</p> <p>Lot 73 (No. 201) Ocean Drive; and</p> <p>Lot 28 (No. 203) Ocean Drive.</p>		
A.U.15	—	—	N/A
A.U.16	<p>East Bunbury—</p> <p>Part of Lot 100 Bunning Boulevard.</p>	<p>The following land use classes are listed as permitted 'P' uses—</p> <ul style="list-style-type: none"> • Bulky Goods Showroom; • Consulting Rooms; • Convenience Store; • Lunch Bar; • Office; and • Shop. <p>The following land use classes are listed as discretionary 'D' use—</p> <ul style="list-style-type: none"> • Car Park; • Civic Use; • Club Premises; • Community Purpose; • Fast Food Outlet; • Home Business; • Home Occupation; • Home Office; 	<p>1. The sum total of 'bulky goods showroom' use per lot (including a strata or survey strata lot) shall be restricted to a floorspace maximum of 500m² nla within the part of the site included in the Local Centre Zone.</p>

No.	Description of Land	Additional Use	Conditions
		<ul style="list-style-type: none"> • Multiple Dwelling; • Residential Building; and • Telecommunications Infrastructure. <p>The following land use classes are listed as discretionary 'A' use—</p> <ul style="list-style-type: none"> • Amusement Parlour; • Betting Agency; • Child Care Premises; • Educational Establishment; • Market; • Medical Centre; • Reception Centre; • Recreation—Private; and • Restaurant. 	

Schedule 2

RESTRICTED USES TABLE

Part 3 cl. 20

Table 5—Restricted Uses Table

No.	Description of Land	Restricted Use	Conditions
R.U.1	Bunbury (Marlston North Precinct)— Lot 500 Jetty Road.	<p>The following land use classes are listed as permitted 'P' uses—</p> <ul style="list-style-type: none"> • Hotel; and • Motel. <p>The following land use classes are listed as discretionary 'D' uses—</p> <ul style="list-style-type: none"> • Amusement Parlour; • Car Park; • Civic Use; • Club Premises; • Convenience Store; • Exhibition Centre; • Fast Food Outlet; • Lunch Bar; • Restaurant / Café; 	<p>1. Structure Plan—</p> <p>1.1 Prior to any subdivision or development, the local government shall require the preparation and approval of a structure plan for the subject land in accordance with Part 4 of the deemed provisions.</p> <p>1.2 In addition to the structure planning requirements of the Scheme, matters set out within the Bunbury Waterfront Project Taskforce Report (October 2009), in particular policy statement Appendix 7, and the Western Australian Planning Commission Structure Plan Preparation Guidelines (August 2012) are to be addressed to the satisfaction of the local government.</p> <p>1.3 The structure plan is to address sea defence measures including details of any infrastructure requirements within the foreshore reserve (factoring in the impact of coastal processes and future sea level rise).</p> <p>1.4 The structure plan is to include a landscape master plan addressing the landscape principles relating to the foreshore, public open space, road reserve, dual use path network within, and adjacent to, the subject land.</p>

No.	Description of Land	Restricted Use	Conditions
		<ul style="list-style-type: none"> • Shop (maximum floorspace of 300m² nla); • Serviced Apartment (all floors except ground floor); and • Tourist Development. <p>The following land use classes are listed as discretionary 'A' uses—</p> <ul style="list-style-type: none"> • Cinema / Theatre; • Market; • Night Club; • Reception Centre; and • Small Bar. 	<p>2. Development Requirements—</p> <p>2.1 Serviced apartment uses are to be developed in the form of multiple dwellings in accordance with the R-Codes and the specific requirements of Building Class 3 of the Building Codes of Australia, and must be able to be occupied either permanently as a dwelling or temporarily for short-term accommodation purposes, except for ground floors.</p> <p>2.2 Drive through facilities are not permitted.</p> <p>2.3 All development is to be set back a minimum distance of 20m from the south-western property boundary adjoining land at street number 27 to number 29 Bonnefoi Boulevard.</p> <p>2.4 Buildings are to provide for an activated ground floor frontage to the Koombana Bay foreshore and to Jetty Road extension.</p> <p>2.5 Sum total of 'shop' use per lot (including a strata or survey strata lot) is limited to a maximum floorspace area of 300m² net lettable area (nla).</p> <p>3. The subdivider shall be responsible for the implementation of—</p> <ul style="list-style-type: none"> (a) drainage and stormwater management in accordance with a local water management plan; (b) extension of Jetty Road and associated works; (c) public vehicle parking within the road reserve(s); (d) pedestrian and bicycle pathways (and public bike racks); (e) works to address storm surge and sea level rise; (f) foreshore improvements; (g) public open space development; (h) infrastructure remediation works (roads and pathways), within the agreed structure plan area; and (i) associated infrastructure connections adjacent to the subject land to the satisfaction of the local government and prior to the creation of titles.
R.U.2	<p>Bunbury (Marlston East Precinct)— Lot 8 (No. 11) Bonnefoi Boulevard; and Strata Lots 1 to 4 on Strata Plan: 44714 (No. 15) Bonnefoi Boulevard.</p>	<p>The following land use classes are listed as discretionary 'D' uses—</p> <ul style="list-style-type: none"> • Amusement Parlour; • Civic Use; • Club Premises; • Convenience Store; • Exhibition Centre; • Fast Food Outlet; • Lunch Bar; • Restaurant / Café; and • Shop (maximum floorspace of 300m² nla). 	<p>1. Drive through facilities are not permitted.</p> <p>2. All development is to be set back a minimum distance of 10m from the seawall crest to the building line, to the specifications and satisfaction of the local government.</p> <p>3. Sum total of 'shop' use per lot (including a strata or survey strata lot) is limited to a maximum floorspace area of 300m² nla.</p>

No.	Description of Land	Restricted Use	Conditions
R.U.3	Bunbury (Lighthouse Beach Resort)— Lot 366 Ocean Drive and Carey Street.	<p>The following land use classes are listed as discretionary 'A' uses—</p> <ul style="list-style-type: none"> • Cinema / Theatre; • Market; • Night Club; • Reception Centre; and • Small Bar. <p>The following land use classes are listed as permitted 'P' uses—</p> <ul style="list-style-type: none"> • Hotel; and • Motel. 	
R.U.4	Bunbury (Koombana North Precinct)— Lot 505 Holman Street.	<p>The following land use classes are listed as permitted 'P' uses on all floors, except ground floor—</p> <ul style="list-style-type: none"> • Multiple Dwelling (R-AC0). <p>The following land use classes are listed as discretionary 'A' uses on all floors—</p> <ul style="list-style-type: none"> • Amusement Parlour; • Car Park; • Child Care Premises; • Cinema / Theatre; • Civic Use; • Club Premises; • Community Purpose; • Consulting Rooms; • Educational Establishment; • Exhibition Centre; • Fast Food Outlet; • Hotel; • Lunch Bar; • Market; • Medical Centre; • Motel; • Office; • Reception Centre; • Tourist Development (e.g. backpackers); • Restaurant / Café; 	<p>1. Where development standards are not prescribed below or in the structure plan, the general development standards of the Scheme shall prevail.</p> <p>2. The location, built form, building bulk and the relationship of buildings to each other shall be generally in accordance with the Bunbury Waterfront Project Taskforce Report (October 2009), in particular policy statement Appendix 6.</p> <p>3. Buildings are to provide for an activated ground floor frontage to the Koombana Bay foreshore and to Koombana Drive.</p> <p>4. Residential uses are not permitted on the ground floor of buildings.</p> <p>5. Serviced apartment uses are to be developed in the form of multiple dwellings in accordance with the R-Codes and the specific requirements of Building Class 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short-term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or structure plan, subject to the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions.</p> <p>6. Development on the subject land is to—</p> <ol style="list-style-type: none"> (a) provide for a variety of architectural expression; (b) achieve quality contemporary building design; (c) incorporate sustainable building principles; and (d) incorporate design elements, details and finishes which articulate the building facades and provide interest. In particular, architectural landmark elements will be required to be incorporated into building elevations adjacent to the eastern boundary of the site. <p>7. Noise attenuation measures shall be provided between residential and non-residential uses to the satisfaction of the local government and in accordance with the requirements of an endorsed noise mitigation assessment.</p> <p>8. Vehicle access will be via Holman Street and there will be no direct vehicular access onto, or from, Koombana Drive.</p> <p>9. The subdivider shall be responsible for the implementation of—</p> <ol style="list-style-type: none"> (a) drainage and storm water management;

No.	Description of Land	Restricted Use	Conditions
		<ul style="list-style-type: none"> • Shop; and • Tavern. <p>The following land use classes are listed as discretionary 'A' uses on all floors except the ground floor—</p> <ul style="list-style-type: none"> • Home Occupation; and • Serviced Apartment. 	<ul style="list-style-type: none"> (b) extension of Holman Street and associated works; (c) modifications and extensions to Holman Street car park; (d) public vehicle parking within the road reserve(s); (e) pedestrian and bicycle pathways (and public bike racks); (f) works to address storm surge and sea level rise; (g) foreshore improvements; (h) public open space development; and (i) infrastructure remediation works (roads and pathways) within the agreed structure plan area, and to associated infrastructure connections adjacent to the subject land to the specifications and satisfaction of the local government and prior to the creation of titles. <p>10. The preparation and implementation of an acid sulfate soil management plan, where necessitated by the proposed subdivision and/or development, to the satisfaction of the relevant public authority.</p>
R.U.5	Bunbury— Lot 752 Koombana Drive (Koombana Bay Caravan Park).	<p>The following land use classes are listed as permitted 'P' uses—</p> <ul style="list-style-type: none"> • Caravan Park; and • Caretakers Dwelling. 	<p>1. No vehicular access points being provided from Koombana Drive.</p> <p>2. Development to ensure that the front facades of buildings fronting Leschenault Inlet and Koombana Drive are oriented outward from the site, maintaining the appearance of an integrated aesthetically pleasant development to the specifications and satisfaction of the local government.</p> <p>3. A noise impact assessment prepared by a suitably qualified person, to the specifications and satisfaction of the local government, is required to be submitted as part of any application for development approval for resort accommodation constructed within the 25 metre setback area from Koombana Drive.</p>
R.U.6	Pelican Point— Sanctuary Golf Resort No. 105 Old Coast Road.	<p>The following land use classes are listed as discretionary 'D' uses—</p> <ul style="list-style-type: none"> • Club Premises; • Holiday Accommodation; • Hotel; • Motel; • Reception Centre; • Restaurant / Café; and • Serviced Apartment; • Shop (maximum floorspace of 300m² nla); • Tourist Development. 	<p>1. Development is to be in accordance with the land use provisions and relevant development conditions of a Local Development Plan prepared in accordance with the scheme for the entire site.</p> <p>2. In addition to the above the Local Development Plan is to specifically incorporate and/or adhere to the following requirements of the local government—</p> <ul style="list-style-type: none"> (a) Vehicle access to the site is to be limited to the existing entry points from Old Coast Road. (b) A dust, light and odour pollution impact analysis is to be undertaken having due regard to the proximity of the Primary Regional Roads Reserve, Rail Reserve, Port Installations Reserve and Industry Zone. Any mitigating measures deemed necessary as an outcome of the study are to be implemented concurrently with any development application. (c) A noise mitigation study is to be prepared (by a suitably qualified acoustic engineer) in accordance with State Planning Policy 5.4—Road and Rail Transport Noise and Freight Considerations in Land Use Planning and address potential noise impacts from the— <ul style="list-style-type: none"> (i) Forrest Highway and Old Coast Road; (ii) Port Access Road and Rail Corridor; and

No.	Description of Land	Restricted Use	Conditions
			<p>(iii) Proposed Port of Bunbury expansion as identified in the 'Buffer Definition Study' to the satisfaction of the local government, Main Roads Western Australia and the Southern Ports Authority. Any mitigation measures as an outcome of the Noise Mitigation Study are to be implemented concurrently with any development application.</p> <p>(d) A 'Bushfire Management Plan' is to be prepared to the satisfaction of the local government and the Fire and Emergency Services Authority of Western Australia. Any mitigating measures deemed necessary as an outcome of the assessment are to be implemented concurrently with any development application.</p> <p>(e) Details of commercial and residential waste storage and collection arrangements to the satisfaction of local government.</p> <p>(f) Areas (and facilities) set aside as communal open space are to be shown on the Local Development Plan.</p> <p>(g) A draft strata management statement to the satisfaction of the City of Bunbury and the Western Australian Planning Commission. Such management statement (to be approved by the local government prior to issuance of any development approval) is to address the management of the short-term accommodation and the relationship to the unrestricted length of stay occupancy standard.</p> <p>3. Where a Local Development Plan (or any subsequent amendments) proposes development at a scale that may generate significant additional vehicular movements onto or from Old Coast Road, the City of Bunbury, in consultation with Main Roads Western Australia, shall require the submission of a suitable Traffic Impact Assessment.</p> <p>4. Short-Term Accommodation and Unrestricted Length of Stay—</p> <p>(a) shall be in the form of grouped dwelling and/or multiple dwelling and are to be designed, constructed, operated/occupied as determined by the local government, with regard to relevant local planning policies and matters to be considered by local government under the Scheme.</p> <p>(b) shall be restricted to Strata Lot 40, and shall be designed in accordance with a residential density code of 'R40', as prescribed under the Residential Design Codes.</p> <p>(c) shall provide a proportion of the open space requirement (necessary to conform with the relevant provisions of the Residential Design Codes), on site as communal open space within an area designated on the approved Local Development Plan map.</p> <p>(d) shall provide additional communal/recreational facilities (or alternatively, contribute to the upgrading of central facilities) as designated on the approved Local Development Plan.</p>

No.	Description of Land	Restricted Use	Conditions
			<p>5. All short-stay accommodation units will be subject to a section 6 restriction under the <i>Strata Titles Act 1985</i>, whereby permanent occupancy of tourist accommodation will be limited to not more than three months in any 12 month period.</p> <p>6. As a condition of sub-division, the following notifications are to be included on the certificates of title—</p> <p>(a) For any 'short-stay' lots— <i>'No person shall occupy any Tourist Accommodation Unit for more than a total of three months in any one 12-month period. In this regard a register of guests is to be made available for perusal by the City of Bunbury as required.'</i></p> <p>(b) For all lots— <i>'Residents are advised of potential noise impacts from existing/proposed adjacent road, rail and port infrastructure/activities which may impact residential amenity.'</i></p> <p>7. 'Shop' use is restricted to a maximum (in total) of 300m² nla and is restricted to golf merchandise retail sales.</p> <p>8. The applicant shall liaise with the Department of Indigenous Affairs to determine if development is within 30m of registered sites on the adjoining land and provide written evidence to the local government in this regard.</p> <p>9. Any advertising signage along the 'Primary Regional Roads Reserve' requires the approval of Main Roads Western Australia.</p>
R.U.7	Bunbury (Back Beach Northern, Central and Southern development precincts)— Lot 76 Ocean Drive; Lot 66 Ocean Drive; Lot 497 Ocean Drive; Lot 1 Ocean Drive; and Lot 2 Ocean Drive.	The following land use classes are permitted only where the local government has exercised discretion as a 'D' use by granting development approval, having regard to the land use and development provisions contained within the endorsed Back Beach Tourism General Structure Plan (2015) and endorsed Detailed Structure Plan(s)— <ul style="list-style-type: none"> • Art Gallery; • Cinema/Theatre; • Community Purpose; • Convention Centre; • Exhibition Centre; • Fast Food Outlet; • Holiday Accommodation; • Hotel; • Laundromat; 	<p>1. All development shall have due regard to the following endorsed Back Beach Tourism structure plans—</p> <p>(a) General Structure Plan (2015);</p> <p>(b) Detailed Structure Plan Northern and Southern Precincts (2015);</p> <p>(c) Detailed Structure Plan Central Precinct North (2016); and</p> <p>(d) Detailed Structure Plan Central Precinct South (2016).</p> <p>2. Short-Term Accommodation and Unrestricted Length of Stay—</p> <p>2.1 Holiday accommodation and serviced apartment uses developed in accordance with the R-Codes and the specific requirements of Building Class 1a, 2 or 3 of the Building Code of Australia may be occupied permanently as a dwelling or temporarily for short-term accommodation purposes (unrestricted length of stay) in accordance with the General Structure Plan (2015), subject to the local government having exercised its discretion by granting development approval.</p> <p>2.2 All holiday accommodation units and serviced apartments where the unrestricted length of stay occupancy standard has not been approved, will be subject to a 'Section 6' restriction under the <i>Strata Titles Act 1985</i>, whereby permanent occupancy of tourist accommodation will be limited to not more than three months in any 12 month period.</p>

No.	Description of Land	Restricted Use	Conditions
		<ul style="list-style-type: none"> • Lunch Bar; • Market; • Motel; • Office (maximum floorspace of 200m² nla); • Recreation—Private; • Restaurant / Café; • Serviced Apartment; • Shop (maximum floorspace of 300m² nla); • Small Bar; and • Tourist Development. 	<p>2.3 As a condition of subdivision, the following notification is to be included on the certificates of title—</p> <p><i>'No person shall occupy any Tourist Accommodation Unit for more than a total of three months in any one 12-month period. In this regard a register of guests is to be made available for perusal by the local government as required.'</i></p> <p>3. Development densities applicable to the site shall be as follows—</p> <p>(a) Central Precinct: a residential density coding of R-AC0;</p> <p>(b) Northern and Southern Precincts, Sub-Precinct 1: a residential density coding of R100; and</p> <p>(c) Northern and Southern Precincts, Sub-Precinct 2: a residential density coding of R60;</p> <p>as prescribed under the R-Codes.</p> <p>4. Direct vehicular access is not permitted onto or from Ocean Drive.</p> <p>5. Buildings shall—</p> <p>(a) provide for a variety of architectural expression;</p> <p>(b) achieve quality contemporary building design;</p> <p>(c) incorporate climatic appropriate and sustainable building principles; and</p> <p>(d) incorporate modulation (recesses and projections), fenestration (patterns of windows and openings), materials, finishes and colour which articulate the building façades and provide visual interest and variety.</p>
R.U.8	Bunbury— Lot 11 (No. 123) Ocean Drive; and Lot 2 (No. 14) Greensell Street.	<p>The following land use classes are permitted only where the local government has exercised discretion as a 'D' use by granting development approval—</p> <ul style="list-style-type: none"> • Hotel; • Motel; • Restaurant / Café; • Serviced Apartment; • Shop (maximum floorspace of 100m² nla); and • Tourist Development. <p>If the requirement for a local development plan is waived, the above land use classes are permitted only where the local government has exercised discretion as an 'A' use by granting development approval.</p>	<p>1. Application Requirements—</p> <p>1.1 All development shall be in accordance with a local development plan approved by the local government.</p> <p>1.2 The local development plan is to be prepared in accordance with Liveable Neighbourhoods and incorporate design principles appropriate to the lot's/development site's designation as a 'Non Strategic Tourism Site'. The local development plan must show such detail to the satisfaction of the local government that the development is consistent with orderly and proper planning and the achievement of the highest appropriate level of amenity.</p> <p><i>Note: Guidance on 'Non Strategic Tourism Site' design principles is provided by the following, as amended—</i></p> <p>(a) <i>City of Bunbury Local Planning Strategy for Tourism (2009); and</i></p> <p>(b) <i>Tourism Planning Taskforce Report (2006), recommendation 10.</i></p> <p>1.3 The local government may choose to waive the requirement for a local development plan where it is satisfied all criteria have been adequately addressed by an applicant for development approval.</p> <p>1.4 The local development plan is to include design statements to the satisfaction of the local government, which as a minimum demonstrate how the design layout achieves a high level of integration across the lot/development site and within its local area.</p>

No.	Description of Land	Restricted Use	Conditions
			<p>1.5 The local development plan (and/or development application) must include information or detail to the satisfaction of the local government dealing with, but not limited to, the following—</p> <ul style="list-style-type: none"> (a) standards and requirements for development, site planning and building design; (b) any required limitations on floor areas relating to particular land uses; (c) building height, scale and plot ratio; (d) development setbacks from boundaries; (e) landscaping within setback areas and between buildings; (f) interface and buffer treatments (including fencing) between the surrounding residential uses and the development site; (g) urban design treatment of streetscapes and residential interfaces; (h) traffic management including access ways and internal circulation; (i) vehicle parking and circulation areas and treatments; (j) pedestrian access and movement; (k) location and extent of communal and private outdoor living areas; and (l) passive surveillance (Designing out Crime principles). <p>1.6 The local government shall require the preparation and submission of a Stormwater Management Plan as part of any local development plan. The Stormwater Management Plan is to be designed and implemented in accordance with the decision process for Stormwater Management in WA (Department of Water, 2009) and the Stormwater Manual for Western Australia (Department of Water, 2004-2007).</p> <p>1.7 Transport Assessment—</p> <ul style="list-style-type: none"> (a) A transport assessment is to be prepared as part of any local development plan. The transport assessment is to be undertaken in accordance with Western Australian Planning Commission Transport Assessment Guidelines for Developments Volume 3—Subdivisions, as amended, to the specifications and satisfaction of the local government; and (b) The transport assessment and its recommendations are to be submitted for consideration and approval by the local government, prior to the local government's endorsement of any local development plan (and/or application for development approval). <p>1.8 The local government may require an acoustic report to be prepared assessing potential noise impacts from the proposed development on surrounding properties to the satisfaction of the local government and the Western Australian Planning Commission.</p>

No.	Description of Land	Restricted Use	Conditions
			<p>2. Land Use Requirements and Unrestricted Length of Stay—</p> <p>2.1 Hotel, motel, serviced apartment and tourist development uses without the unrestricted length of stay occupancy standard are to be the primary/predominant land uses and shall be located/orientated toward Ocean Drive.</p> <p>2.2 Serviced apartment uses developed in accordance with the 'multiple dwelling' type of the R-Codes and the specific requirements of Building Class 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short-term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or local development plan, subject to the local government having exercised its discretion by granting development approval.</p> <p>2.3 Serviced apartment uses with the unrestricted length of stay occupancy standard shall be designed in accordance with the 'multiple dwelling' type and a residential density code of R80, as prescribed under the R-Codes.</p> <p>2.4 A minimum of 14 rooms/units within any development on site are to be provided and maintained exclusively for the purpose of short-term accommodation only (i.e. hotel, motel, tourism development or serviced apartment without unrestricted length of stay occupancy standard).</p> <p>2.5 All serviced apartment uses, where the unrestricted length of stay occupancy standard has not been approved, will be subject to a 'Section 6' restriction under the <i>Strata Titles Act 1985</i>, whereby permanent occupancy of tourist accommodation will be limited to not more than three months in any 12 month period.</p> <p>2.6 As a condition of subdivision, the following notification is to be included on the certificates of title— <i>'No person shall occupy any Tourist Accommodation Unit for more than a total of three months in any one 12-month period. In this regard a register of guests is to be made available for perusal by the local government as required.'</i></p> <p>2.7 Sum total of 'shop' use is limited to a maximum floorspace area of 100m² nla in total for the entire restricted use area.</p> <p>2.8 The shop and restaurant uses are to be restricted to Lot 11 Ocean Drive and are not to front Greensell Street.</p> <p>3. Development Standards—</p> <p>3.1 All development is to be undertaken in a manner which is consistent with an approved local development plan.</p> <p>3.2 Where development standards are not prescribed in the approved local development plan the Scheme provisions shall prevail.</p> <p>3.3 Vehicle access and parking is to be provided in accordance with scheme requirements and located in accordance with the approved local development plan.</p>

No.	Description of Land	Restricted Use	Conditions
R.U.9	South Bunbury— Lot 90 (No. 45) Forrest Avenue.	The following land use classes are listed as permitted 'P' uses— <ul style="list-style-type: none"> • Hotel; and • Motel. 	Vehicle access is to be provided only from Forrest Avenue.
R.U.10	Bunbury— Lot 3 (No. 205) Ocean Drive.	The following land use classes are listed as discretionary 'D' uses— <ul style="list-style-type: none"> • Hotel; • Motel; • Restaurant / Café; • Serviced Apartment; and • Shop (maximum floorspace of 100m² nla). 	<p>1. A minimum of 14 units shall be retained and maintained exclusively for the purpose of hotel, motel and/or serviced apartment use without unrestricted length of stay occupancy standard.</p> <p>2. Hotel, motel and/or serviced apartment uses without unrestricted length of stay occupancy standard are to be provided with frontage to Ocean Drive.</p> <p>3. Serviced apartment uses developed in accordance with the 'multiple dwelling' type of the R-Codes and the specific requirements of Building Class 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short-term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or local development plan, subject to the local government having exercised its discretion by granting development approval, except for a minimum of 14 units.</p> <p>4. Where development would result in a strata scheme arrangement, prior to occupation, a long term management agreement will be required to be established and retained between owners of any multiple dwelling use and the hotel, motel and serviced apartment operators in order to ensure the integrated management of all short-term and unrestricted length of stay accommodation uses.</p> <p>5. All serviced apartments where the unrestricted length of stay occupancy standard has not been approved will be subject to a 'Section 6' restriction under the <i>Strata Titles Act 1985</i>, whereby permanent occupancy of tourist accommodation will be limited to not more than three months in any 12 month period.</p> <p>6. As a condition of subdivision, the following notification is to be included on the certificates of title— <i>'No person shall occupy any Tourist Accommodation Unit for more than a total of three months in any one 12-month period. In this regard a register of guests is to be made available for perusal by the local government as required.'</i></p> <p>7. Sum total of 'shop' use is limited to a maximum floorspace area of 100m² nla in total for the entire restricted use area.</p>
R.U.11	South Bunbury— Lots 249 and 248 Timperley Road, cnr Bussell Highway.	The following land use classes are listed as permitted 'P' uses— <ul style="list-style-type: none"> • Caravan Park; and • Caretakers Dwelling. 	
R.U.12	Usher— Lot 2 Bussell Highway, Cnr Washington Avenue.	The following land use classes are listed as permitted 'P' uses— <ul style="list-style-type: none"> • Caravan Park; and • Caretakers Dwelling. 	

No.	Description of Land	Restricted Use	Conditions
R.U.13	Bunbury— Lot 20 Lyons Cove.	<p>The following land use classes are listed as discretionary 'D' uses—</p> <ul style="list-style-type: none"> • Hotel; • Motel; and • Serviced Apartment. 	<p>1. Serviced apartment uses developed in accordance with the 'multiple dwelling' type of the R-Codes and the specific requirements of Building Class 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short-term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or local development plan, subject to the local government having exercised its discretion by granting development approval.</p> <p>2. Serviced apartment uses with the unrestricted length of stay occupancy standard shall be designed in accordance with the 'multiple dwelling' type and a residential density code of R100, as prescribed under the R-Codes.</p> <p>3. The maximum plot ratio within the subject site shall be 1.5.</p> <p>4. Development to address the uses proposed on the site and the relationship between those uses and adjoining land uses to the satisfaction of the local government.</p> <p>5. Development of the site being of a high quality and enhancing and complementing the existing developments in the North Shore area in order to provide a high standard of visual amenity to the locality to the satisfaction of the local government.</p> <p>6. Development to address the issues of building appearance, particularly in relation to its aspect from the Leschenault Inlet and Koombana Drive frontages.</p> <p>7. Development to ensure that the front facades of the proposed buildings fronting the Inlet and Koombana Drive are oriented outward from the site, maintaining the appearance of an integrated aesthetically pleasant development to the satisfaction of the local government.</p> <p>8. All proposed car parking for the development to be provided in accordance with Scheme provisions and to be provided under cover where possible or otherwise screened from external view from outside the development site so as to not negatively affect the external appearance of the development to the satisfaction of the local government.</p> <p>9. No direct vehicle access is to be provided from Koombana Drive.</p> <p>10. Development to provide pedestrian access along the Koombana Drive frontage to the satisfaction of the local government.</p> <p>11. Deep sewerage and underground power to be provided to the satisfaction of the local government.</p> <p>12. All serviced apartment uses be setback a minimum distance of 25m from the southern paved edge of Koombana Drive. A reduction of the required setback may be considered subject to an acoustic report specifying construction required for noise attenuation.</p> <p>13. An acoustic report is to accompany any development proposal adjacent to Koombana Drive specifying construction requirements for noise attenuation to the specifications of the local government and any relevant public authority and consistent with State Planning Policy 5.4—Road and Rail Transport Noise and Freight Considerations in Land Use Planning.</p> <p>14. Appropriate setbacks being imposed around two monitoring bores of the site/lot as recommended by the relevant public authority.</p>

No.	Description of Land	Restricted Use	Conditions
R.U.14	<p>Bunbury— Lot 12 Lyons Cove (No. 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 and 38 Marabank Loop); and Lot 18 (No. 14 and 16) Lyons Cove, and portion of Lot 19 Lyons Cove.</p>	<p>The following land use classes are listed as discretionary 'D' uses—</p> <ul style="list-style-type: none"> • Holiday Accommodation; • Hotel; • Motel; • Serviced Apartment; • Convenience Store (incidental use); • Reception Centre (incidental use); • Recreation Private (incidental use); • Restaurant / Café (incidental use); and • Other incidental uses to a tourist resort. 	<ol style="list-style-type: none"> 1. A minimum of 52 units shall be retained and maintained exclusively for the purpose of holiday accommodation, hotel, motel and/or serviced apartment use without unrestricted length of stay occupancy standard. 2. Holiday accommodation and serviced apartment uses (on Lot 12) developed in accordance with the R-Codes and the specific requirements of Building Class 1a, 2 or 3 of the Building Codes of Australia may be occupied permanently as a dwelling or temporarily for short-term accommodation purposes (unrestricted length of stay) in accordance with any relevant local planning policy and/or structure plan, subject to the local government having exercised its discretion by granting development approval. 3. The unrestricted length of stay occupancy standard is restricted to Lot 12 only, and holiday accommodation and serviced apartment uses shall be designed in accordance with a residential density code as indicated on the Scheme Map, and as prescribed under the R- Codes. 4. Development to address the uses proposed on the site and the relationship between those uses and adjoining land uses to the satisfaction of the local government. 5. Development of the site being of a high quality and enhancing and complementing the existing developments in the North Shore area in order to provide a high standard of visual amenity to the locality to the satisfaction of the local government. 6. Development to address the issues of building appearance, particularly in relation to its aspect from the Leschenault Inlet and Koombana Drive frontages. 7. Development to ensure that the front facades of the proposed buildings fronting the Inlet and Koombana Drive are oriented outward from the site, maintaining the appearance of an integrated aesthetically pleasant development to the satisfaction of the local government. 8. All proposed car parking for the development to be provided in accordance with Scheme provisions and to be provided under cover where possible or otherwise screened from external view from outside the development site so as to not negatively affect the external appearance of the development to the satisfaction of the local government. 9. No direct vehicle access is to be provided from Koombana Drive. 10. Development to provide pedestrian access along the Koombana Drive frontage to the satisfaction of the local government. 11. Deep sewerage and underground power to be provided to the satisfaction of the local government. 12. All holiday accommodation and serviced apartment uses be setback a minimum distance of 25m from the southern paved edge of Koombana Drive. A reduction of the required setback may be considered subject to an acoustic report specifying construction required for noise attenuation.

No.	Description of Land	Restricted Use	Conditions
			<p>13. An acoustic report is to accompany any development proposal adjacent to Koombarra Drive specifying construction requirements for noise attenuation to the specifications of the local government and any relevant public authority and consistent with State Planning Policy 5.4—Road and Rail Transport Noise and Freight Considerations in Land Use Planning.</p> <p>14. Appropriate setbacks being imposed around two monitoring bores of the site/lot as recommended by the relevant public authority.</p>
R.U.15	<p>South Bunbury— Lot 3 (No. 302) Blair Street; and Lot 4 (No. 302) Blair Street.</p>	<p>The following land use classes are listed as discretionary 'D' uses—</p> <ul style="list-style-type: none"> • Consulting Rooms; • Convenience Store; • Office (maximum floorspace of 200m² nla); • Shop (maximum floorspace of 300m²); <p>The following land use classes are listed as discretionary 'A' uses—</p> <ul style="list-style-type: none"> • Fast Food Outlet; • Medical Centre; • Motor Vehicle Wash; • Restaurant / Café; and • Service Station. 	<p>1. Local Development Plan—</p> <p>1.1 The local government shall require the preparation and submission of a local development plan for the subject lots / development sites to be approved prior to any development approval being granted;</p> <p>1.2 The local development plan may include information or detail dealing with, but not limited to the following—</p> <ul style="list-style-type: none"> (a) provisions/requirements for development site planning (including building envelopes), building design and scale; (b) buffer treatments between the surrounding residential uses and the development site; (c) urban design treatments of streetscapes and residential interfaces; (d) traffic management, including accessways and internal circulation; (e) vehicle parking and circulation areas and treatments; (f) building height and scale; (g) development setbacks from boundaries; (h) landscaping within setback areas and between buildings; and (i) stormwater management plan. <p>2. Contaminated Sites— Future development proposals shall have due regard to the <i>Contaminated Sites Act 2003</i> and associated regulations.</p> <p>3. Development Requirements—</p> <p>3.1 The following supporting information is required to be submitted as part of any application for development approval for non-residential land uses, which is to include but is not necessarily limited to—</p> <ul style="list-style-type: none"> (a) an assessment to address proximity and impacts of proposed land uses to existing residential or other sensitive land uses, to be prepared in consultation with the relevant public authority with consideration of the Environmental Protection Authority (EPA) Guidance Statement No. 3—Separation Distances Between Industrial and Sensitive Land Uses (June 2005); and (b) transport assessment to address access and impacts of traffic associated with future land uses on the lots, to be prepared in consultation with Main Roads Western Australia and the local government.

No.	Description of Land	Restricted Use	Conditions
			<p>3.2 Access and drainage is to be in accordance with the specifications of Main Roads Western Australia and the local government.</p> <p>3.3 The subject lots are to be amalgamated prior to occupation of any future development.</p> <p>3.4 Sum total of office use per lot (including strata or survey strata lot) is limited to a maximum of 200m² nla.</p> <p>3.5 Sum total of shop use per lot (including strata or survey strata lot) is limited to a maximum of 300m² nla.</p>

Schedule 3

ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS TABLE

Part 4 cl. 35

Table 6—Additional Site and Development Requirements Table

No.	Description of Land	Requirement
1.	South Bunbury— Portion of Lot 107 on Deposited Plan: 47979 adjoining Moore Street, Strickland Street.	<p>1. Development Standards—</p> <p>1.1 Maximum site coverage—60%</p> <p>1.2 Maximum plot ratio—1.0</p> <p>1.3 Minimum % of site to be landscaped—6%</p> <p>1.4 Carparking shall be provided in accordance with Table 2 of the Scheme and any relevant Local Planning Policy.</p> <p>1.5 Vehicular access:—</p> <p>(a) no vehicular access is permitted to or from Moore Street; and</p> <p>(b) vehicle access to Moore Street is to be restricted by the imposition of a restrictive covenant enabled under section 129BA of the <i>Transfer of Land Act 1893</i>.</p> <p>1.6 Setbacks—</p> <p>(a) The setback to Moore Street shall be a 6 metre setback (average) with a minimum of 3 metres</p> <p>(b) Other setbacks are to be in accordance with the Residential Design Codes</p> <p>1.7 Office floorspace shall be limited to not more than 200m² NLA</p> <p>1.8 A masonry fence to a height of 2.1 m to be provided along the entire northern boundary</p> <p>1.9 A masonry/non-masonry fence to be provided along the Moore Street boundary.</p>
2.	South Bunbury— Lot 501 Holywell Street; and Lot 211 Pandal Street.	<p>1. Notwithstanding any other provision of the Scheme, built form outcomes and densities applicable to the site are to be in accordance with an approved structure plan or local development plan and as prescribed under the Residential Design Codes, but in any event shall be limited as follows—</p> <p>1.1 Residential Interface Area as depicted on the structure plan—</p> <p>(a) a residential density coding of R40 and only single house and grouped dwelling types;</p> <p>(b) frontage to Hayward Street, Holywell Street and/or Pandal Street.</p>

No.	Description of Land	Requirement
3.	Bunbury— Lots 1-7, 9-11, 13 and 27 Marabank Loop; and Lots 14-16, 21-26 Avonbank Way.	<p>1.2 Central Core Area as depicted on the structure plan— A residential density coding of R80 and only grouped and multiple dwelling types.</p> <p>1.3 Ocean Drive Frontage Area as depicted on the structure plan— A residential density coding of R80 and only multiple dwelling types with frontage to Ocean Drive (but vehicular access from rear).</p> <p>2. Identification of the boundaries of the areas described above within a structure plan or local development plan shall be generally in accordance with the Concept Spatial Layout Plan contained within the Scheme Amendment 80 (to Town Planning Scheme No. 7) report.</p> <p>3. An unrestricted length of stay occupancy standard applies to all single, grouped and multiple dwelling accommodation types built in accordance with the Residential Design Codes and specific requirements of building Class 1b, 2 and 3 of the Building Codes of Australia.</p> <p>4. Development above a residential density coding of R40 shall provide 50% of all open space required in accordance with the Residential Design Codes for multiple dwellings, on site as communal open space within an area designated on the local development plan map.</p> <p>5. A 'shop' use is limited to a maximum floorspace area of 100m² net lettable area (nla) for the entire development site (including Lot 501 Holywell Street and Lot 211 Pandal Street).</p> <p>6. No vehicle access is to be provided from Ocean Drive.</p> <p>1. Unrestricted Length of Stay— All single houses and grouped dwellings developed in accordance with the R-Codes and specific requirements of Building Class 1a, 2 or 3 of the Building Code of Australia may be occupied permanently as a dwelling or temporarily for short-term accommodation purposes (unrestricted length of stay) subject to the local government having exercised its discretion by granting development approval.</p> <p>2. Development of the site being of a high quality and enhancing and complementing the existing developments in the North Shore area in order to provide a high standard of visual amenity to the locality to the satisfaction of the local government.</p> <p>3. Development to address the issues of building appearance, particularly in relation to its aspect from the Leschenault Inlet and Koombana Drive frontages.</p> <p>4. Development to ensure that the front facades of the proposed buildings fronting the Inlet and Koombana Drive are oriented outward from the site, maintaining the appearance of an integrated aesthetically pleasant development to the satisfaction of local government.</p> <p>5. No direct vehicle access is to be provided from Koombana Drive.</p> <p>6. Deep sewerage and underground power to be provided to the satisfaction of local government.</p> <p>7. All residential development (including unrestricted length of stay) is to be setback a minimum distance of 25m from the southern paved edge of Koombana Drive. A reduction of the required setback may be considered subject to an acoustic report specifying construction required for noise attenuation.</p> <p>8. An acoustic report is to accompany any development proposal adjacent to Koombana Drive specifying construction requirements for noise attenuation to the specifications of the local government and any relevant public authority and consistent with State Planning Policy 5.4—Road and Rail Transport Noise and Freight Considerations in Land Use Planning.</p> <p>9. Appropriate setbacks being imposed around two monitoring bores of the site/lot as recommended by the relevant public authority.</p>

No.	Description of Land	Requirement
4.	<p>Glen Iris— Lots 17 and 18 Australind Bypass; and Lots 1, 30 and 31 Vittoria Road.</p>	<p>1. Land Use Requirements—</p> <p>1.1 The use of premises is to be for general commercial activities, and is to be designed, constructed and operated in a manner that does not result in land use conflict with adjoining premises and does not compete with the function of the proposed Glen Iris Neighbourhood Centre on the adjoining properties to the south.</p> <p>1.2 Uses are not to be operated in a manner that would otherwise be located in a designated activity centre within the defined hierarchy of centres under the State Planning Framework and the Local Planning Framework.</p> <p>1.3 The maximum net lettable area of the total floorspace of a 'bulky goods showroom' use on any individual lot (including a strata or survey strata lot) or tenancy is 1,000m².</p> <p>1.4 A 'pharmacy' may only be considered in conjunction with an application for a 'medical centre' or where a 'medical centre' has already been approved.</p> <p><i>Note: The use definition of a 'pharmacy' means premises used for the production and sale of medicines by a qualified pharmacist but does not include a 'shop'.</i></p> <p>2. Development Standards—</p> <p>2.1 All development is to be undertaken in a manner which is generally consistent with an adopted local development plan.</p> <p>2.2 Setbacks to Streets—</p> <p>(a) The minimum setback distances to lot boundaries with frontage to a street for all development is 6m.</p> <p>(b) Minimum setback to any other accessway or right-of-way is not less than 3m.</p> <p>2.3 Vehicle Access and Parking—</p> <p>(a) Vehicle access, circulation and on-site parking provision for all uses is to be provided in accordance with the Scheme, and located in accordance with an adopted local development plan.</p> <p>(b) No direct vehicle access is to be provided to the Australind Bypass.</p> <p>2.4 Signage—</p> <p>(a) A precinct signage plan is required as a component of the local development plan, which is to regulate the location and area of signage, the type of signage, its unified style and quality of presentation.</p> <p>(b) Applications for development approval for the development of premises will require a detailed development signage plan, which is to be approved by the local government prior to commencement of works.</p> <p>2.5 Drainage—</p> <p>An urban water management strategy is to be prepared as part of the local development plan to the satisfaction of the Department of Water and the local government.</p>
5.	<p>East Bunbury— Lot 100 Bunning Boulevard.</p>	<p>1. Land Use Requirements—</p> <p>1.1 Development within part of the site included in the Local Centre Zone shall only be permitted where undertaken concurrently with residential development facing Duncan Way and Bunning Boulevard, which is included in the Residential Zone.</p>

No.	Description of Land	Requirement
		<p>1.2 Prior to an application for retail 'shop' use of the site, preparation and submission of a Retail Sustainability Assessment is required, which inter alia, examines and makes recommendations on existing retail needs in the locality and provides justification for the retail scale proposed in the context of the catchment and centre classification.</p> <p>1.3 The sum total of retail floorspace for the entire Local Centre Zone shall be restricted to a maximum of 2,000m² nla.</p> <p>1.4 All land use and development adjacent to the Bunning Boulevard and Duncan Way road reserves is to be limited to residential development/uses only.</p> <p>1.5 The depth of any residential development/uses adjacent to the Bunning Boulevard and Duncan Way road reserves is to be a minimum of 15m, as measured from the property boundary to the Bunning Boulevard and Duncan Way road reserves.</p> <p>2. Local Development Plan—</p> <p>2.1 The preparation and submission of a local development plan for the entire development site of Lot 100 Bunning Boulevard (encompassing both Local Centre Zone and Residential Zone) is required to be adopted by the local government prior to any subdivision or development approval being granted.</p> <p>2.2 The local development plan shall include information or detail to the specification and satisfaction of the local government dealing with, but not limited to, the following—</p> <ul style="list-style-type: none"> (a) Indicative lot layout of subdivision design. (b) Layout, extent and arrangement of land uses. (c) Location and extent of communal and private outdoor living areas. (d) Standards and requirements for land use, development and building design. (e) Any required limitations on floorspace areas relating to particular land uses. (f) Building envelopes (including maximum and minimum building area footprint and height). (g) Development setbacks from property boundaries and between buildings, accessways and right-of-ways. (h) Interface and buffer treatments between surrounding residential uses and the development site. (i) Urban design standards to guide, but not limited to, the following— <ul style="list-style-type: none"> (i) building orientation; (ii) active frontages; (iii) building entrances; (iv) crossovers and accessways; (v) building façades; (vi) rooflines; (vii) treatment of streetscapes and residential interfaces; and (viii) location of car parking structures (garages and carports). (j) Transport assessment prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the Western Australian Planning Commission's (WAPC) Transport Assessment Guidelines for Developments Volume 3—Subdivision, as amended. (k) Pedestrian and bicycle pathway network, including bicycle parking and end of trip facilities.

No.	Description of Land	Requirement
		<p>(l) Vehicle access and internal circulation areas, car parking areas, service and emergency vehicle loading/unloading areas, and local area traffic management treatments.</p> <p>(m) The provision of visual screening to parking, servicing, waste storage and loading areas.</p> <p>(n) Passive surveillance and application of Crime Prevention Through Environmental Design (CPTED) principles in accordance with the WAPC's Designing Out Crime Planning Guidelines (2006).</p> <p>(o) Waste management arrangements for the collection, storage and disposal of all waste materials.</p> <p>(p) Landscape plan prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the requirements of the relevant local planning policy for landscaping, detailing, but not limited to, the following—</p> <ul style="list-style-type: none"> (i) road and footpath layout for use by pedestrians, cyclists and cars; (ii) vehicle parking, servicing, loading and unloading and turning facilities; (iii) landscaping (both softscape and hardscape) materials and surface finishes; (iv) vegetation species; (v) boundary treatments; (vi) proposed screening; (vii) potential and/or proposed on-street alfresco dining areas; (viii) lighting plan; and (ix) detailed staging of landscaping works. <p>(q) Stormwater management plan prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the WAPC's Better Urban Water Management (2008) guidelines to the specifications and satisfaction of the Department of Water and the local government.</p> <p>(r) Acid sulfate soils investigation prepared by a suitably qualified person, to the specifications and satisfaction of the local government, in accordance with the WAPC's Acid Sulfate Soils Planning Guidance (2008) in respect of the local development plan requirements.</p> <p>(s) A precinct signage plan prepared and submitted as part of the local development plan for the entire lot / development site included in Local Centre Zone to the specifications and satisfaction of the local government, which is to regulate the location and area of signage, the type of signage, its unified style and quality of presentation.</p> <p>3. Development Standards—</p> <p>3.1 All development is to be consistent with an adopted local development plan. Where development standards are not prescribed within the provisions of the zone or in an adopted local development plan, the general development requirements and standards of the Scheme shall prevail.</p> <p>3.2 All development is to be undertaken in a manner that is consistent with an approved infrastructure implementation plan.</p> <p>3.3 All development and/or land uses are to be oriented and designed to address street and public open space frontages, and are to complement or enhance the local streetscape character and amenity. Buildings are to have their most important facade directly facing the primary street frontage. Where development is located on a corner lot / development site, the most important facade (and main pedestrian entrance) is to be on or facing the primary street or the corner, and is to be designed with appropriate and distinctive architectural features.</p>

No.	Description of Land	Requirement
		<p>3.4 Non-residential development on ground floor elevations are to incorporate major and minor openings, with clear glazing or visually permeable surfaces for a minimum of 50% of the building frontage, where a building fronts a street or public open space, as determined by the local government.</p> <p>3.5 Buildings must provide shelter for pedestrians from the elements at the point of entry.</p> <p>3.6 Vehicle access and parking is to be provided in accordance with the provisions of the Scheme and/or R-Codes, and located and developed in accordance with the adopted local development plan.</p> <p>3.7 There shall be no vehicle access permitted from or onto Sandridge Road.</p> <p>3.8 Reciprocal rights of access are to be secured over any approved vehicle accessway to allow for its shared use by adjoining premises.</p> <p>3.9 Car parking areas are generally to be located to the side or rear of the development site accordance with an adopted local development plan. No car parking is permitted within a front setback area to a public street for residential land uses in order to achieve shared access.</p> <p>3.10 Applications for development approval for the development of non-residential uses incorporating signage and advertising devices are to be supported by a detailed development signage plan, which is to be approved by the local government prior to works commencing.</p> <p>3.11 A noise impact assessment prepared by a suitably qualified person, to the specifications and satisfaction of the local government, is required to be submitted as part of any application for planning approval for any development and/or land use where the proposal is for—</p> <ul style="list-style-type: none"> (a) a mixed use development; and/or (b) a non-residential use adjoining any residential or other sensitive land use; and/or (c) a residential or other sensitive land use adjoining a non- residential use; and/or (d) any residential or mixed use development or other sensitive land use adjoining any designated primary freight road, Primary Regional Roads Reserve or Other Regional Roads Reserve; <p>where there is the potential for noise impacts (land use conflict).</p> <p>4. Infrastructure Implementation Plan—</p> <p>4.1 An infrastructure implementation plan is to be prepared by a suitably qualified person, to the specifications and satisfaction of the local government which shall address, but not be limited to, the following—</p> <ul style="list-style-type: none"> (a) the identification of any new infrastructure items or the upgrading of any existing infrastructure items (including those recommendations of the approved transport assessment); (b) the apportionment of costs for any infrastructure provision; (c) arrangements for the implementation of all identified infrastructure items, including but not limited to the following— <ul style="list-style-type: none"> (i) provision of pedestrian and bicycle pathways; (ii) reconfiguration and/or improvements to— <ul style="list-style-type: none"> (1) Picton Road to accommodate a slip lane; (2) intersection treatment of Bunning Boulevard and Picton Road, (3) intersection treatment of Duncan Way and Bunning Boulevard, and

No.	Description of Land	Requirement
		<p>(4) intersection treatment of Bunning Boulevard and Inkpen Road; and</p> <p>(d) the timing and/or staging of any infrastructure works.</p> <p>4.2 The infrastructure implementation plan is to be submitted to the local government for consideration and approval prior to the adoption of a local development plan.</p>
6.	<p>Bunbury— Lots 73, 74, 75, 76, 77, 78, 79, 80 Ward Street and Lot 81 Blair Street,</p>	<p>1. Land Use Requirements—</p> <p>1.1 'Grouped Dwellings' and 'Multiple Dwellings' have a residential density coding of R20/60 in accordance with clause 26 of the Scheme.</p> <p>1.2 Notwithstanding clauses 26(2) and 26(3) of the Scheme, the local government may support development or built strata subdivision of a lot with a development site frontage of less than 25 metres, up to the maximum permissible residential density of the applicable dual density code, subject to—</p> <p>(a) the development of a mixed use development; or</p> <p>(b) the development of 'Multiple Dwellings'.</p> <p>1.3 The sum total of 'Office' use per lot (including a strata or survey strata lot) shall be restricted to—</p> <p>(a) a floor space maximum of 500m² Net Lettable Area (NLA); or</p> <p>(b) if the use is part of a mixed use development, a floor space maximum of 1,000m² NLA.</p> <p>1.4 The sum total of 'Shop' use per lot (including a strata or survey strata lot) shall be restricted to a floor space maximum of 300m² Net Lettable Area (NLA).</p> <p>1.5 The sum total of 'Bulky Goods Showroom' use per lot (including a strata or survey strata lot) shall be restricted to—</p> <p>(a) a floor space maximum of 500m² Net Lettable Area (NLA); or</p> <p>(b) if the use is part of a mixed use development, a floor space maximum of 1,000m² NLA.</p> <p>2. Local Development Plan—</p> <p>2.1 Development is to be in accordance with the site and development requirements of a Local Development Plan for the entire site that is prepared and submitted to the satisfaction of the Local Government and approved in accordance with the Scheme.</p> <p>3. Development Standards—</p> <p>3.1 All development is to be consistent with an adopted local development plan. Where development standards are not prescribed within the provisions of the zone or in an adopted local development plan, the general development requirements and standards of the Scheme shall prevail.</p> <p>3.2 Setbacks to Streets—</p> <p>(a) The setback distance to lot boundaries for all built development shall be in accordance with an adopted Local Development Plan.</p> <p>(b) In considering the setback requirements the local government will also have regard to the development standards of 'Local Planning Policy No.3.4: Non-Residential Development within or Adjoining Residential Areas'.</p> <p>3.3 Vehicular Access—</p> <p>(a) Vehicle access shall be limited to a maximum of three vehicle crossover points obtained solely from Ward Street and is to be in accordance with an adopted Local Development Plan.</p> <p>(b) Reciprocal rights of access are to be secured over any approved vehicle accessway to allow for its shared use by adjoining premises.</p>

No.	Description of Land	Requirement
		<p>3.4 Parking—</p> <p>(a) The number of car parking bays required shall be provided in accordance with Table 2 of the Scheme.</p> <p>(b) For a mixed use development, the number of car parking spaces required for the overall development under Table 2 of the Scheme may be reduced by a maximum of up to 25% provided that—</p> <p>(i) the applicant is able to demonstrate to the satisfaction of the Local Government that the peak hours of operation of the different uses on the land are different or do not substantially overlap; and</p> <p>(ii) the bays are clearly marked limiting the purpose for which the parking may be used at different times of the day.</p> <p>3.5 Landscaping—</p> <p>(a) Setback areas shall be planted with trees, shrubs and ground cover plants appropriate to the locality of the site and built form.</p> <p>(b) On-site car parking areas shall be landscaped with shade trees planted at the rate of no less than 1 tree per 6 car bays. Species shall have a clean trunk to 2.0 metres with non-invasive roots.</p> <p>3.5 Hours of Operation—</p> <p>(a) Non-residential development and land uses shall not be permitted to trade and/or operate (e.g. deliveries) between the hours of 10.00pm and 7.00am Monday to Saturday and 7.00pm to 9.00am on Sundays and public holidays.</p> <p>(b) Hours of operation beyond those stipulated in condition 3.5(a) may be considered where supported by a Development Impact Statement and Noise Management Plan, submitted at the development approval stage. These plans are to be prepared by a suitably qualified consultant to the specifications and standards of the Local Government and shall address the scope of issues that have the potential to impact upon the amenity of existing and future residents (such as noise, lighting and crime prevention) and propose appropriate mitigation measures.</p> <p>4. Transport Assessment—</p> <p>4.1 A supporting Transport Assessment is to be undertaken and approved to the specification and satisfaction of the Local Government in accordance with the Western Australian Planning Commission's "Transport Assessment Guidelines for Developments Volume 3—Subdivision", as amended, prior to the approval of a Local Development Plan.</p> <p>5. Infrastructure Implementation Plan—</p> <p>5.1 An Infrastructure Implementation Plan is to be prepared and approved to the specification and satisfaction of the Local Government, prior to the approval of a Local Development Plan.</p>

Schedule 4
CAR PARKING TABLE

Part 4 cl. 41

Table 7—Car Parking Table

Land Use Classes	Minimum Car Parking Requirements
Abattoir	As determined by the local government.
Agriculture—Extensive	As determined by the local government.
Agriculture—Intensive.	As determined by the local government.
Amusement Parlour	1 bay per 20 square metres of nla; or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Ancillary Dwelling	In accordance with the Residential Design Codes.
Animal Establishment	<ul style="list-style-type: none"> • 1 bay per employee; plus • 1 visitor parking bay.
Animal Husbandry—Intensive	<ul style="list-style-type: none"> • 1 bay per employee; plus • 1 visitor parking bay.
Art Gallery	As determined by the local government.
Bed and Breakfast	1 bay per guest bedroom or accommodation unit in addition to the residential requirement in accordance with the Residential Design Codes.
Betting Agency	<ul style="list-style-type: none"> • 1 bay per 30 square metres of nla used for the purposes of administration or accounting; plus • 1 bay per 20 square metres of nla open to the public.
Brewery	<ul style="list-style-type: none"> • 1 bay per employee; plus • 1 bay per 50 square metres of nla of premises open to the public for display, sale or exhibition, where the premises incorporates such an area; plus • an additional 1 bay per 4 seats or 1 bay per 5 square metres of nla of premises used for dining and/or drinking area, whichever is the greater, where the premises incorporates such an area.
Bulky Goods Showroom	<ul style="list-style-type: none"> • 1 bay per 50 square metres of nla of premises open to the public and used for display, sale or hire; plus • 1 bay per 100 square metres of nla of premises not open to the public and used for storage.
Car Park	As determined by the local government.
Caravan Park	<ul style="list-style-type: none"> • 1 bay per caravan site; plus • plus parking bays for visitors and employees.
Caretaker's Dwelling	In accordance with relevant dwelling type under the Residential Design Codes.
Child Care Premises	<ul style="list-style-type: none"> • 1 bay per 10 children the premises is designed and approved to accommodate; plus • 1 bay per employee.
Cinema / Theatre	1 bay per 4 seats; or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Civic Use	1 bay per 4 seats; or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Club Premises.	1 bay per 4 seats; or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Commercial Vehicle Parking	1 bay per commercial vehicle that the premises is designed and approved to accommodate.
Community Purpose	As determined by the local government with consideration of— <ul style="list-style-type: none"> • any relevant local planning policy; • the most applicable or equivalent use class; and • the maximum capacity of all facilities when used simultaneously.
Consulting Rooms	4 bays per consulting room and/or health consultant; or 1 bay per 20 square metres of nla, whichever is the greater.
Convenience Store	1 bay per 20 square metres of nla of premises used for convenience store purposes.
Convention Centre	1 bay per 4 seats; or 1 bay for every 4 persons the premises is designed and approved to accommodate.
Corrective Institution	As determined by the local government.

Land Use Classes	Minimum Car Parking Requirements
Dry Cleaning Premises	<ul style="list-style-type: none"> • 1 bay per 75 square metres of nla not open to the public and used for dry cleaning purposes only, or 1 bay per employee, whichever is the greater; plus • an additional 1 bay per 30 square metres of nla open to the public and used for customer service.
Educational Establishment (Pre-primary / Primary)	<ul style="list-style-type: none"> • 1 bay per 10 students the premises is designed and approved to accommodate; plus • 1 bay per employee; plus • a car queuing, set-down and pick-up area sufficient to accommodate 10 cars.
Educational Establishment (Secondary)	<ul style="list-style-type: none"> • 1 bay per 10 students the premises is designed and approved to accommodate; plus • 1 bay per 10 year 12 students the premises is designed and approved to accommodate; plus • 1 bay per employee; plus • a car queuing, set-down and pick-up area sufficient to accommodate 10 cars.
Educational Establishment (Tertiary)	<ul style="list-style-type: none"> • 1 bay per 4 students the premises is designed and approved to accommodate; plus • 1 bay per employee.
Exhibition Centre	1 bay per 4 seats; or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Family Day Care	1 bay in addition to the residential requirement, in accordance with the Residential Design Codes.
Fast Food Outlet	<ul style="list-style-type: none"> • 1 bay per 15 square metres of nla; plus • a car queuing area sufficient to accommodate 10 cars where drive through facilities are included.
Freeway Service Centre	4 bays per workshop and/or service bay, plus 1 bay per employee. In addition to the service station use, car parking bays are to be provided for each additional land use (e.g. convenience store, fast food outlet, lunch bar, restaurant / café, etc.) in accordance with the Car Parking Table;
Fuel Depot	<ul style="list-style-type: none"> • 1 bay per 100 square metres of nla of premises used for fuel depot purposes or 1 bay per employee, whichever is the greater; plus • 1 visitor parking bay per petrol and/or service bay.
Funeral Parlour	1 bay per employee. Where a chapel, mortuary or assembly area is included, 1 bay for every 4 seats; or 1 bay for every 4 persons the premises is designed and approved to accommodate for the chapel area, whichever is the greater.
Garden Centre	<ul style="list-style-type: none"> • 1 bay per 50 square metres of nla of premises open to the public and used for display, sale or hire; plus • 1 bay per 100 square metres of nla of premises not open to the public and used for storage.
Grouped Dwelling	In accordance with the Residential Design Codes.
Holiday Accommodation	In accordance with the Residential Design Codes for grouped and/or multiple dwelling.
Holiday House	In accordance with the Residential Design Codes for single house.
Home Business	1 bay per employee in addition to the residential requirement, in accordance with the relevant dwelling type under the Residential Design Codes and the limitations on parking applicable to the home business land use class.
Home Occupation	No additional requirement over and above residential requirement—in accordance with the relevant dwelling type under the Residential Design Codes and the limitations on parking applicable to the home occupation land use class.
Home Office	No additional requirement over and above residential requirement—in accordance with the relevant dwelling type under the Residential Design Codes.
Home Store	1 bay per 20 square metres of nla in addition to the residential requirement, in accordance with the relevant dwelling type under the Residential Design Codes.
Hospital	<ul style="list-style-type: none"> • 1 bay per 4 beds; plus • 1 bay per employee.

Land Use Classes	Minimum Car Parking Requirements
Hotel	<ul style="list-style-type: none"> • 1 bay per bedroom or accommodation unit; plus • 1 bay per 15 square metres nla of floorspace other than that used for accommodation purposes; plus • a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Industry	<ul style="list-style-type: none"> • 1 bay per 100 square metres of nla of premises used for industry purposes or 1 bay per employee, whichever is the greater; plus • an additional 1 bay per 30 square metres of nla used for the purposes of retailing and/or wholesaling.
Industry—Extractive	As determined by the local government.
Industry—Light	<ul style="list-style-type: none"> • 1 bay per 75 square metres of nla of premises used for light industry purposes or 1 bay per employee, whichever is the greater; plus • an additional 1 bay per 30 square metres of nla used for the purposes of retailing and/or wholesaling.
Industry—Primary Production	<ul style="list-style-type: none"> • 1 bay per employee, plus • 1 visitor parking bay;
Laundromat	<ul style="list-style-type: none"> • 1 bay per 30 square metres of nla; plus • 1 bay per employee.
Liquor Store—Large	<ul style="list-style-type: none"> • 1 bay per 20 square metres of nla; plus • a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Liquor Store—Small	<ul style="list-style-type: none"> • 1 bay per 20 square metres of nla; plus • a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Lunch Bar	1 bay per 15 square metres of nla.
Marina	<ul style="list-style-type: none"> • 1 bay per wet berth; • 1 bay per 5 dry berths or swing moorings; plus • 1 bay per 50 square metres of nla of ancillary and/or incidental uses/developments associated with the marina.
Marine Filling Station	<ul style="list-style-type: none"> • 1 bay per 100 square metres of nla of premises used for marine filling station purposes; or 1 bay per employee, whichever is the greater; plus • 1 visitor parking bay per petrol and/or service bay.
Market	1 bay per 30 square metres of nla of premises used for market purposes.
Medical Centre	4 bays per consulting room and/or health consultant; or 1 bay per 20 square metres of nla, whichever is the greater.
Mining Operations	As determined by the local government.
Motel	<ul style="list-style-type: none"> • 1 bay per bedroom or accommodation unit; plus • 1 bay per 15 square metres nla of floorspace other than that used for accommodation purposes.
Motor Vehicle, Boat or Caravan Sales	<ul style="list-style-type: none"> • 1 bay per 200 square metres of nla of premises used for display, sale or hire; plus • an additional 4 bays per vehicle service and/or work bay or 1 bay for every 50 square metres of nla, whichever is the greater, where the premises incorporate repair and/or servicing.
Motor Vehicle Repair	4 bays per vehicle service and/or work bay; or 1 bay for every 50 square metres of nla of premises used for motor vehicle repair purposes, whichever is the greater.
Motor Vehicle Wash	<ul style="list-style-type: none"> • 1 bay per employee; plus • 2 bays per wash bay; plus • queuing space for 3 waiting vehicles for each wash bay.
Multiple Dwelling	In accordance with the Residential Design Codes.
Night Club	1 bay per 15 square metres of nla.
Office	1 bay per 30 square metres of nla.
Park Home Park	<ul style="list-style-type: none"> • 1 bay per park home site; plus • 1 bay per 10 park home sites for visitor parking; plus • 1 bay per employee.
Place of Worship	1 bay per 4 seats; or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.

Land Use Classes	Minimum Car Parking Requirements
Reception Centre	1 bay per 4 seats; or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Recreation—Private	1 bay per 4 seats; or 1 bay for every 4 persons the premises is designed and approved to accommodate, whichever is the greater.
Residential Aged Care	<ul style="list-style-type: none"> Where independent accommodation is provided as dwellings—in accordance with the relevant dwelling type under the Residential Design Codes. Where supported accommodation or hospital facilities are provided—1 bay per 4 beds, plus 1 bay per employee.
Residential Building	<ul style="list-style-type: none"> 1 bay per bedroom; plus 1 bay per 4 bedrooms for visitor parking; plus 1 bay per employee.
Resource Recovery Centre	<ul style="list-style-type: none"> 1 bay per employee, plus 1 visitor parking bay.
Restaurant / Café	1 bay per 15 square metres of nla.
Restricted Premises	1 bay per 20 square metres of nla.
Road House	<ul style="list-style-type: none"> 4 bays per workshop and/or service bay, plus 1 bay per employee. In addition to the service station use, car parking bays are to be provided for each additional land use (e.g. convenience store, fast food outlet, lunch bar, restaurant / café and short-term accommodation uses) in accordance with the Car Parking Table.
Rural Home Business	1 bay per employee in addition to the residential requirement, in accordance with the relevant dwelling type under the Residential Design Codes and the limitations on parking applicable to the home business land use class.
Rural Pursuit / Hobby Farm	1 bay in addition to the residential requirement.
Serviced Apartment	In accordance with the Residential Design Codes for grouped and/or multiple dwelling.
Service Station	<ul style="list-style-type: none"> 4 bays per workshop and/or service bay; plus 1 bay per employee.
Shop	1 bay per 20 square metres of nla.
Single Bedroom Dwelling	In accordance with the Residential Design Codes.
Single House	In accordance with the Residential Design Codes.
Small Bar	1 bay per 15 square metres of nla.
Tavern	<ul style="list-style-type: none"> 1 bay per 15 square metres of nla; plus a car queuing area sufficient to accommodate 5 cars where drive through facilities are included.
Telecommunications Infrastructure	As determined by the local government.
Tourist Development	<p>In accordance with the relevant dwelling type under the Residential Design Codes, and/or</p> <ul style="list-style-type: none"> 1 bay per bedroom or accommodation unit; plus 1 bay per 15 square metres nla of floorspace other than that used for accommodation purposes.
Trade Display	<ul style="list-style-type: none"> 1 bay per 50 square metres of nla of premises open to the public and used for display, sale or hire; plus 1 bay per 100 square metres of nla of premises not open to the public and used for display only.
Trade Supplies	<ul style="list-style-type: none"> 1 bay per 50 square metres of nla of premises open to the public and used for display, sale or hire; plus 1 bay per 100 square metres of nla of premises not open to the public and used for storage.
Transport Depot	1 bay per employee in addition to any commercial vehicle parking bays that the premises is designed and approved to accommodate;
Tree Farm	As determined by the local government.
Veterinary Centre	4 bays per consulting room and/or veterinary health consultant; or 1 bay per 20 square metres of nla, whichever is the greater.
Warehouse / Storage	<ul style="list-style-type: none"> 1 bay per 50 square metres of nla of premises used for display and sale by wholesale; plus 1 bay per 100 square metres of nla of premises not open to the public and used for storage.

Land Use Classes	Minimum Car Parking Requirements
Waste Disposal Facility	As determined by the local government.
Waste Storage Facility	As determined by the local government.
Wind Farm	As determined by the local government.
Winery	<ul style="list-style-type: none"> • 1 bay per employee; plus • 1 bay per 50 square metres of nla of premises open to the public for display, sale or exhibition, where the premises incorporates such an area; plus • an additional 1 bay per 4 seats; or 1 bay per 5 square metres of nla of premises used for dining and/or drinking area, whichever is the greater, where the premises incorporates such an area.
Workforce Accommodation	In accordance with the relevant dwelling type under the Residential Design Codes.
All other Land Use Classes:	As determined by the local government.

Note: 1. 'nla' means 'net lettable area' as defined in Division 1—General Definitions Used in Scheme under Part 6 of the Scheme.

2. Floorspace areas 'open to the public' include, but are not limited to, reception areas and staff areas having a customer service function (e.g. public counter).

Schedule 5

ADDITIONAL ZONE DEVELOPMENT REQUIREMENTS TABLE

Part 4 cl. 36

Table 8—Additional Zone Development Requirements Table

Zone	Front Setback	Side and Rear Setbacks	Other Requirements
Regional Centre Zone	Residential Development (including mixed use development): Front setbacks are to be in accordance with Table 8-1: Regional Centre Zone Minimum Front Building Setbacks and the Regional Centre Zone Setback and Pedestrian Core Map (Map A).	Side and rear setbacks are to be in accordance with R-Codes, subject to compliance with any relevant local planning policy, activity centre plan and/or structure plan.	Plot Ratio for Residential and Non-Residential Development— (a) Standard Plot Ratio to be in accordance with Regional Centre Zone Plot Ratio Map (Map B). (b) Plot Ratio Bonuses are to be in accordance with relevant local planning policy. (c) Maximum Plot Ratio outlined in activity centre plan or structure plan must not be exceeded. <i>Note: Standard plot ratio means a base plot ratio to which a plot ratio bonus may be applied, notwithstanding that residential development and residential components of mixed use development must be in accordance with the R-Codes, or as prescribed in any relevant activity centre plan or structure plan.</i>
	Non-Residential Development— All setbacks are to be in accordance with Table 8-1 and Map A.		Drive through facilities are not permitted.
	Residential and Non-Residential Development (including mixed use development): (a) Minimum nil (0m) for the podium level (up to 12m in height); except for Spencer Street. (b) Minimum 4m above 12m in height. (c) Upper floor balconies must be located entirely behind the 4m front setback line.	(a) Minimum nil (0m) for the podium level (up to 12m in height) adjoining a District or Neighbourhood Centre Zone. (b) In accordance with relevant local planning policy when adjoining residential development.	
District Centre Zone and Neighbourhood Centre Zone	Spencer Street Front Setback— (a) Minimum 1m for the podium level (up to 12m in height). (b) Minimum 4m above the 12m in height. (c) Upper floor balconies must be located entirely behind the 4m front setback line.	Upper Floors: Width of the Lot ≤14m Minimum 3m 15m Minimum 3.5m ≥16m Minimum 4m	

Zone	Front Setback	Side and Rear Setbacks	Other Requirements	
Local Centre Zone	Residential and Non-Residential Development (including mixed use development):		Drive through facilities are not permitted.	
	(a) Minimum 2m. (b) Upper floor balconies must be located entirely behind the 2m front setback line.	(a) Minimum nil (0m) adjoining a Local Centre Zone. (b) In accordance with relevant local planning policy when adjoining residential development.		
	Residential Development (including residential component within mixed use development)— All setbacks are to be in accordance with R-Codes.			
Mixed Use—Commercial Zone	Non-Residential Development:		Floor Space Restrictions— Maximum net lettable area (nla) per lot (including a strata or survey strata lot):	
	(a) Minimum 2m. (b) Upper floor balconies must be located entirely behind the 2m front setback line.	Single Land Use		
		Mixed Use Development <ul style="list-style-type: none">• Bulky Goods Showroom—500m²;• Office—500m²;• Shop—300m²; and• Trade Supplies—500m².		
			Drive through facilities are not permitted.	
Mixed Use—Residential Zone	Residential Development (including residential component within mixed use development)— All setbacks are to be in accordance with R-Codes.		Floor Space Restrictions— Maximum net lettable area (nla) per lot (including a strata or survey strata lot)— <ul style="list-style-type: none">• Office—200m²; and• Shop—300m².	
	Non-Residential Development:			Drive through facilities are not permitted.
	(a) Minimum 2m. (b) Upper floor balconies must be located entirely behind the 2m front setback line.	(a) Minimum nil (0m) adjoining a Mixed Use—Commercial Zone. (c) Buildings may be built from side boundary to side boundary for ground floor and first floor, except where required to provide access and parking. (d) In accordance with relevant local planning policy when adjoining residential development.		

Zone	Front Setback	Side and Rear Setbacks	Other Requirements
		(c) In accordance with relevant local planning policy when adjoining residential development.	
Tourism Zone	Residential Development (including residential component within mixed use development) — All setbacks are to be in accordance with R-Codes.		Floor Space Restrictions — Maximum net lettable area (nla) per lot (including a strata or survey strata lot)— <ul style="list-style-type: none"> • Office—200m²; and • Shop—300m². Drive through facilities are not permitted.
	Non-Residential Development:	<p>(a) Minimum nil (0m) adjoining a Tourism Zone.</p> <p>(b) Buildings may be built from side boundary to side boundary for ground floor and first floor, except where required to provide access and parking.</p> <p>(c) In accordance with relevant local planning policy when adjoining residential development.</p>	
Residential Zone	All setbacks are to be in accordance with R-Codes (including non-residential development).		Site Coverage — Maximum percentage of site coverage on a lot/development site for non-residential development and/or land uses— <ul style="list-style-type: none"> • R15 to R25 = 50%; • R30 to R40 = 55%; • R50 to R60 = 60%; and • R80 to R160 = 70%. Subject to the discretion of the local government.
Private Community Purpose Zone	Residential Development — All setbacks are to be in accordance with R-Codes.		
	Non-Residential Development:		
	Minimum 4m.	Subject to the discretion of the local government.	

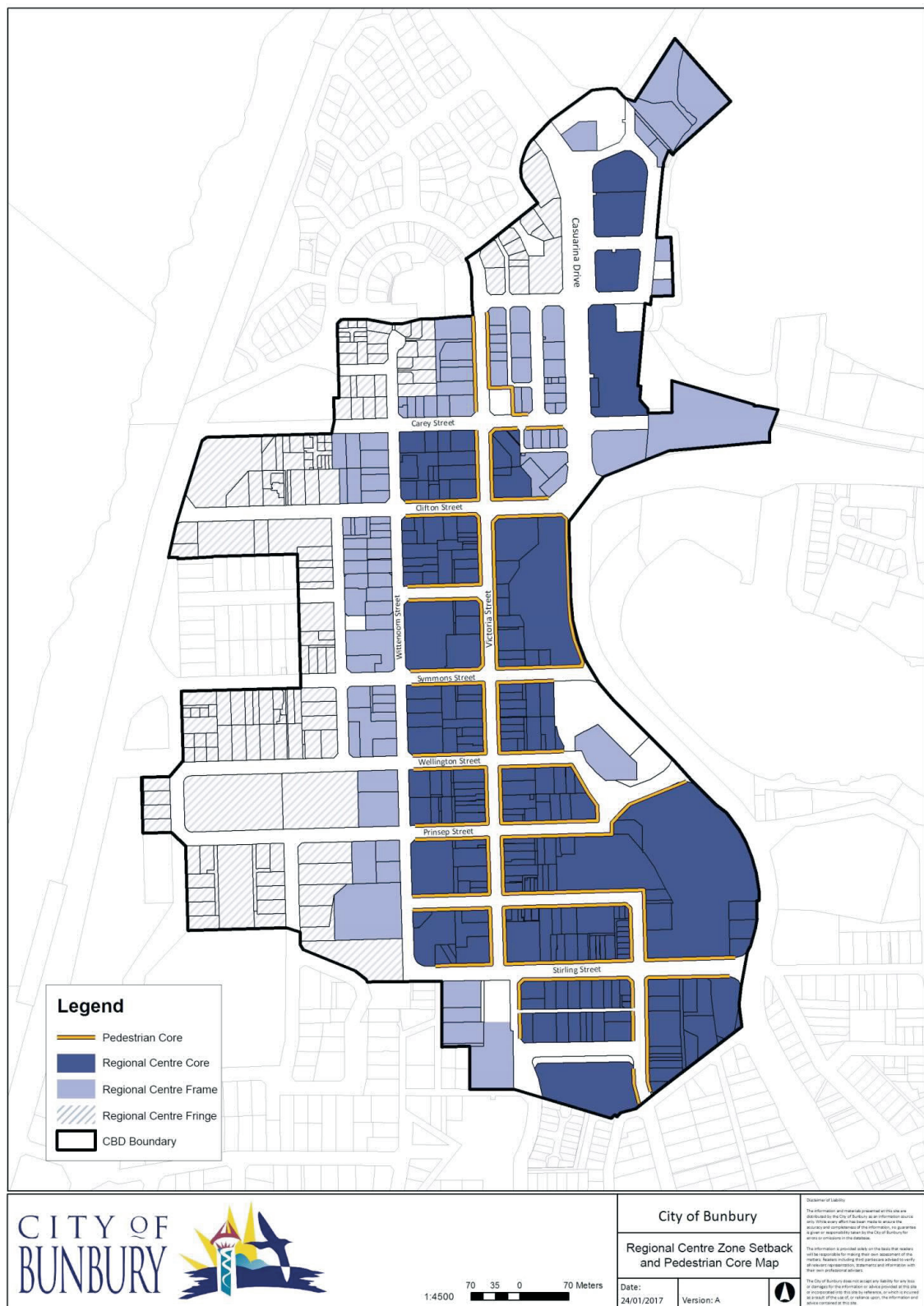
Zone	Front Setback	Side and Rear Setbacks	Other Requirements
Service Commercial Zone	Primary Street Front Setback— Minimum 4m. Secondary Street Front Setback— Minimum 3m.	<p>(a) Where not adjoining Residential Zone premises, minimum nil (0m) building setback to rear and side boundaries, subject to appropriate car parking, access and loading arrangements.</p> <p>(b) Where adjoining Residential Zone premises, the building setback is to be not less than half the height of the wall of the proposed building with a minimum setback of 3.0m.</p> <p>(c) Subject to the discretionary approval of the local government, a building on the boundary abutting a Residential Zone premises is to be a maximum height of 3.5m above natural ground level as measured from the adjoining residential property for 2/3 the length of the balance of the boundary behind the front setback.</p>	Floor Space Restrictions— <p>(a) Minimum net lettable area (nla) of 200m² per lot (including a strata or survey strata lot) applies for bulky goods showroom uses.</p> <p>(b) Maximum net lettable area (nla) of 200m² per lot, strata lot or survey strata scheme, applies for office uses (exclusive of 'incidental' office uses).</p>
Light Industry Zone	Primary Street Front Setback— Minimum 14m from primary street with a minimum of 4m for up to 25% of the development site frontage. Secondary Street Front Setback— Minimum 3m.	<p>Minimum nil (0m) building setback to rear and side boundaries, subject to appropriate car parking, access and loading arrangements.</p>	Landscaping— <p>(a) Primary and secondary street front setback areas are to be landscaped for the full frontage of the lot, excluding any pedestrian and vehicular access points or car parking areas, to an average width of 3m, but with a minimum width of not less than 1.5m.</p> <p>(b) Of the required landscaped area, a maximum of up to 50% may be hard landscaping (hardscape), in accordance with an approved landscaping plan prepared to the specifications and satisfaction of the local government.</p> <p>(c) Other setback areas not used for access, parking and/or waste management are to be landscaped.</p> Loading— Loading and unloading areas to be located either inside of buildings or to the side and/or rear of the premises and separate from any public access areas.

Zone	Front Setback	Side and Rear Setbacks	Other Requirements
General Industry Zone	<p>Primary Street Front Setback— Minimum 14m.</p> <p>Secondary Street Front Setback— Minimum 3m.</p>	Minimum nil (0m) building setback to rear and side boundaries, subject to appropriate car parking, access and loading arrangements.	<p>Landscaping—</p> <p>(a) Primary and secondary street front setback areas are to be landscaped for the full frontage of the lot, excluding any pedestrian and vehicular access points or car parking areas, to an average width of 3m, but with a minimum width of not less than 1.5m.</p> <p>(b) Of the required landscaped area, a maximum of up to 50% may be hard landscaping (hardscape), in accordance with an approved landscaping plan prepared to the specifications and satisfaction of the local government.</p> <p>(c) Other setback areas not used for access, parking and/or waste management are to be landscaped.</p> <p>Loading— Loading and unloading areas to be located either inside of buildings, or to the side and/or rear of the premises and separate from any public access areas.</p>
Rural Zone	Minimum 15m	<p>(a) Minimum 5m side setback.</p> <p>(b) Minimum 7.5m rear setback.</p> <p>(c) Minimum 50m building setback from the outer edge of a waterway, or from a protected wetland.</p>	<p>Dwelling Density— Dwelling density does not exceed one dwelling (single house) per lot, subject to the discretion of the local government.</p> <p>Remnant Native Vegetation—</p> <p>(a) Development does not result in clearing of remnant native vegetation or the destruction or damage of native trees, unless clearing is required to satisfy necessary bush fire protection measures, as determined by the local government or other relevant public authority.</p> <p>(b) The clearing of remnant native vegetation may be considered where it is required to accommodate an approved development and/or for the establishment of an approved vehicular access from the adjacent street to an approved development.</p> <p>Building Envelope— If applicable, dwellings and any outbuildings, external fixtures, patios, verandahs, pergolas and swimming pools to be entirely contained within prescribed building envelope.</p>
Urban Development Zone Industrial Development Zone	A structure plan is required to be endorsed for land included in the Urban Development Zone or Industrial Development Zone prior to subdivision and/or development. <i>Note: Also refer to the Planning and Development (Local Planning Schemes) Regulations 2015, Schedule 2 Deemed provisions for local planning schemes, Part 4 Structure plans.</i>		

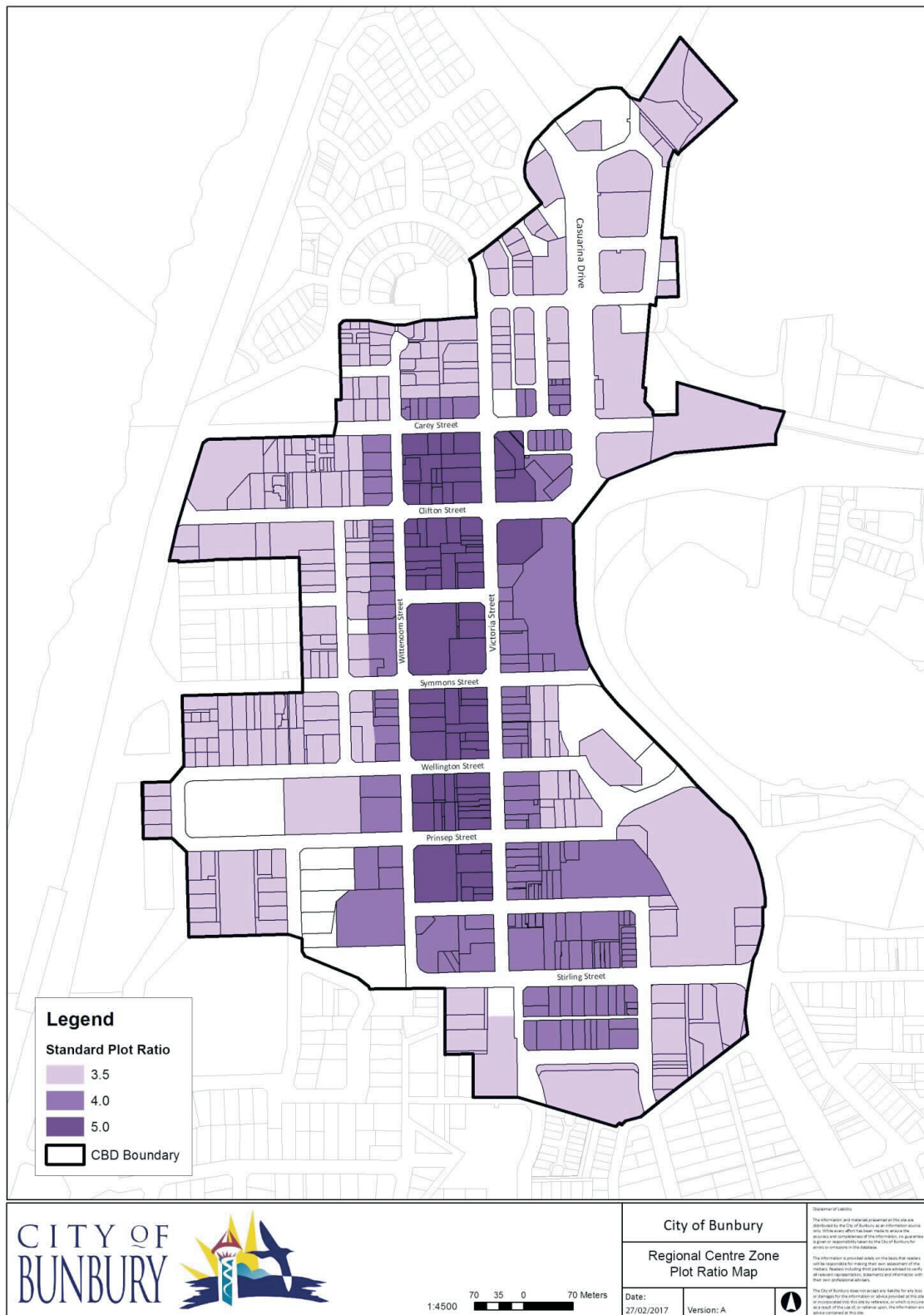
Table 8—1—Regional Centre Zone Minimum Front Building Setbacks.

		Minimum Front Setback (Primary and Secondary Street)			Minimum Side and Rear Setbacks		
Podium Level		City Centre Core	City Centre Frame	City Centre Fringe	City Centre Core	City Centre Frame	City Centre Fringe
Upper Floors	Up to 24m (6 storeys)	Minimum nil (0m) up to 12m (3 storeys)	Minimum nil (0m) up to 9m (2 storeys)	Minimum 2m up to 9m (2 storeys)	Minimum nil (0m) up to 12m (3 storeys)	Minimum nil (0m) up to 9m (2 storeys)	Minimum nil (0m) up to 3.6m (1 storey)
		Minimum 6m above the first 12m (3 storeys)	Minimum 6m above the first 9m (2 storeys)	Minimum 4m above the first 9m (2 storeys)	Width of the Lot		
					≤14m	15m	≥16m
	Above 24m (6 storeys)	Minimum 10m		Not Applicable	3m	3.5m	4m
Balconies		Upper floor balconies may intrude up to 2m into the respective front setback area, but all balconies must be located entirely within the lot boundary.			3m	3.5m	4m
		Upper floor balconies must be located entirely behind the setback line.					

Map A—Regional Centre Zone Setback and Pedestrian Core Map.



Map B—Regional Centre Zone Plot Ratio Map.



Schedule 6**ADDITIONAL REQUIREMENTS FOR AREAS COVERED BY A STRUCTURE PLAN, ACTIVITY CENTRE PLAN OR LOCAL DEVELOPMENT PLAN**

Part 4 cl. 37

Table 9—Additional Requirements for Areas Covered by a Structure Plan, Activity Centre Plan or Local Development Plan

No.	Description of Land	Requirement
	<i>There are no additional requirements that apply to this Scheme.</i>	

Schedule 7**SPECIAL CONTROL AREAS TABLE**

Part 5 cl. 47

Table 10—Special Control Areas Table

Name of Area	Additional Provisions
Development Areas Special Control Area	<p>Purpose— To designate areas requiring further investigations and structure and/or local development planning in relation to environmental and natural resource values, natural hazards, land use options, infrastructure servicing requirements, transportation infrastructure needs, landscaping and urban design.</p> <p>Objectives—</p> <ol style="list-style-type: none"> To identify areas requiring structure planning and/or local development planning prior to subdivision and/or development. To coordinate and integrate orderly subdivision, infrastructure provision, land use and development in areas requiring structure planning and/or local development planning; To guide the layout and design of lots, land uses and developments on land within a structure plan and/or a local development plan area; To establish a framework for the assessment of applications for development approval within a structure plan and/or a local development plan area; and To institute arrangements for the implementation of the plan by landowners, infrastructure providers and the local government. <p>Additional Provisions—</p> <ol style="list-style-type: none"> A Structure Plan is required in accordance with the provisions of Schedule 2, Part 4 of the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. Structure planning for any locality affected by these provisions shall take into consideration mechanisms to limit impact to Carnaby's cockatoo habitat.
Development Contribution Areas Special Control Area	<p>Purpose— To designate areas requiring infrastructure servicing for the purposes of implementing arrangements for the fair and equitable apportionment of the costs of providing identified infrastructure.</p> <p>Objectives—</p> <ol style="list-style-type: none"> To provide for the equitable sharing of the costs of infrastructure and administrative costs between landowners; To ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and To coordinate the timely provision of infrastructure. <p>Additional Provisions—</p> <ol style="list-style-type: none"> Interpretation— Unless the context otherwise requires, the meaning of terms used in the Development Contribution Areas Special Control Area are as follows— <p>administrative costs means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the Development Contribution Plan;</p> <p>administrative items means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard</p>

Name of Area	Additional Provisions
	<p>infrastructure items) implement the Development Contribution Plan, including legal, accounting, planning engineering, and other professional advice;</p> <p>Cost Apportionment Schedule means a schedule prepared and distributed in accordance with subclause 9;</p> <p>cost contribution means the contribution to the cost of infrastructure and administrative costs;</p> <p>Development Contribution Area means the Special Control Area shown on the Scheme Map as 'DCA' with a number;</p> <p>Development Contribution Plan means a Development Contribution Plan prepared in accordance with the provisions of State Planning Policy 3.6—Development Contributions for Infrastructure;</p> <p>Development Contribution Plan Report means a report prepared and distributed in accordance with subclause 9;</p> <p>Infrastructure means the standard infrastructure items (services and facilities set out in Appendix 1—Standard development contribution requirements of State Planning Policy 3.6—Development Contributions for Infrastructure) and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this policy;</p> <p>infrastructure costs means such costs as are reasonably incurred for the acquisition and construction of infrastructure;</p> <p>landowner means an owner of land that is located within a development contribution area;</p> <p>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.</p> <p>2. Development Contribution Plan Required— A Development Contribution Plan is required to be prepared for each Development Contribution Area.</p> <p>3. Development Contribution Plans Part of Scheme— Development Contribution Plans are incorporated in Schedule 8 as part of this Scheme.</p> <p>4. Subdivision, Strata Subdivision and Development— The local government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a Development Contribution Plan is not in effect, there is no approval to advertise a Development Contribution Plan, or that there is no other arrangement with respect to a landowner's contribution towards the provision of community infrastructure.</p> <p>5. 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—</p> <ul style="list-style-type: none"> (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.

Name of Area	Additional Provisions
	<p>(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.</p> <p>(f) Consistency— Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.</p> <p>(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.</p> <p>(h) Accountable— There must be accountability in the manner in which development contributions are determined and expended.</p> <p>6. Content of Development Contribution Plans— The Development Contribution Plan is to specify—</p> <ul style="list-style-type: none"> (a) the development contribution area to which the Development Contribution Plan applies; (b) the infrastructure and administrative items to be funded through the Development Contribution Plan; (c) the method of determining the cost contribution of each landowner; and (d) the priority and timing for the provision of infrastructure. <p><i>Note: A suggested outline of a Development Contribution Plan is contained in State Planning Policy 3.6—Development Contributions for Infrastructure.</i></p> <p>7. Period of Development Contribution Plan— A Development Contribution Plan shall specify the period during which it is to operate.</p> <p>8. Land Excluded— In calculating both the area of an landowner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for—</p> <ul style="list-style-type: none"> (a) roads designated under the Greater Bunbury Region Scheme as Primary Regional Roads Reserve and Other Regional Roads Reserve; (b) land designated as Regional Open Space Reserve and Public Purposes Reserve under the Greater Bunbury Region Scheme; (c) existing public open space; (d) existing government primary and secondary schools; and (e) such other land as is set out in the Development Contribution Plan, <p>is to be excluded.</p> <p>9. Development Contribution Plan Report and Cost Apportionment Schedule—</p> <ul style="list-style-type: none"> (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 landowner 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 subclause 10. <p><i>Note: A suggested outline of a Development Contribution Plan Report and a Cost Apportionment Schedule are contained in State Planning Policy 3.6—Development Contributions for Infrastructure. The Cost Apportionment Schedule is adopted by the local government but does not form part of the Scheme.</i></p>

Name of Area	Additional Provisions
	<p>10. Cost Contributions Based on Estimates—</p> <ul style="list-style-type: none"> (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— <ul style="list-style-type: none"> (i) in the case of land to be acquired, in accordance with subclause 11; 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) The local government may have such estimated costs independently certified by an appropriately qualified person or persons, and must provide such independent certification to a landowner when requested to do so. (d) Where any cost contribution has been calculated on the basis of an estimated cost, the local government— <ul style="list-style-type: none"> (i) is to adjust the cost contribution of any landowner in accordance with the revised 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 landowner accordingly. (e) Where a landowner's cost contribution is adjusted under subclause 10(d), the local government, on receiving a request in writing from a landowner, is to provide the landowner with a copy of estimated costs and the calculation of adjustments. (f) If a landowner objects to the amount of a cost contribution, the landowner may give notice in writing to the local government requesting a review of the amount of the cost contribution by an appropriately qualified person or persons ('independent expert') agreed by the local government and the landowner at the landowner'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 landowner, the cost contribution is to be determined— <ul style="list-style-type: none"> (i) by any method agreed between the local government and the landowner; or (ii) if the local government and the landowner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the <i>Commercial Arbitration Act 1985</i>, with the costs to be shared equally between the local government and landowner. <p>11. Valuation—</p> <ul style="list-style-type: none"> (a) Subclause 11 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure. (b) In subclause 11— <p>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.</p> <p>The net land value is to be determined by a static feasibility valuation model, using the working sheet model within Schedule X of <i>State Planning Policy 3.6—Development Contributions for Infrastructure</i>. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10% profit factor is to be excluded from the calculation.</p> <p>Valuer means a licensed valuer agreed by the local government and the landowner, or, where the local government and the landowner are unable to reach agreement, by a valuer</p>

Name of Area	Additional Provisions
	<p>appointed by the President of the Western Australian Division of the Australian Property Institute.</p> <p>(c) If a landowner objects to a valuation made by the valuer, the landowner may give notice in writing to the local government requesting a review of the amount of the value, at the landowner's expense, within 28 days after being informed of the value.</p> <p>(d) If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the landowner, the value is to be determined—</p> <p>(i) by any method agreed between the local government and the landowner; or</p> <p>(ii) if the local government and the landowner cannot agree, the landowner may apply to the State Administrative Tribunal (SAT) for a review of the matter under Part 14 of the <i>Planning and Development Act 2005</i>.</p> <p>12. Liability for Cost Contributions—</p> <p>(a) A landowner must make a cost contribution in accordance with the applicable Development Contribution Plan and the provisions of subclause 9.</p> <p>(b) A landowner's liability to pay the landowner's cost contribution to the local government arises on the earlier of—</p> <p>(i) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the landowner's land within the development contribution area;</p> <p>(ii) the commencement of any development on the landowner's land within the development contribution area;</p> <p>(iii) the approval of any strata plan by the local government or Western Australian Planning Commission on the landowner's land within the development contribution area; or</p> <p>(iv) the approval of a change or extension of use by the local government on the landowner's land within the development contribution area.</p> <p>The liability arises only once upon the earliest of the above listed events.</p> <p>(c) Despite subclause 12(b), a landowner's liability to pay the landowner's cost contribution does not arise if the landowner 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.</p> <p>(d) Where a Development Contribution Plan expires in accordance with subclause 7, a landowner's liability to pay the landowner'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 landowner's land, subject to such liability.</p> <p>13. Payment of Cost Contribution—</p> <p>(a) The landowner, with the agreement of the local government, is to pay the landowner's cost contribution by—</p> <p>(i) cheque or cash; or</p> <p>(ii) transferring to the local government or a public authority land in satisfaction of the cost contribution; or</p> <p>(iii) the provision of physical infrastructure; or</p> <p>(iv) some other method acceptable to the local government; or</p> <p>(v) any combination of these methods.</p> <p>(b) The landowner, with the agreement of the local government, may pay the landowner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.</p> <p>(c) Payment by a landowner 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 landowner's liability under the Development Contribution Plan and the local government shall provide certification in writing to the landowner of such discharge if requested by the landowner.</p> <p>14. Charge on Land—</p> <p>(a) The amount of any cost contribution for which a landowner is liable under subclause 13, but has not paid, is a charge on the</p>

Name of Area	Additional Provisions
	<p>landowner's land to which the cost contribution relates, and the local government may lodge a caveat, at the landowner's expense, against the landowner's certificate of title to that land.</p> <p>(b) The local government, at the landowner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under subclause 14(a) to permit a dealing and may then re-lodge the caveat to prevent further dealings.</p> <p>(c) If the cost contribution is paid in full, the local government, if requested to do so by the landowner and at the expense of the landowner, is to withdraw any caveat lodged under subclause 14.</p> <p>15. Administration of Funds—</p> <p>(a) The local government is to establish and maintain a reserve account in accordance with the <i>Local Government Act 1995</i> 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.</p> <p>(b) Interest earned on cost contributions credited to a reserve account in accordance with subclause 15(a) is to be applied in the development contribution area to which the reserve account relates.</p> <p>(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.</p> <p>16. Shortfall or Excess in Cost Contributions—</p> <p>(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—</p> <p>(i) make good the shortfall; or</p> <p>(ii) enter into agreements with owners to fund the shortfall; or</p> <p>(iii) raise loans or borrow from a financial institution,</p> <p>but nothing in subclause 16(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.</p> <p>(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.</p> <p>17. Powers of the Local Government—</p> <p>The local government in implementing the Development Contribution Plan has the power to—</p> <p>(a) acquire any land or buildings within the Scheme area under the provisions of the Act; and</p> <p>(b) deal with or dispose of any land which it has acquired under the provisions of the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.</p> <p>18. Arbitration—</p> <p>Subject to subclause 11(c) and (d), any dispute between a landowner and the local government in connection with the cost contribution required to be made by a landowner is to be resolved by arbitration in accordance with the <i>Commercial Arbitration Act 1985</i>.</p>
Bushland Areas Special Control Area	<p>Purpose—</p> <p>To designate areas that are known or likely to include ecological assets, values or features of local, regional or state significance.</p> <p>Objectives—</p> <p>(a) ensure that the local government is presented with accurate and complete information on the ecological assets, values or features which may be included or impacted by a proposal or decision before an assessment of the proposal is undertaken;</p>

Name of Area	Additional Provisions
	<p>(b) provide a clear framework for how ecological assets, values or features are to be considered and protected under this Scheme;</p> <p>(c) clarify where the local government may require the protection of an ecological asset, value or feature; and</p> <p>(d) contribute towards the achievement of the local government's conservation targets, as identified in the Local Planning Strategy.</p> <p>Additional Provisions—</p> <ol style="list-style-type: none"> 1. The development and/or use of premises within the Bushland Areas Special Control Area requires the prior development approval of the local government. 2. For the purposes of assessing and determining any proposed structure plan, application for development approval and/or making a recommendation to the Commission on subdivision referral within a Bushland Areas Special Control Area that may directly or indirectly impact upon an ecological asset, value or feature, the local government— <ol style="list-style-type: none"> (a) shall require the proponent to show the mapped extent and boundaries of any land containing ecological assets, values or features that are proposed to be removed or cleared; and/or conserved in perpetuity; (b) shall require the proponent to demonstrate how the proposal will contribute towards the achievement of the local government's conservation targets as prescribed in the Local Planning Strategy to the local government's satisfaction; (c) shall require the proponent to demonstrate how and where the proposal may remove or alter ecological assets, values or features to the local government's satisfaction; (d) may require the preparation of an ecological survey (flora, fauna and/or wetland assessment) of the area, and associated supporting development impact statement, by the proponent as described in the local government's Local Planning Strategy and/or relevant local planning policy; (e) may require the preparation of a structure plan in accordance with Part 4 of the deemed provisions, in order to ensure orderly and proper planning and to enable the strategic assessment of any proposal involving ecological assets, values or features; and (f) may require the preparation of an environmental management plan for any area(s) proposed for conservation in perpetuity. 3. In addition to the aims of this Scheme and the provisions of the underlying zone, for the purposes of assessing and determining any proposed structure plan, application for development approval and/or making a recommendation to the Commission on a subdivision referral within a Bushland Areas Special Control Area, the local government shall seek, where practicable, to ensure that the development and/or use of premises— <ol style="list-style-type: none"> (a) balances the achievement of the local government's conservation targets prescribed in the Local Planning Strategy with the reasonable development expectations of any Bushland Areas Special Control Area(s). (b) does not result in the clearing or development of ecological assets, values or features specifically protected under any relevant state and/or federal government legislation or policy. (c) takes into consideration mechanisms to limit impact to Carnaby's cockatoo habitat. 4. When considering any amendment to this Scheme or a proposed structure plan, or assessing and determining any application for development approval or making a recommendation to the Commission on a subdivision referral in relation to premises within the Bushland Areas Special Control Area, the local government may consider undertaking one or more of the following— <ol style="list-style-type: none"> (a) recommend to the Western Australian Planning Commission that an area is of regional importance which should be protected within the Regional Open Space Reserve under the Greater Bunbury Region Scheme. (b) initiate an amendment to this Scheme to include an area in the Conservation Reserve, where such an amendment to this Scheme is proposed in writing by the land owner and would lead to the protection and retention in private ownership of ecological assets, values or features. (c) encourage proponents to provide a strategic protection plan for multiple sites where such areas are held by the one proponent, with the intent of maximising the conservation outcome across

Name of Area	Additional Provisions
	<p>multiple sites, for example, in accordance with the 'Strategic Assessment' process under the Commonwealth Government's <i>Environment Protection and Biodiversity Conservation Act 1999</i>.</p> <p>(d) designate a Conservation Reserve over all or part of an area, where the land is to be reserved for public purposes and vested in the Crown in accordance with section 152 of the Act.</p>
<p>Abattoir Notification Area Special Control Area</p>	<p>Purpose— To designate land where a notification will be required on titles the odour buffer area for land surrounding the abattoir.</p> <p>Objective— To inform land owners of potential odour and noise impacts.</p> <p>Additional Provisions— All proposed lots within 500m from Lot 100 on Deposited Plan: 61127 Wimbridge Road, Picton, (the abattoir) shall be subject to a Notification on the Title advising occupiers that the lot is located within 500m of an abattoir and has the potential to be affected by odour and noise.</p>
<p>Abattoir—Special Control Area</p>	<p>Purpose— To designate land surrounding the abattoir where sensitive land uses will not be permitted.</p> <p>Objectives—</p> <ul style="list-style-type: none"> (a) To avoid land use conflict between the abattoir and sensitive land uses. (b) To protect the abattoir from encroachment by incompatible land uses that would adversely impact on the efficient operations of the abattoir. (c) To provide for the expansion of the abattoir in a way that maximises amenity, minimises environmental and health impacts and takes account of risk to nearby sensitive land uses. (d) To promote the development of compatible land uses in areas affected by off-site impacts of the abattoir. <p>Additional Provisions— No residential or other sensitive uses (as defined by EPA Guidance Statement No. 3—Separation Distances Between Industrial and Sensitive Land Uses, June 2005) are to be located on land nominated within this Special Control Area.</p>
<p>Bunbury Water Reserve Special Control Area</p>	<p>Purpose— To identify the public drinking water source priority area and wellhead protection zones for the Bunbury Water Reserve in accordance with any relevant state planning policy or regional land use and water management strategy or drinking water source protection plan.</p> <p>Objectives—</p> <ul style="list-style-type: none"> (a) To ensure that land use and development within the Bunbury Water Reserve public drinking water source area is compatible with the long term protection and management of groundwater resources for potable water supply; (b) To ensure that decisions on land use and development within the Bunbury Water Reserve public drinking water source area have due regard for and take into account the requirements of any relevant state or regional land use and water management strategy or drinking water source protection plan; and (c) To ensure the protection of groundwater resource quality and quantity within the Bunbury Water Reserve in order to maintain the ecological integrity of wetlands hydraulically connected to that groundwater reserve. <p>Additional Provisions—</p> <ol style="list-style-type: none"> 1. Public Drinking Water Source Priority Area and Wellhead Protection Zones— The Bunbury Water Reserve Special Control Area comprises of— <ul style="list-style-type: none"> (a) Public Drinking Water Source Priority Area 3 (P3); and (b) Wellhead Protection Zones, as shown on the Scheme Map—Special Control Areas. 2. The development and/or use of premises within the Bunbury Water Reserve Special Control Area for the purposes of one or more of the land use classes and activities listed in Department of Water's Water Quality Protection Note No. 25: Land Use Compatibility Tables for Public Drinking Water Source Areas (April 2016) requires the prior development approval of the local government.

Name of Area	Additional Provisions
	<p>3. Where the local government proposes to amend this Scheme within the Bunbury Water Reserve Special Control Area in a manner that—</p> <ul style="list-style-type: none"> (a) may have the potential to detrimentally impact on the quality and quantity of a Public Drinking Water Source Area gazetted under the <i>Country Areas Water Supply Act 1947</i>; and/or (b) does not comply with the provisions of any relevant state planning policy; (c) does not comply with the provisions of any relevant state or regional land use and water management strategy; or (d) is not compatible with the recommendations and management objectives for the priority area classification and/or protection zone, as prescribed in the relevant drinking water source protection plan, <p>the local government is to notify the responsible public authority of its intention to amend this Scheme as soon as practicable.</p> <p>4. Applications for development approval for the development and/or use of premises within the Bunbury Water Reserve Special Control Area that—</p> <ul style="list-style-type: none"> (a) may have the potential to detrimentally impact on the quality and quantity of a Public Drinking Water Source Area gazetted under the <i>Country Areas Water Supply Act 1947</i>; and/or (b) are inconsistent with any relevant state or regional land use and water management strategy or drinking water source protection plan, <p>shall be referred to the responsible public authority for comment and advice prior to determination by the local government.</p> <p>5. Without limiting clause 67 of the deemed provisions, when considering any amendment to this Scheme or assessing and determining any application for development approval in relation to premises within the Bunbury Water Reserve Special Control Area, the local government shall have due regard to a range of matters including but not limited to the following—</p> <ul style="list-style-type: none"> (a) how the proposal complies with the provisions of any relevant state planning policy; (b) how the proposal complies with the provisions of any relevant state or regional land use and water management strategy, drinking water source protection plan, or water quality protection note; (c) the potential risk of contamination to the Public Drinking Water Source Area (groundwater) resulting from a proposed land use and/or development; (d) the retention of native vegetation and protection of wetlands; and (e) the advice or comment provided by a responsible public authority in relation to the application for development approval or Scheme amendment. <p>6. In addition to the aims of this Scheme and the provisions of the underlying zone, for the purposes of assessing and determining any application for development approval and/or making a recommendation to the Commission on a subdivision referral within the Bunbury Water Reserve Special Control Area, the local government shall seek, where practicable, to ensure that the land use and development of premises (including the clearing of vegetation and earthworks) complies with—</p> <ul style="list-style-type: none"> (a) the provisions of any relevant state planning policy; (b) the provisions of any relevant state or regional land use and water management strategy; and (c) the recommendations and management objectives for the priority area classification and/or protection zone, as prescribed in the relevant drinking water source protection plan. <p>7. Any development must be connected to deep sewerage, except where exemptions apply under State Government Sewerage Policy. The policy recognises that sewer connection may be impractical in some areas. Under these circumstances maximum wastewater loadings (based on people / hectare) apply linked to the management priority of the site.</p> <p>8. Conditions may apply in order to regulate fertiliser and pesticide application.</p> <p><i>Note: Conditions are likely to be placed via a Department of Industry and Resources mineral tenement lease and/or as a result of Minister for the Environment's approval after an Environmental Impact Assessment.</i></p>

Name of Area	Additional Provisions
Flood Prone Land Special Control Area	<p>Purpose— To minimise the potential for flood damage resulting from decisions relating to land use and development on defined river floodplains.</p> <p>Objectives—</p> <ul style="list-style-type: none"> (a) To identify land within the Scheme area at risk of being affected by flooding consistent with the Greater Bunbury Region Scheme—Floodplain Management Policy. (b) To assist in the protection of life, property and community infrastructure from flood hazard. (c) To assist the natural flood carrying capacity of floodplains by ensuring any use or development maintains the free passage and temporary storage of flood waters. (d) To protect water quality and waterways as natural resources in accordance with Statement of Planning Policy No. 2—Environment and Natural Resources Policy. <p>Additional Provisions— Land use, subdivision and development within this Special Control Area is to comply with all the matters set out in the Greater Bunbury Region Scheme—Floodplain Management Policy.</p>
Water Treatment Buffer Special Control Area	<p>Purpose— To identify land within the 150 metre water treatment buffer area located around water treatment plants in accordance with the Environmental Protection Authority (EPA) Guidance Statement No. 3—Separation Distances Between Industrial and Sensitive Land Uses (June 2005).</p> <p>Objectives—</p> <ul style="list-style-type: none"> (a) To ensure that adequate separation distances are maintained between water treatment plants and residential or other sensitive land uses in order to manage any risks to public health or the environment; (b) To ensure that public health and environmental impacts from water treatment plant emissions are acceptable and meet the relevant regulations and standards beyond the boundary of the site and 150 metre water treatment buffer area; and (c) To ensure that decisions regarding land use and development within the 150 metre water treatment buffer area minimise the potential for land use conflict and have due regard for and do not impinge upon the operation of the water treatment plant. <p>Additional Provisions—</p> <ol style="list-style-type: none"> 1. Development and/or use of premises for the purposes of residential or other sensitive land use is not permitted within the 150 metre water treatment buffer area, unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions. 2. Applications for development approval to permit a residential or other sensitive land use within the 150 metre water treatment buffer area must be accompanied by a risk management assessment of the final chlorine storage area, which is to be prepared by a suitably qualified person to the specifications and satisfaction of the local government in consultation with the relevant public authority. <p><i>Note: Reference should be made to EPA Guidance Statement No. 2—Risk Assessment and Management: Off-site Individual Risk from Hazardous Industrial Plant (July 2000).</i></p> <ol style="list-style-type: none"> 3. Where the local government proposes to amend this Scheme within the 150 metre water treatment buffer area in a manner that— <ul style="list-style-type: none"> (a) does not comply with the provisions of any relevant state planning policy; (b) is not consistent with the EPA Guidance Statement No. 3—Separation Distances Between Industrial and Sensitive Land Uses (June 2005); or (c) is not compatible with the purpose and objectives of Water Treatment Buffer Special Control Area, the local government is to notify the responsible public authority of its intention to amend this Scheme as soon as practicable. 4. Applications for development approval for the development and/or use of premises within the Water Treatment Buffer Special Control Area that may result in a risk to public health or the environment shall be referred to the responsible public authority for comment and advice prior to determination by the local government. 5. Without limiting clause 67 of the deemed provisions, when considering any amendment to this Scheme or assessing and determining any application for development approval in relation to premises within the Water Treatment Buffer Special Control Area, the local government

Name of Area	Additional Provisions
	<p>shall have due regard to a range of matters including but not limited to the following—</p> <ul style="list-style-type: none"> (a) how the proposal complies with the provisions of any relevant state planning policy; (b) guidelines for a water treatment plant regarding risk and the generic separation distances table of the EPA <i>Guidance Statement No. 3—Separation Distances Between Industrial and Sensitive Land Uses</i> (June 2005); (c) the potential impacts on public health and/or the environment from emissions resulting from a proposed land use and/or development; and (d) the advice or comment provided by a responsible public authority in relation to the application for development approval or Scheme amendment.

Adoption

Council Resolution to Advertise Local Planning Scheme

Adopted by resolution of the Council of the City of Bunbury at the Ordinary Meeting of Council held on the 31st day of March 2015.

GARY BRENNAN, Mayor.

MAL OSBORNE, Chief Executive Officer

Council Resolution to Support Scheme for Approval

Council resolved to support approval of the draft Scheme of City of Bunbury at the Ordinary Meeting of Council held on the 2nd day of May 2017.

The Common Seal of the City of Bunbury was hereunto affixed by authority of resolution of the Council in the presence of—

GARY BRENNAN, Mayor.

MAL OSBORNE, Chief Executive Officer

WAPC Recommended for Approval

Delegated under section 16 of the *Planning and Development Act 2005*.

M. SCHRAMM.

Date 14/2/2018.

Approval Granted

R. SAFFIOTI, Minister for Planning.

Date 23/2/2018.
