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PLANNING AND DEVELOPMENT ACT 2005

SHIRE OF PLANTAGENET

**LOCAL PLANNING SCHEME
No. 5**

PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF PLANTAGENET****LOCAL PLANNING SCHEME No. 5****TABLE OF CONTENTS**

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PLANNING AND DEVELOPMENT ACT 2005**SHIRE OF PLANTAGENET****LOCAL PLANNING SCHEME No. 5****PART 1—Preliminary****1. Citation**

This local planning scheme is the Shire of Plantagenet Scheme No 5.

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—

Name: Shire of Plantagenet Town Planning Scheme No. 3—District Zoning Scheme

Gazettal date: 4 October 1991

4. Notes do not form part of Scheme

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

5. Responsibility for Scheme

The Shire of Plantagenet 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 which comprises sheets 1—9 set out in Appendix 1.

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—9).

(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—

- (a) set out the local government's planning aims and intentions for the Scheme area; and
- (b) set aside land as local reserves for public purposes; and
- (c) zone land within the Scheme area for the purposes defined in this Scheme; and
- (d) control and guide development including processes for the preparation of structure plans, activity centre plans and local development plans; and
- (e) set out procedures for the assessment and determination of development applications; and
- (f) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans; and
- (g) make provision for the administration and enforcement of this Scheme; and
- (h) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are to—

9.1 encourage an appropriate balance between economic and social development, conservation of the natural environment and the agricultural base of the District, provision of infrastructure and services, and improvements in lifestyle and amenity;

- 9.2 zone sufficient land for residential purposes and encourage the development of appropriate housing design and diversity in housing choice;
- 9.3 provide sufficient zoned land for commercial, retail, industrial and civic uses, suitable to service the long term growth of the Shire;
- 9.4 implement strategic planning for the municipality, in particular the recommendations of the Shire's local planning strategy and relevant State strategies;
- 9.5 reserve certain portions of land required for public purposes;
- 9.6 zone the balance of the land within the Scheme Area for purposes described in the Scheme as recommended by the Shire's local planning strategy;
- 9.7 define the uses and types of development to be permitted on land within the Scheme Area; and
- 9.8 control and regulate the development and use of land throughout the District.

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 Shire of Plantagenet which apply to the Scheme area.

12. Relationship with region planning scheme

There are no regional planning schemes which apply to the Scheme area.

PART 2—RESERVES

13. Regional Reserves

There are no regional reserves in the Scheme area.

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*;

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.
State Forest	<ul style="list-style-type: none"> • To identify areas of State Forest.
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.
Public Purposes	<ul style="list-style-type: none"> • To provide for a range of essential physical and community infrastructure.
Medical Services	<ul style="list-style-type: none"> • Public Purposes which specifically provide for a range of essential medical services.
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.

Reserve name	Objectives
Cemetery	• To set aside land required for a cemetery.
Railways	• To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	• To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	• 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	• To set aside land required for a local distributor road being a road classified as a Local Distributor 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
Residential	<ol style="list-style-type: none"> 1. To provide for a range of housing and a choice of residential densities to meet the needs of the community. 2. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. 3. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Urban Development	<ol style="list-style-type: none"> 1. To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. 2. To provide for a range of residential densities to encourage a variety of residential accommodation. 3. 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.
Rural	<ol style="list-style-type: none"> 1. To provide for the maintenance or enhancement of specific local rural character. 2. To protect broad acre agricultural activities such as cropping and grazing and intensive activities such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate suitability and compatibility with the primary use. 3. 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. 4. To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of inappropriate sensitive land uses in the Rural zone. 5. To provide for a range of non rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Rural Residential	<ol style="list-style-type: none"> 1. To provide for lot sizes in the range of 1ha to 4ha. 2. To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. 3. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Smallholdings	<ol style="list-style-type: none"> 1. To provide for lot sizes in the range of 4ha to 40ha. 2. To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. 3. To set aside areas for the retention of vegetation and landform or other features which distinguish the land.

Zone name	Objectives
Rural Village	<ol style="list-style-type: none"> 1. To allow for the development of Rural Villages in appropriate strategic locations. 2. To designate land considered to be generally suitable for Rural Village purposes and to prevent such land being used or developed in a manner that could prejudice its possible future use for planned purposes. 3. To provide sustainable development of land in an orderly manner with appropriate levels of physical infrastructure and services.
General Industry	<ol style="list-style-type: none"> 1. 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. 2. To accommodate industry that would not otherwise comply with the performance standards of light industry. 3. Seek to manage impacts such as noise, dust and odour within the zone.
Strategic Industry	<ol style="list-style-type: none"> 1. To designate industrial sites of State or regional significance.
Commercial	<ol style="list-style-type: none"> 1. To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites. 2. To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. 3. To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Mixed Use	<ol style="list-style-type: none"> 1. To provide for a wide variety of active uses which are compatible with residential and other non-active uses. 2. To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.
Service Commercial	<ol style="list-style-type: none"> 1. To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. 2. 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 central area, shops and offices or industrial zones.
Tourism	<ol style="list-style-type: none"> 1. To promote and provide for tourism opportunities. 2. 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. 3. To allow limited residential uses where appropriate. 4. 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.
Special Use	<ol style="list-style-type: none"> 1. To facilitate special categories of land uses which do not sit comfortably within any other zone. 2. To enable the local government to impose specific conditions associated with the special use.

17. Zoning table

The zoning table for this Scheme is as follows—

Table 3—Zoning Table

USE AND DEVELOPMENT CLASS	ZONES								Rural Residential	Rural Smallholdings	Rural Village	Special Use
	Residential	Commercial	Service Commercial	General Industry	Strategic Industry	Rural	Mixed Use	Tourism				
Abattoir	X	X	X	A	A	A	X	X	Refer to Schedule 2	Refer to Schedule 3	Refer to Schedule 5	Refer to Table 5
Agriculture—extensive	X	X	X	X	X	P	X	X				
Agriculture—intensive	X	X	X	X	X	D	X	X				
Animal establishment	X	X	X	X	X	D	X	X				
Animal husbandry—intensive	X	X	X	D	D	D	X	X				
Art gallery	X	D	D	X	X	D	D	D				
Bed and breakfast	A	A	X	X	X	A	D	D				
Brewery	X	A	A	D	D	A	A	A				
Caravan park	A	X	X	X	X	A	X	A				
Caretakers’ dwelling	P	D	D	D	D	D	D	D				
Car park	D	D	D	D	D	X	D	D				
Chalet	X	X	X	X	X	A	D	D				
Child care premises	X	A	A	X	X	X	D	D				
Cinema/theatre	X	A	A	X	X	X	A	D				
Civic use	X	P	D	D	D	X	D	X				
Club premises	X	D	D	X	X	X	D	A				
Community purpose	X	A	A	X	X	X	D	X				
Consulting rooms	A	P	A	X	X	X	D	X				
Convenience store	X	P	D	X	X	X	D	D				
Corrective institution	X	X	X	A	X	A	X	X				
Education establishment	A	A	X	X	X	D	X	D				
Exhibition centre	X	D	D	X	X	A	D	D				
Family day care	D	D	D	X	X	D	D	X				
Fast food outlet/lunch bar	X	D	D	X	X	X	D	D				
Fuel depot	X	X	D	P	D	D	X	X				
Garden centre	X	A	A	A	X	D	D	X				
Holiday accommodation	A	X	A	X	X	A	A	D				
Holiday house	A	X	A	X	X	A	A	D				
Home business	A	X	A	X	X	D	D	D				
Home occupation	D	X	X	X	X	D	D	D				
Home office	D	X	D	X	X	P	P	P				
Home store	A	X	A	X	X	X	D	D				
Hospital	X	D	D	X	X	X	D	X				
Hotel	X	D	A	X	X	A	X	A				
Industry	X	X	A	P	P	X	X	X				
Industry—cottage	D	X	D	X	X	D	D	D				
Industry—extractive	X	X	X	D	D	A	X	X				
Industry—light	X	D	A	P	P	A	D	X				
Industry—primary production	X	X	X	P	P	D	X	X				
Liquor store—small	X	D	D	X	X	X	D	D				
Market	X	D	D	X	X	X	D	P				
Medical centre	X	D	P	X	X	X	D	D				
Mining operations	X	X	X	A	A	A	X	X				
Motel	X	P	A	X	X	A	X	A				
Motor vehicle, boat or caravan sales	X	D	D	P	X	X	X	X				

USE AND DEVELOPMENT CLASS	ZONES											
	Residential	Commercial	Service Commercial	General Industry	Strategic Industry	Rural	Mixed Use	Tourism	Rural Residential	Rural Smallholdings	Rural Village	Special Use
Motor vehicle repair	X	X	D	P	P	A	X	X	Refer to Schedule 2	Refer to Schedule 3	Refer to Schedule 5	Refer to Table 5
Motor vehicle wash	X	D	D	D	X	X	X	X				
Office	X	P	P	D	D	X	D	D				
Park home park	X	X	X	X	X	A	X	A				
Place of worship	D	D	D	X	X	D	D	D				
Reception centre	X	D	D	X	X	X	D	A				
Recreation—private	A	D	D	A	A	A	D	D				
Renewable energy facility	X	X	X	A	A	A	X	X				
Residential—single house	P	D	D	X	X	P	P	D				
Residential—grouped dwelling	A	A	X	X	X	X	D	D				
Restaurant/café	X	P	D	X	X	D	D	D				
Road house	X	A	A	X	X	A	A	A				
Rural home business	X	X	A	X	X	D	X	X				
Rural pursuit/hobby farm	X	X	X	X	X	P	X	X				
Service station	X	A	A	D	D	A	A	A				
Shop	X	P	D	A	A	D	D	D				
Small bar	X	D	D	X	X	A	A	A				
Tavern	X	A	A	X	X	A	X	A				
Telecommunications infrastructure	D	D	D	D	D	D	D	D				
Tourist development	X	A	A	X	X	A	A	D				
Trade display	X	D	D	D	D	X	D	X				
Trade supplies	X	D	D	D	D	D	D	X				
Transport depot	X	D	D	P	P	D	X	X				
Tree farm	X	X	X	X	X	P	X	X				
Veterinary centre	X	D	D	P	X	D	D	X				
Warehouse/storage	X	D	P	P	P	X	D	X				
Waste disposal facility	X	X	X	X	A	A	X	X				
Waste storage facility	X	X	X	A	A	A	X	X				
Winery	X	X	A	A	A	A	X	A				
Workforce accommodation	X	X	X	X	X	D	D	X				

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 any 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;

X means that the use is not permitted by this Scheme.

Note—

- 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;
 - (b) an activity centre plan;
 - (c) a local development plan.

19. Additional uses

(1) The Table 4 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.

Table 4
SPECIFIED ADDITIONAL USES FOR ZONED LAND IN SCHEME AREA

No.	Description of land	Additional use	Conditions
A1	Portion of Plantagenet Locations 3710 and 4903 Porongurup Road	Shop, Restaurant/cafe, and accommodation associated with tourism	Subject to development approval by the responsible authority.
A2	Lots 288 and 1768 Pearce Road, Mount Barker	Lot 288 <ul style="list-style-type: none"> • Bed and Breakfast • Exhibition centre • Restaurant/cafe • Reception centre • Garden centre Lot 1768 <ul style="list-style-type: none"> • Chalet 	1. Effluent disposal systems, internal road access, car parking, drainage, bushfire protection measures, building design, landscaping and revegetation to be to the satisfaction of local government. 2. Provision of a potable water supply to local government's satisfaction. 3. Local government may require a contribution to the upgrade of Pearce Road. 4. The development is undertaken with full knowledge that horticulture/agricultural pursuits are conducted in the vicinity and that the existing and future land uses and development shall be designed and conducted in such a manner so as not to cause conflict in land uses or adverse impact on the amenity of the area. 5. Development approval of local government is required for any development or change of use. 6. Lot 1768 is restricted to a maximum of four chalets

No.	Description of land	Additional use	Conditions
A3	Lot 1 on Diagram 14339, Albany Highway, Mount Barker	Renewable energy facility	<p>1. Public Health and Aircraft, Socio-Economic Benefits, Construction, Infrastructure and Utilities, Landscape and Visual Impact, Noise, Other possible amenity impact to be to the satisfaction of the local government.</p> <p>2. Maximum number of turbines is three, the maximum rotor diameter is 55m.</p> <p>3. Noise generated shall not exceed 5dB(A) above the background sound level or 35dB(A) using a 10 minute Laeq, whichever is the greater, at surrounding nearby noise-sensitive premises.</p> <p>4. Building permits shall be required prior to construction.</p> <p>5. Vehicular access routes shall be sited to minimise the visual impact.</p> <p>6. Preparation of a decommissioning and rehabilitation plan detailing how the site will be rehabilitated at the end of the use.</p> <p>7. Preparation and implementation of a drainage management plan and an erosion control plan for both wind and water.</p> <p>8. Any ground based solar energy facility is to coexist with the wind energy facility and is to occupy areas of cleared farmland which are screened from view from Albany Highway by existing remnant vegetation.</p> <p>9. Any other power facilities and associated infrastructure are to be to the satisfaction of the local government.</p>
A4	Lot 462 Mitchell Street, Mount Barker	<ul style="list-style-type: none"> • Winery • Art Gallery • Exhibition Centre • Restaurant/cafe • Garden Centre • Industry—Cottage • Market • Shop (provided it is an incidental use) 	<p>All additional uses need development approval. In granting development approval, the local government may where appropriate apply conditions in relation to any of the following matters—</p> <ul style="list-style-type: none"> • Advertising signage, • Vehicle access and parking. Any such parking shall be drained, constructed and finished to a suitable standard (compacted gravel, limestone, metal dust, bitumen, brick paved or the like) so as to minimise dust and nuisance. • Building location and setbacks, • External appearance, colours and finishes, • Size and scale of buildings, • Bushfire protection measures, • Storage and disposal of wastes, • Emission of noise, dust and odour, • Extent and standard of landscape screening, • Hours of operation, • Keeping and management of pets and/or livestock, • Security lighting impacting on housing; and/or • Relevant Guidelines and/or Codes of Practice. • Any other condition the local government may deem appropriate.

No.	Description of land	Additional use	Conditions
			<ul style="list-style-type: none"> Implementation of relevant recommendations contained in the 2016 Bushfire Attack Level assessment and/or Bushfire Management Plan, or subsequent document. <p>In addition to those Additional Uses the local government may consider uses permissible within the General Industry zone. When considering any application for development approval, the local government shall consider the compatibility with the proposed land uses on the site and impact on the Residential uses surrounding the lot, with a view to minimising off-site impacts.</p>

(2) Despite anything contained in the zoning table, land that is specified in Table 4 to 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

There are no restricted uses which apply to this Scheme.

21. Special use zones

(1) Table 5 sets out—

- special use zones for specified land that are in addition to the zones in the zoning table; and
- the classes of special use that are permissible in that zone; and
- the conditions that apply in respect of the special uses.

Table 5
Special use zones in Scheme area

No.	Description of land	Special use	Conditions
SU1	Loc. 7390 Albany Highway, Mount Barker	Service Station	Ingress and egress to Albany Highway to be to satisfaction of Main Roads WA.
SU2	Lot 350 Albany Highway, Mount Barker	Restaurant/cafe	No access to Albany Highway.
SU3	Lot 2 Albany Highway, Mount Barker	Restaurant/cafe	Ingress and egress to Albany Highway to be to satisfaction of Main Roads WA.
SU4	Lots 200 and 1160 Albany Highway, Mount Barker	Caravan park	Ingress and egress to Albany Highway to be to satisfaction of Main Roads WA. Development shall generally be in accordance with the Mount Barker Caravan Park Development Plan dated October 2013, or any variation to that plan approved by local government.
SU5	Lot 311 Lake Matilda Road, Kendenup	Abattoir	1. Restricted to poultry production. 2. Construction and maintenance to comply with the requirements of the Department of Primary Industry and Regional Development and the Department of Water and Environment Regulation.
SU6	Lot 701 Albany Highway, Mount Barker	Service Station (D) Road House (D)	1. Ingress and egress to be to the satisfaction of Main Roads WA. 2. The design of the building to be to local government's satisfaction and in keeping with the scale and character of the Station Buildings, including building materials, colours, roof pitch and canopy design. 3. All advertising to be to local government's satisfaction and to be co-ordinated and sympathetic to the overall character of the precinct. No bunting shall be permitted within the site.

No.	Description of land	Special use	Conditions
			4. Landscaping and pedestrian access to be co-ordinated with the restoration of the Railway Building site to local government's satisfaction.
SU7	Plantagenet Location 4634 and portions of Plantagenet Locations 522 and 1785 Porongurup Road, Mount Barker	See Schedule 2—RRES 13 (SU7 superseded by TPS No. 3 Amendment 61)	
SU8	Plantagenet Locations 1421, 1422, 3137, Pt. 443 and Lot 2 of Pt. Location 406 Albany Highway, Mount Barker	<p>1. Strata Lots</p> <ul style="list-style-type: none"> (i) Grouped dwelling (D) (ii) Home occupation (D) (iii) Rural pursuit/hobby farm (D) <p>2. Common Property</p> <p>Agriculture—Intensive</p>	<p>1. Subdivision</p> <p>Subdivision of the subject land shall be by way of a strata plan of subdivision pursuant to the <i>Strata Titles Act 1985</i> (as amended) generally in accordance with the Strata Guide Plan but this shall not prevent variations to the Guide Plan where the local government considers such variation is appropriate.</p> <p>2. Development</p> <ul style="list-style-type: none"> (i) No grouped dwelling shall be constructed unless a minimum 92,000L water storage tank and an approved method of effluent disposal has been incorporated into the plans of the grouped dwelling and approved by the local government. (ii) Reference shall be made to the Department of Primary Industry and Regional Development guidelines relating to water storage, tank size and area of roof catchments. (iii) The local government shall require that a prospective purchaser of a strata lot is aware of the responsibility to install an individual supply of water and method of effluent disposal. (iv) A used dwelling which has been previously constructed and occupied elsewhere shall not be placed on a strata lot and occupied as a dwelling following transportation on a whole or as parts of a dwelling. (v) No building comprising second hand or previously used materials(s) shall be constructed on a strata lot. (vi) Storage dams shall not be constructed on any strata lot. (vii) Where considered necessary by the local government the land the subject of the strata title subdivision shall be fenced from adjoining properties to the satisfaction of the local government. <p>3. Building Envelopes</p> <ul style="list-style-type: none"> (i) A building envelope with an area not exceeding 20% of the area of the relevant strata lot shall be defined in a position to be agreed by the local government. (ii) No building shall be constructed on a strata lot other than within the approved defined building envelope without the written approval of the local government.

No.	Description of land	Special use	Conditions
			<p>(iii) Minimum boundary setbacks shall be 10m from all boundaries of the Strata lot.</p> <p>(iv) No stock shall be kept outside of the building envelope.</p> <p>4. Vegetation Protection and Enhancement</p> <p>(i) No trees or shrubs shall be felled or removed from a strata lot other than from within an approved building envelope except where in the opinion of the local government—</p> <p>(a) such trees or shrubs are dead, diseased or dangerous;</p> <p>(b) the establishment of a firebreak is required under any regulation or bylaw;</p> <p>(c) it is necessary for driveway or fence construction.</p> <p>(ii) In order to enhance the rural amenity of the land comprised in a strata lot which the local government considers is deficient in tree cover it may require as a condition of any development approval the planting and maintenance of trees and/or groups of trees of such species and in such positions as may be specified by the local government.</p> <p>5. Bush Fire Measures</p> <p>A Fire Management Plan shall be prepared in consultation with and to the satisfaction of the local government and DFES prior to the registration of the strata plan of subdivision.</p> <p>6. Rural Pursuit/Hobby Farm</p> <p>The keeping of pigs is not permitted on any strata lot.</p>
SU9	<p>Lot 3 and Location 2384 Albany Highway and portion of Locations 3452, 6125 and 1502 Smoker Road, Location 904 and portion of Location 7195, 7196, 6573, 5719 and 198 Road No. 1217 and portion of Location 7118 Road No. 14171, Mount Barker</p>	<p>Land uses compatible to both the Strategic Industry and Rural zones as shown in Table 3.</p> <p>In addition, on land within 200m of the extremities of the Strategic Industry zone, local government may consider Industry—light and Warehouse/storage as an 'A' use associated with the Strategic Industry zone.</p>	<p>1. Retention of remnant native vegetation and all development being set back from the Quechinup Swamp and Kokokup Lake to local government's specification and satisfaction.</p> <p>2. Any non-rural development within the Special Use zone is to be consistent with the Development Guide Plan which identifies waterbodies, waterways and swamps together with their fringing vegetation and areas of remnant vegetation. This plan should include guidance for subdivision and for the prevention of damage to the area through the use of appropriate landcare and drainage practices. The Development Guide Plan is to be prepared by LandCorp and local government.</p> <p>3. This Special Use zone will allow for the gradual transition in land use from the Strategic Industry zone to the Rural zone and will allow for rural activities to continue within the Special Use zone with the exception of those listed as an 'X' use in Table 3.</p> <p>Any buffer areas required for industrial development must be maintained with the Special Use zone with no impact on rural areas outside the zone.</p>

No.	Description of land	Special use	Conditions
SU10	Lots 4 and 5216 Settlement Road, Narrikup	Abattoir	<ol style="list-style-type: none"> 1. Waste and effluent treatment, use and/or disposal to be to the satisfaction of local government, Department of Water and Environment Regulation (DWER). 2. The following production is supported under the abattoir use— <ul style="list-style-type: none"> Associated By-products Fellmongering Small Goods Production Pet Food Factory 3. Settlement Road and its intersection with Albany Highway to be upgraded to local government's and the Main Roads WA satisfaction. 4. All access to the development to be from Settlement Road. Access points shall be located so as to minimise any impact on nearby residents. 5. Existing vegetation is to be retained where possible and an overall revegetation program is to be undertaken to screen the development from Settlement Road and surrounding residences. 6. The development being designed to blend into the rural landscape. 7. The applicant to undertake a traffic impact study for the construction and operation stages. 8. Bore development and abstraction rates shall be determined in consultation with local government and DWER. 9. Surface water utilisation and supply shall be determined and designed in consultation with local government and DWER. 10. Water quality for individual dedicated uses shall be to the standards of the Health Department (HD) and DWER. 11. The design, siting and management of stock holding areas to be to the satisfaction of local government, the Department of Primary Industry and Regional Development and Food, and the DWER. 12. Compliance with all conditions as determined by the DWER following completion of the environmental assessment report.
SU11	(Lot 5) Portion of Location 3205 Albany Highway, Mount Barker	Service Station Road House	<ol style="list-style-type: none"> 1. Ingress and egress to Albany highway to be to the satisfaction of Main Roads WA. 2. Local government may require the preparation and implementation of a Stormwater Management Plan to address Department of Water and Environmental Regulation guidelines and the treatment of run-off from the land. 3. All stormwater and possible contaminants to be contained on site and disposed of via oil and grease traps to a detention basin, designed to local government's satisfaction. 4. The treatment and detention of stormwater contaminants must not be located within 50m of a waterway or on land subject to flooding or inundation. A setback greater than 50m may be required where nutrient retention by soils is low, as assessed by local government. 5. The truck parking area being screened by appropriate tree planting to local government's satisfaction.

No.	Description of land	Special use	Conditions
SU12	Plantagenet Location 3787 James Road, and Portion of Plantagenet Locations 2707 and 2713, Albany Highway, Mount Barker	1. Art gallery (D) 2. Dwellings (maximum 4) (D) 3. Agriculture—intensive (D) 4. Restaurant/Café (D) 5. Treefarm, subject to the use being incidental to the predominant use of the land (A) 6. Industry—cottage (D) 7. Tourist development (A) 8. Winery (D) 9. Workforce accommodation (A)	1. Survey-Strata Subdivision (i) Subdivision into survey-strata lots is to be generally in accordance with the Structure Plan. (ii) Survey-strata lots are generally to have a minimum area of 2.0ha. 2. Use of survey-strata Lots (i) A survey-strata lot identified on the Structure Plan for Viticulture or for Horticulture is to be used only for the growing of grapes or olives or such other compatible crop as may be approved by the local government. (ii) A building is not to be developed on any survey-strata lot identified on the Structure Plan for Viticulture or for Horticulture or on land identified as Common Property. (iii) Dwellings are only to be used to accommodate full-time staff employed on the land. (iv) Land identified as Common Property is to be used only for the protection of remnant vegetation and revegetation in accordance with a management plan required as a condition of development approval. 3. Buildings (i) Despite any other provision of the Scheme the minimum building setback from Albany Highway and O'Neill Road is to be 20m. (ii) A building is to be developed only on a survey-strata lot identified on the Structure Plan for 'buildings'. 4. Environmental Management (i) All stormwater is to be contained on-site and treated to enable reticulation of plantings on the land. (ii) A nutrient, drainage, and irrigation management plan to demonstrate nutrient export from the land will be minimised and that is prepared having regard for guidelines and recommendations of the Department of Water and Environmental Regulation (DWER), is to be required as a condition of planning consent. (iii) Wastewater is to be treated and managed to the satisfaction of the local government, Department of Health, and the Department of Environment Regulation having regard for guidelines and recommendations of the DWER. (iv) Significant remnant vegetation is to be identified, retained, and protected to the satisfaction of the local government. (v) Viticulture is to be established and managed in accordance with best environmental management practice according to the

No.	Description of land	Special use	Conditions
			<p>Department of Primary Industry and Regional Development.</p> <p>(vi) A management plan that has regard for the 'Environmental Management Guidelines for Vineyards' and that addresses the separation of viticulture and possible future uses on the northern side of O'Neill Road is to be required as a condition of development approval.</p> <p>5. General</p> <p>(i) Vehicular access off Albany Highway is to be limited to the main public entry as shown on the Structure Plan.</p> <p>(ii) Vehicular access off O'Neill Road shall be limited to the Service Entry shown on the Structure Plan and the access point to the existing house or substitute point(s) approved by the local government. All public access is to be via Albany Highway to the satisfaction of Main Roads WA.</p>
SU13	Lot 4853 Porongurup Road, Porongurup	Caretakers dwelling (P) Restaurant/cafe (P) Winery (P) Agriculture—intensive (D) Chalets (maximum 12) (P)	<p>1. Prior to commencement of any further development of the site, the owner shall submit an overall concept plan to local government for endorsement.</p> <p>2. All development shall be subject to the issue of development approval.</p> <p>3. All signage is subject to the prior approval of local government in accordance with Scheme requirements and relevant Policy.</p> <p>4. Buildings shall not exceed 7.5m in height which is measured vertically from the natural ground level unless otherwise determined by local government.</p> <p>5. Buildings shall be located where possible in cleared areas in order to minimise removal of significant trees.</p> <p>6. No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If boundary fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of local government.</p> <p>7. Stormwater drainage shall be accommodated on site to local government's satisfaction.</p> <p>8. Potable water supply shall be provided in accordance with the 'Australian Drinking Water Guidelines 1996' and to the satisfaction of local government and the Health Department of W.A.</p> <p>9. Local government shall require any water tanks to be suitably coloured and screened from view by tree/shrub planting.</p> <p>10. Low fuel buffer areas a minimum of 20m wide shall be provided and maintained around all buildings.</p> <p>11. Fire water shall be available to both local government and DFES satisfaction.</p> <p>12. Local government shall require, at the development stage, the construction of strategic firebreaks generally as shown on the Plan of Subdivision for the area.</p> <p>13. Strategic firebreaks shall be constructed and maintained to a standard suitable for all year access by heavy duty</p>

No.	Description of land	Special use	Conditions
			fire appliances and two wheel drive vehicles. 14. Effluent disposal shall be undertaken to the satisfaction of local government and the Health Department of W.A. 15. Approval for chalet shall include a condition requiring a notice to be displayed in the chalet advising of the proximity to commercial viticulture and horticulture and that these activities may cause nuisance

(2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

Note—

Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the 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% 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;
- (d) 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

The following variations to the R-Codes apply in the Scheme area—

- (1) Within the areas coded R2/15, R5/15, R10/20, R12.5/17.5 and R2.5/17.5 on the Scheme Map no development other than a single house to the Standards of R2, R2.5, R5, R10 and R12.5 Code shall be permitted unless reticulated sewerage is provided or the Health Department certifies that there are exceptional circumstances to warrant a variation to the requirement for reticulated sewerage.
- (2) The minimum primary street and secondary street setbacks for residential development in the townsites of Kendenup and Rocky Gully shall be as per the R10 standards.
- (3) Where residential development is permitted in the Service Commercial or General Industry zones development shall comply with the R12.5 coding requirements in areas serviced by reticulated sewerage, and with R10 requirements where such service is not available.
- (4) Where residential development is permitted in the Commercial zone—
 - (a) R30 code standards will apply to the residential component.
 - (b) The local government's preference is for mixed uses involving shop or office type development in conjunction with a residential component.

27. 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 28, 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.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

- (1) The State planning policies set out in Table 6, modified as set out in clause 30, are to be read as part of this Scheme.

Table 6

State planning policies to be read as part of Scheme
State Planning Policy 2.5—Rural Planning
State Planning Policy 3.7—Planning in Bushfire Prone Areas

- (2) The local government—
 - (a) must make a copy of each State planning policy referred to in subclause (1) available for public inspection during business hours at the offices of the local government; and
 - (b) may publish a copy of each of those State planning policies on the website of the local government.

30. 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.

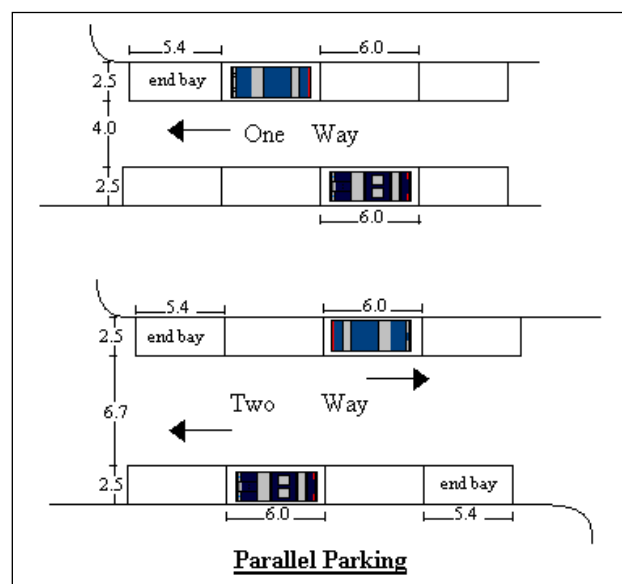
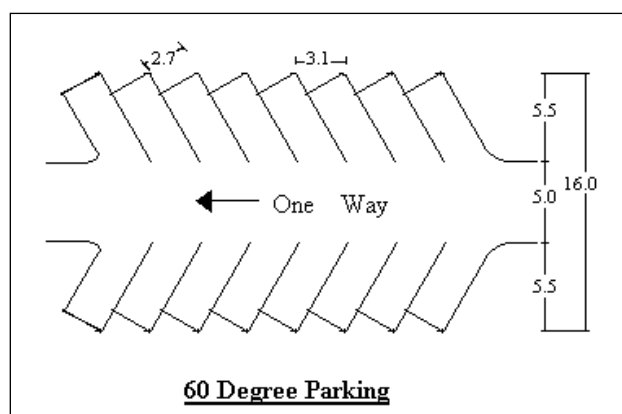
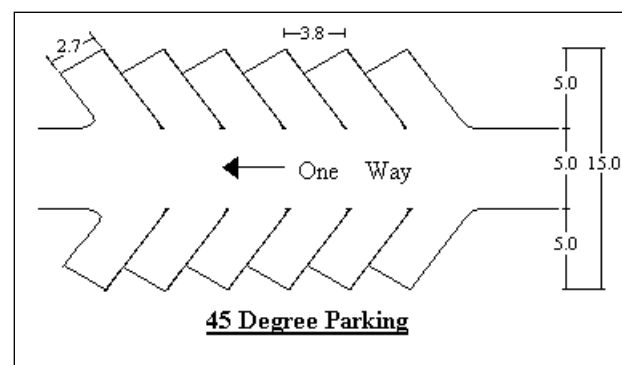
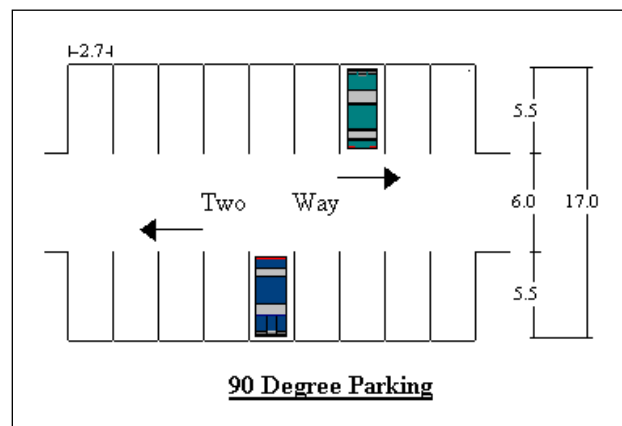
31. Environmental conditions

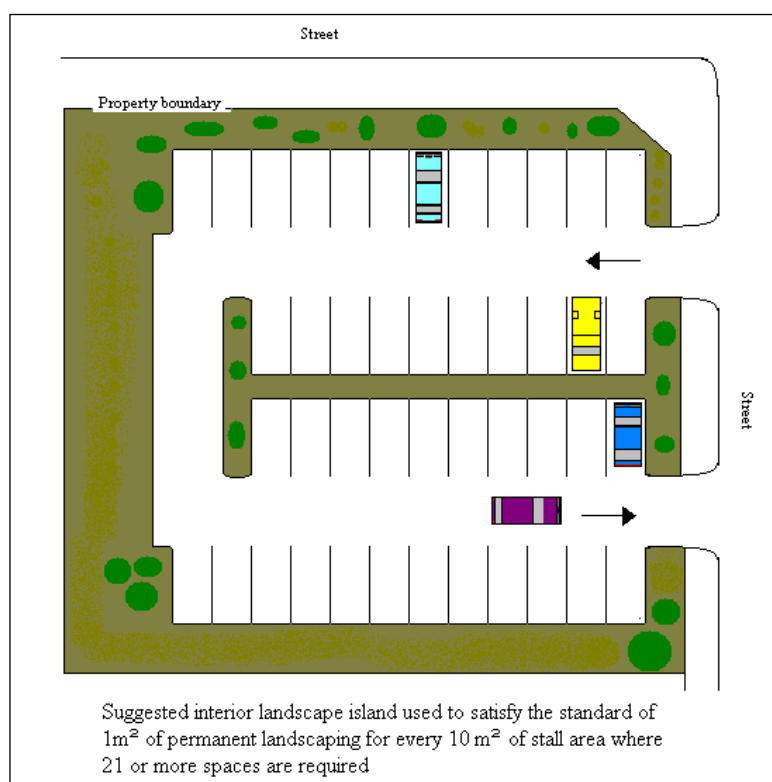
There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.

32. Additional site and development requirements

- (1) Tables 7 and 8 set 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.

TABLE 8
CARPARKING STANDARDS





(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.

(3) Development in a Rural Residential and Rural Smallholdings zone shall comply with the requirements of the following—

- (a) development approval is required for all development including a single house and such application shall be made in writing to the local government and be subject to the provisions of the Scheme;
- (b) no more than one single house per lot shall be erected;
- (c) in order to conserve the rural environment or features of natural beauty, trees shall be retained unless their removal is authorised by the local government;
- (d) in addition to such other provisions of the Scheme as may affect it, any land which is included in a Rural Residential and Rural Smallholdings zones shall be subject to those special provisions as may be specifically set out against it in Schedules 2 and 3;
- (e) Notwithstanding the provisions of the Scheme and what may be shown in the plan of subdivision, the WA Planning Commission may approve a minor variation to the subdivisional design, but further breakdown of the lots so created shall be deemed to be contrary to the provisions of the Scheme.
- (f) Unless specified in a particular zone special provisions boundary setbacks shall be as follows:

Rural Residential zone	— Road boundary	15m
	— Other boundaries	5m
	— State Forest, National Park, Nature Reserve, Reserve for Conservation or local government managed land	50m
Rural Smallholdings zone	— Road boundary	20m
	— Other boundaries	10m
	— State Forest, National Park, Nature Reserve, Reserve for Conservation or local government managed land	50m

(g) The subdivider shall make arrangements to the satisfaction of local government to ensure prospective purchasers are aware of the Western Australian Planning Commission State Planning Policy 3.7, associated Guidelines and Planning Bulletin 111/2016 (Planning in Bushfire Prone Areas).

(h) Keeping of Livestock/Animals—

- (i) Intensive agricultural pursuits such as piggeries, feed lotting, poultry farms are not permitted. The keeping of livestock shall be restricted to fenced pastured areas of the lot. The owner shall be responsible for the maintenance of stock proof fencing to protect

remnant vegetation and revegetation areas. Animal numbers shall not exceed the stocking rates recommended by the Department of Primary Industry and Regional Development. The keeping of animals shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust nuisance.

- (ii) Where in the opinion of local government the continued presence of animals on any portion of land is likely to contribute, or is contributing to the dust nuisance or soil degradation, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.
- (iii) Where notice has been served on a landowner in accordance with this provision, the local government may also require the land to be rehabilitated to its satisfaction within three months of serving the notice.
- (iv) In the event that such action is not undertaken, local government may carry out such works as are deemed necessary, with all costs being borne by the landowner.

(4) Control of advertisements—

- (a) Local government's objective in the control of advertising is to secure the orderly and proper planning and the amenity of the Scheme Area through the control of advertisements by the examination and determination of applications for advertising signs in the light of—

- the impact of new advertisements upon residential, rural and recreational areas;
- the potential of any proposed advertisement to enhance or detract from the visual amenity and character of an area; and
- the potential for the rationalisation, consolidation or removal of existing advertisements where amenity is already impaired by poor, excessive or derelict advertising.

- (b) Power to Control Advertisements—

- (i) For the purpose of this Scheme, the erection, placement and display, and, subject to the provisions of Clause 4(f), the continuance of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the local government.
- (ii) Applications for local government's consent pursuant to this Part shall be submitted in accordance with the provisions of the deemed provisions and shall be accompanied by completed Additional Information Sheet in the form set out in the deemed provisions giving details of the advertisement(s) to be erected, placed or displayed on the land.

- (c) Existing Advertisements

Advertisements which—

- (i) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- (ii) may be erected, placed or displayed pursuant to a licence or other approval granted by the local government prior to the approval of this Scheme, hereinafter, in the Part referred to as 'existing advertisements', may, except otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

- (d) Consideration of Applications

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, local government shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed including its historic or landscape significance and traffic safety, and the amenity of adjacent areas which may be affected.

- (e) Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 4(b)(i), the local government's prior consent is not required in respect of those advertisements listed in Schedule 1 which for the purpose of this Part are referred to as 'exempted advertisements.'

The exemptions listed in Schedule 1 do not apply to places, buildings, conservation areas or landscape protection zones which are either—

- (i) listed by the National Trust;
- (ii) listed on the register of the National Estate;
- (iii) included in local authority town planning schemes because of their heritage or landscape value.

- (f) Discontinuance

Notwithstanding the Scheme objectives and clause (4)(e) where in the opinion of the local government, an exempted or existing advertisement so seriously conflicts with the objectives of this Part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

- (g) Enforcement and Penalties

The offences and penalties provisions specified in the Scheme apply to the advertiser in this part.

(5) Urban design

Where in the opinion of the local government the amenity of a place, street or locality relates significantly to the architectural or physical character of existing buildings and landscape, the local government shall ensure that the appearance of any proposed development will not impair the amenity of place, street or locality in question and will maintain the harmony in the exterior designs of buildings. In making a determination the local government may seek expert advice and shall have regard to such advice.

(6) Cash payment in lieu of providing a parking area

The local government may accept a cash payment in lieu of the provision of on site parking provided—

- (a) such cash payment is not less than the estimated cost to the owner of providing and constructing the parking area otherwise required by the Scheme plus the value, as estimated by the local government, of that area of his land which would have been occupied by the parking area;
- (b) before the local government agrees to accept a cash payment in lieu of the provision of parking spaces, the local government must either have purchased land and/or provided a public car park nearby or have firm proposals to provide such a public car park within a period of four years of the time of agreeing to accept the cash payment;
- (c) payments made under this Clause shall be paid into a fund to be used for the provision of public car parking facilities and the local government may use this Fund to provide public parking facilities anywhere within the commercial centre of the town or in close proximity of the site in respect of which a cash-in-lieu arrangement is made;
- (d) if an owner shall object to the amount of the costs of values determined by the local government pursuant to sub-clause (a), the matter may be referred to arbitration.

(7) Development of land subject to dampness or flooding

- (a) Where, in the opinion of the local government, the dampness of the site on which a building is proposed to be constructed so warrants the local government may require that one or all of the following measures shall be carried out—
 - (i) the subsoil shall be effectively drained;
 - (ii) the surface of the ground beneath the building shall be regraded or filled and provided with adequate outlets to prevent any accumulation of water beneath the building;
 - (iii) the surface of the ground beneath the building shall be covered with an approved damp-resisting material.
- (b) A building shall not be constructed upon any land defined by the local government as being liable to flooding or inundation.

(8) Development of lots not abutting a constructed public road

- (a) In considering an application for the development of land abutting an unconstructed road or a lot which does not have frontage to a constructed road the local government shall either—
 - (i) Refuse the application until the road has been constructed or access by means of a constructed road is provided as the case may be;
 - (ii) Grant the application subject to the condition requiring the applicant to pay a sum of money in or towards payment of the cost or estimated cost of construction of the road or part thereof and any other conditions it thinks fit to impose; or
 - (iii) Grant the application subject to the following conditions, or any other conditions the local government see fit to impose—
 - Arrangements are to be made for permanent access, to the satisfaction of the local government.
 - The location of any legal access shall be to the satisfaction of the local government.
 - Access must be constructed and maintained to the satisfaction of the local government.
 - A notification is to be placed on the title of the land alerting landowners that the lot does not have access to a constructed public road and alternative access arrangements must be maintained, both physically and legally.

(9) Mixed Use zone requirements

- (a) In order to ensure non-residential uses provide for the protection of residential amenity the local government shall—
 - (i) Not grant development approval unless it is satisfied that the proposed use would not have an adverse impact on residential amenity;
 - (ii) Assess and where appropriate require the applicant to implement measures to address the following matters—
 - Emission of noise, dust or odour;
 - Building height;
 - Building setbacks;
 - Advertising signage;

- Boundary fencing;
- Security lighting intruding into housing;
- Landscaping;
- Hours of operation;
- Effluent disposal; and
- Any other relevant factors; and

(iii) Where it deems it necessary to protect residential amenity, require alternative development standards (e.g. setbacks).

(10) Where it is proposed to subdivide Residential zoned land within 50m of the Great Southern Railway rail corridor in Kendenup to create additional lots, then new residential lots will require a notification in the form of a memorial on the Certificate of Title advising of the existence of the railway in accordance with Section 165 of the *Planning and Development Act 2005*.

33. Additional site and development requirements for areas covered by structure plan, activity centre plan or local development plan

There are no additional requirements that apply to this Scheme.

34. Variations to site and development requirements

(1) In this clause—

additional site and development requirements means requirements set out in clause 32.

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

35. 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.

PART 5—SPECIAL CONTROL AREAS

36. 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 are set out in Table 9.

Table 9
SPECIAL CONTROL AREAS IN SCHEME AREA

Number	Name of area	Purpose	Objectives	Additional provisions
1 - 5	SCA1—Kendenup SCA2—Rocky Gully SCA3—Narrikup SCA4—Mount Barker SCA5—Porongurup	To prohibit treefarm, abattoirs, and animal husbandry—intensive in close proximity to townsites and closely populated parts of the Scheme area	To protect the amenity of residents in townsites and in the vicinity of the Porongurup Range.	<p>(a) SCA are depicted on SCA maps 1, 2, 3 4 and 5 in Schedule 5.</p> <p>(b) treefarms, abattoirs and animal husbandry—intensive are prohibited within Townsite Area A on the SCA maps.</p> <p>(c) treefarms, abattoirs and animal husbandry—intensive are ‘A’ uses on land zoned Rural in Townsite Area B on the SCA maps 1, 2, 3 and 4 and on land zoned Rural within SCA map 5.</p> <p>(d) when determining an application for development approval for a tree farm the local government shall consider the following—</p> <ul style="list-style-type: none"> (i) the provisions of the Commercial Plantations Policy; (ii) the Code of Practice for Timber Plantations and whether or not the proponent is a signatory to the Code; (iii) consistency with the performance standards ‘Planning for Bush Fire Protection’ and ‘Guidelines for Fire Protection’, and with local government’s ‘Annual Bush Fire Mitigation Notice’; (iv) existing uses and development on the subject land; (v) the location of the subject land and its relationship to surrounding land uses, especially residential, rural residential, rural small holdings, and tourist land uses; (vi) the location of the land in relation to designated haulage routes; (vii) access to and from the subject land and the existing standard of local roads and their capacity to support timber haulage vehicles;

Number	Name of area	Purpose	Objectives	Additional provisions
				(viii) protection of native vegetation; (ix) the impact on the amenity of the area, including scenic views
6.	Denmark River Catchment (Shown on Scheme map)	To protect to the water quality of the river catchment.	To ensure the potential drinking water source is protected.	Local government will consult with the Department of Water and Environmental Regulation if there are concerns regarding potential water impact with an application for development approval.
7.	Mount Barker Waste Water Treatment Plant (Shown on Scheme map)	To protect the plant from encroaching development of sensitive land use.	To reduce off site impacts from odour.	(a) Local government will consult with the Water Corporation in respect to development approval applications in this SCA. (b) Local government will not support new zones that will allow for the introduction of sensitive land uses. Existing zones will remain.
8.	Mount Barker drinking water facility chlorine buffer (Shown on Scheme map)	To protect the water plant from encroaching development of sensitive land use.	To reduce the risk of offsite health and safety impacts arising from potential chlorine gas leakage.	Local government will consult with the Water Corporation in respect to development approval applications in this SCA.
9.	Kendenup drinking water facility chlorine buffer (Shown on Scheme map)	To protect the water plant from encroaching development of sensitive land use.	To reduce the risk of offsite health and safety impacts arising from potential chlorine gas leakage.	Local government will consult with the Water Corporation in respect to development approval applications in this SCA.
10.	Rocky Gully drinking water facility chlorine buffer (Shown on Scheme map)	To protect the water plant from encroaching development of sensitive land use.	To reduce the risk of offsite health and safety impacts arising from potential chlorine gas leakage.	Local government will consult with the Water Corporation in respect to development approval applications in this SCA.
11.	Bolganup Creek Public Drinking Water Supply Area	To ensure land use within the Area is compatible with protection of the water source	To protect the Area for potential future use as a public drinking water supply	Local government will consult with the Department of Water and Environmental Regulation in respect to development approval applications in this SCA.

PART 6—TERMS REFERRED TO IN SCHEME

Division 1—General definitions used in Scheme

37. 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;

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);

floor area has meaning given in the Building Code;

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;

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 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;

short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

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

38. 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);
- (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 2 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 4 adult persons or one family; and
- (b) containing not more than 2 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 childrens' goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools;

or

- (b) used to sell by retail goods and accessories by retail if—
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (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 2 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 2 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;

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;

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/lunch bar means premises, including premises with a facility for drive-through service, 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;

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;
- (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 2 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 2 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 that are a hospital within the meaning given in the *Health Services Act 2016* section 8(4);

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;
- (e) incidental purposes;

industry—cottage means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which—

- (a) does not cause injury to or adversely affect the amenity of the neighbourhood;
- (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- (c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;
- (d) does not occupy an area in excess of 50m²; and
- (e) does not display a sign exceeding 0.2m² in area;

industry—extractive means 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;
- (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;

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;

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;

renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource. It does not include solar panels or a wind turbine located on a lot with a single house where the energy produced only supplies that house or private rural use or anemometers.

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

restaurant/cafe 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;

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 2 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 3 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; 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;
- (g) use by government departments or agencies, including local government;

transport depot means premises used primarily for the parking or garaging of 3 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;

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
EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 32(4)(E)

Land use and/or development requiring advertisement	Exempted sign type and number (includes the change of posters on poster signs and applies to all illuminated unless otherwise stated)	Maximum area of exempted sign
Dwellings	One professional name-plate as appropriate	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned	0.2m ²
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5m from the ground floor level, of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws	Not applicable
Industrial and Warehouse Premises	A maximum of 4 advertisements to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or not those signs are connected to a pole, wall or other building A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level	Total area of any such advertisements shall not exceed 15m ² Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ²
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or local government of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the local government of a municipality, and (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at or upon a railway station.	No sign shall exceed 2m ² in area

Land use and/or development requiring advertisement	Exempted sign type and number (includes the change of posters on poster signs and applies to all illuminated unless otherwise stated)	Maximum area of exempted sign
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows—		
(i) Dwellings	One advertisement per street frontage containing details of the project, professional consultants and the contractors undertaking the construction work.	2m ²
(ii) Multiple Dwellings, Shops, Commercial and Industrial Projects	One sign as for (i) above.	5m ²
(iii) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One sign as for (i) above. One additional sign showing the name of the project builder.	10m ² 5m ²
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions—Advertisement signs displayed for the duration over which property transactions are offered and negotiated as follows—		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2m ²
(b) Multiple Dwellings, Shops, Commercial and Industrial Projects	One sign as for (a) above.	Each sign shall not exceed an area of 5m ²
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha	One sign as for (a) above.	Each sign shall not exceed an area of 10m ²
Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection	(i) One sign for each dwelling on display. (ii) In addition to (i) above one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² 5m ²

Schedule 2
SPECIAL REQUIREMENTS FOR RURAL RESIDENTIAL ZONES

Area	Locality	Special Provisions
RRes1	<p>Mount Barker Hill Plantagenet Locations 3698, 921 and 3148</p> <p>Part Location 4177 Mount Barker Hill, Mount Barker</p>	<p>1.0 Objective The objective is to provide for rural residential living and small scale rural and tourist uses providing they do not impact detrimentally on the environment or the amenity of adjoining property.</p> <p>2.0 (a) The following uses are permitted (P)— <ul style="list-style-type: none"> - Single House and associated outbuildings - Public Recreation (b) The following uses may be permitted at the discretion of local government (D)— <ul style="list-style-type: none"> - Home Occupation - Industry—Cottage - Agriculture—Intensive - Bed and Breakfast - Restaurant/Café (c) All other uses not mentioned under (a) and (b) are not permitted.</p> <p>3.0 Subdivision shall be generally in accordance with a plan of subdivision approved by local government and the WAPC. <i>Note: * applies to Pt Location 4177 only.</i></p> <p>*4.0 Building Design, Setbacks, Materials and Colour</p> <p><i>4.1 All building constructed with the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale and height.</i></p> <p><i>4.2 A building is not to be within 20m of any lot boundary unless, where the topography or shape of the lot or flora thereon determine otherwise, the local government approves a lesser distance and if it does, a person shall not construct or erect or commence to construct or erect a building within the distance approved by the local government.</i></p> <p><i>4.3 Buildings shall be sited to allow a low fuel buffer not less than 20m wide, which does not encroach into remnant vegetation as designated on the Structure Plan.</i></p> <p><i>4.4 All dams require the approval of local government prior to construction. Dams should be sited and designed to avoid visual impact from surrounding roads to the satisfaction of local government.</i></p> <p><i>4.5 A dwelling house shall have an internal floor dimension of not less than 80m².</i></p> <p><i>4.6 All residential buildings shall be single storey, except where it can be proven to local government that a variation to the height restriction would not adversely affect the visual amenity of the locality.</i></p> <p><i>4.7 Proposals to vary the height restrictions pursuant to 4.6 above shall be accompanied by such plans, elevations and sketches as local government determines necessary to assess the effect on visual amenity and natural screening effect of vegetation, topography or any proposed landscaping.</i></p> <p><i>4.8 Fencing shall be of rural construction to the satisfaction of local government.</i></p> <p>4.0 A person shall not construct erect or commence to construct or erect— (i) a building within 20m of any boundary of a lot unless, where the topography or shape of the lot or flora thereon require otherwise, the local government approves a lesser distance and if it does so, a person shall not construct or erect or commence to construct or erect a building within the distance approved by the local government; (ii) a dwelling house having an internal floor area of less than 45m².</p>

Area	Locality	Special Provisions
		<p>5.0 Horticulture</p> <p>5.1 Applications for approval for horticulture within the area shall be accompanied with a management plan which details the extent of the proposed development, application of fertilisers, use of sprays and ways in which potential impact on adjoining landowners are to be managed. Bird scaring devices such as gas guns/cannons shall not be permitted.</p> <p>5.2 In exercising its discretion in relation to horticultural uses, local government should be satisfied that the land use does not involve excessive nutrient application or land clearing and does not give rise to potential nuisance to adjoining or nearby residents.</p> <p>5.3 Local government approval is required for dams and they shall be sited and constructed so that they do not represent a threat to housing or development downstream or create an adverse visual impact.</p> <p>6.0 In order to conserve the natural beauty of the locality all groups of trees shall be retained unless their removal is authorised by local government.</p> <p>7.0 Prior to the occupation of any dwelling house within the Rural Residential zone it shall be connected to a water storage capacity of 92,000L or to an alternative source of water that meets the local government's requirements.</p> <p>8.0 Bed and Breakfast Accommodation, Café and Tearooms</p> <p>8.1 In assessing application for bed and breakfast accommodation and café/tearooms, local government may limit the number of such developments within each street in order to ensure associated traffic does not affect the amenity of other residents.</p> <p>9.0 Effluent Disposal</p> <p>9.1 On-site disposal shall be the responsibility of the individual landowner.</p> <p>The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by local government and the Health Department of W.A. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.</p> <p>10.0 Bushfire Management Control</p> <p>10.1 The subdivider shall make arrangements to the satisfaction of local government to ensure that prospective purchasers are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959 'Construction of Buildings in Bushfire Prone Areas'.</p> <p>10.2 Local government may request the WAPC to impose a condition at the time of subdivision for the provision of a water supply for fire fighting purposes.</p> <p>11.0 Notification of Prospective Owners</p> <p>11.1 Provision shall be made to local government's satisfaction prior to ensure prospective purchasers of land—</p> <ul style="list-style-type: none"> (i) Are given a copy of these Special Provisions prior to entering into an agreement to acquire a property; and (ii) Acknowledge that horticultural uses may be permitted and that these uses may have adverse impacts on rural residential uses.
RRes2	Mira Flores Estate— Porongurups Plantagenet Locations 1099 and 2877. Lot 2 of Porongurups Estate Lot 9	<p>1.0 Minimum Lot size shall be 4ha.</p> <p>2.0 (a) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> - Single House and associated outbuildings. <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Home occupation <p>(c) All other uses not mentioned under (a) and (b) are not permitted.</p>

Area	Locality	Special Provisions
		<p>3.0 Subdivision shall be generally in accordance with the plan of subdivision approved by local government and the WAPC.</p> <p>4.0 A person shall not construct erect or commence to construct or erect—</p> <ul style="list-style-type: none"> (i) a building within 100m of the front boundary or 45m of a side boundary of a lot unless, where the topography or shape of the lot or flora thereon require otherwise, the local government approves a lesser distance; (ii) a dwelling house having an internal floor area of less than 60m². <p>5.0 Any development proposal shall embody the basic premise that development and associated services are secondary to the natural features of the site and development plans will indicate the extent of earthmoving and clearing.</p> <p>6.0 No lot shall be cleared of native vegetation to a greater area of 25% of lot size excluding fire breaks required by local government or DFES.</p> <p>7.0 Prior to the occupation of any dwelling house it shall be connected to a water storage capacity of not less than 92,000L or to an alternative source of water that meets the local government's requirements.</p> <p>8.0 No exotic grasses shrubs or tree areas shall be introduced into the development except by approval of Department of Biodiversity, Conservation and Attractions (DBCA).</p> <p>9.0 No chemical fertilisers or sprays are to be used except with the approval of DBCA.</p> <p>10.0 For the purposes of assisting and guiding the local government in administering the estate, the owners of land within the estate shall from time to time, elect or appoint an Owners' Committee of 5 members.</p> <p>11.0 The local government may refer any application for development to the Owners' Committee and the Committee shall recommend in writing to the local government that the application be approved, conditionally approved or refused.</p> <p>12.0 The local government shall pay regard to, but shall not be bound by the recommendation of the Owners' Committee.</p>
<i>RRes3</i>	<p>Mount Barker Townsite-East Lots 1, 7, 8, 253, 254, 255, 256, 257 and 258 Ingoldby Street Lots bounded by Warburton Road, Sounness Street, Ingoldby Street and Martin Street Lots 100 and 101 Ingoldby Street/Sounness Street</p>	<p>1.0 Subdivision</p> <p>1.1 The minimum lot size shall be 1ha.</p> <p>1.2 Subdivision shall generally be in accord with the Structure Plan.</p> <p>1.3 Minor variations to the subdivisional design, if approved by the WAPC may be acceptable.</p> <p>2.0 Objectives of the Zone</p> <p>The purpose of the Rural Residential area is to retain the semi-rural character of the lower lying land adjacent to the Mount Barker residential area and to minimise the export of nutrients and encourage revegetation of cleared areas and areas adjacent to wetlands.</p> <p>3.0 (a) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> - Single House and associated outbuildings. - Public Recreation. <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Rural Pursuit/Hobby Farm - Home Occupation - Industry-cottage <p>(c) All other uses not mentioned under (a) and (b) are not permitted.</p> <p>4.0 Intensive Agriculture and the Keeping of Stock</p> <p>4.1 Intensive agricultural pursuits on a commercial basis such as piggeries and horticulture that could result in pollution of wetland areas shall not be permitted.</p>

Area	Locality	Special Provisions
		<p>4.2 The keeping or rearing of stock for domestic purposes may be permitted providing animal numbers are maintained at levels in accordance with standards of good husbandry to the satisfaction of the Department of Primary Industry and Regional Development and local government. Where stock are kept, provision shall be made to fence off remnant vegetation and revegetation areas.</p> <p>5.0 Building Design and Setbacks</p> <p>5.1 A dwelling house shall have a minimum internal floor area of 60m².</p> <p>5.2 Houses and outbuildings shall be set back a minimum of 15m from any boundary of a lot unless otherwise approved by local government. In approving any setback relaxation, local government shall take into account the topography, lot shape and vegetation on the site.</p> <p>5.3 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it should be of rural construction such as post and strand (or similar) to the satisfaction of local government.</p> <p>6.0 Vegetation Protection and Revegetation</p> <p>6.1 No clearing of vegetation shall occur except for—</p> <ul style="list-style-type: none"> (a) clearing to comply with the <i>Bush Fires Act 1954</i> (as amended); (b) clearing which may reasonably be required to construct an approved building curtilage and access; (c) trees are diseased or dangerous or any other clearing which may be approved by local government. <p>6.2 Local government may request the Commission at the subdivision stage to impose a condition requiring the subdivider and/or developer to revegetate part of the lot to local government's satisfaction. Such revegetation may also be required as a condition of building approval.</p> <p>7.0 Water Supply</p> <p>Local government may request the WAPC at the subdivision stage to impose a condition for the provision of reticulated water.</p> <p>8.0 Effluent Disposal</p> <p>8.1 On site effluent disposal shall be the responsibility of the individual landowners.</p> <p>8.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by local government and the Health Department of W.A.</p> <p>8.3 On lower lying land adjacent to wetland areas local government may require the use of alternative treatment units for the disposal of effluent.</p> <p>8.4 Effluent disposal systems shall be set back from creeks/wetlands as follows—</p> <ul style="list-style-type: none"> • septic tank—leach drain systems—100m • alternative treatment units—50m.
RRes4	Portion Plantagenet Location 4777 Warburton Road, Mount Barker	<p>1.0 Structure Plan</p> <p>1.1 Subdivision shall be generally in accordance with the Structure Plan dated 29 January 2009.</p> <p>1.2 The minimum lot size shall be 1.0ha. The local government may recommend that the WAPC approve minor variations to the Structure Plan but no additional lots will be allowed.</p> <p>2.0 Land Use</p> <ul style="list-style-type: none"> (a) The following uses are permitted (P)— <ul style="list-style-type: none"> - Single House and associated outbuildings (b) The following uses may be permitted at the discretion of local government (D)— <ul style="list-style-type: none"> - Home Occupation - Rural Pursuant/Hobby Farm - Industry—Cottage (c) All other uses not mentioned under (a) and (b) are not permitted.

Area	Locality	Special Provisions
		<p>3.0 Location of Buildings and Structures</p> <p>3.1 Buildings and structures shall be setback a minimum of 30m from the lot boundaries abutting Warburton Road and 15m from all other lot boundaries.</p> <p>3.2 Buildings shall be sited to allow a low fuel buffer not less than 20m wide, which does not encroach into remnant vegetation as designated on the Structure Plan.</p> <p>3.3 All dams require the approval of local government prior to construction. Dams shall be sited and designed to avoid visual impact from surrounding roads to the satisfaction of local government.</p> <p>3.4 Fixed building envelopes as identified on the approved Structure Plan cannot be relocated.</p> <p>4.0 Building Design, Materials and Colour</p> <p>4.1 Dwelling houses shall not exceed 7.5m in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of local government in order to minimise the visual impacts of such buildings when viewed from surrounding roads.</p> <p>4.2 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of local government.</p> <p>4.3 Water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of local government.</p> <p>4.4 At the time of subdivision, a durable wind resistant and aesthetically acceptable wall or fence with warning signs will be required along the eastern boundary. The fence is to be maintained thereafter by the landowners.</p> <p>5.0 Vegetation and Revegetation</p> <p>5.1 No clearing of vegetation shall occur except for—</p> <ul style="list-style-type: none"> (a) clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended); (b) clearing may reasonably be required to construct an approved building and curtilage; (c) trees that are dead, diseased or dangerous; (d) clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the local government; (e) clearing required to establish a low fuel buffer. <p>5.2 Local government may request the WAPC to impose a condition at the time of subdivision for the revegetation of areas shown on the Structure Plan. Such revegetation areas shall be appropriately maintained for a minimum of three years.</p> <p>5.3 Additional tree planting may be required as a condition of development approval.</p> <p>6.0 Water Supply</p> <p>6.1 All lots are to be provided with a reticulated scheme water supply.</p> <p>6.2 The Bolganup water main crosses this land and easements to protect that service will be required at the time of subdivision.</p> <p>7.0 Effluent Disposal</p> <p>7.1 On-site effluent disposal shall be the responsibility of the individual landowner.</p> <p>7.2 Effluent disposal on all lots is to be achieved via Aerobic Treatment Unit (ATU) systems. Conventional septic tank and leach drain systems are not permitted.</p> <p>7.3 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction local government and the Health Department of W.A.</p>

Area	Locality	Special Provisions
		<p>7.4 No more than one effluent disposal system will be permitted on one lot.</p> <p>8.0 Bushfire Management Control</p> <p>8.1 Local government may request the WAPC to impose a condition at the time of subdivision for the construction of the strategic firebreak as shown on the Structure Plan.</p> <p>8.2 Where a lot is traversed by a strategic fire break as shown on the Structure Plan, the owner of the lot shall maintain such firebreak to the satisfaction of local government. Fencing and/or unlocked gates across the strategic firebreak shall only be permitted at the discretion of and to the satisfaction of local government and DFES.</p> <p>8.3 Low fuel buffers, at least 20m wide shall be established and maintained around all buildings.</p> <p>8.4 The subdivider shall make arrangements to the satisfaction of local government to ensure prospective purchasers are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959 'Construction of Buildings in Bushfire Prone Areas.'</p> <p>9.0 Adjoining Rifle Range</p> <p>9.1 The local government may request the WAPC impose a condition at the time of subdivision for a S.70A Notification to be placed on all new Certificates of Title to advise of the existence of the active rifle range to the east which is used on Saturdays and Sundays and on other special occasions.</p> <p>9.2 Restrictive Covenants will be required on the titles of lots abutting the rifle range reserve.</p> <p>10.0 Foreshore and Stormwater</p> <p>10.1 A Foreshore Management Plan is to be prepared at the subdivision stage detailing management requirements including revegetation and weed management.</p> <p>10.2 Development and implementation of a Stormwater Management Plan in consultation with the Department of Water and Environmental Regulation will be required at the subdivision stage.</p> <p>11.0 Notification of Prospective Owners</p> <p>11.1 Provision shall be made to the local government's satisfaction to ensure prospective purchasers of land are given a copy of these special provisions prior to entering into an agreement to acquire any property.</p> <p>11.2 The local government may request the WAPC impose a condition at the time of subdivision for the preparation and distribution to prospective purchasers of an information sheet regarding agricultural activities on adjacent land, responsible pet ownership and the rifle range to the east.</p>
RRes5	<p>Plantaganet Locations 3710, 4388 and Part Location 4903, Porongurup Road, Mount Barker</p> <p>Plantaganet Locations 3710, 4388 and Part Location 4903, Porongurup Road, Mount Barker</p>	<p>Objective</p> <p>To provide for larger hobby farms in excess of 2.0ha, which can accommodate residential style developments and small scale rural uses in a compatible manner with rural residential uses on adjoining lots and surrounding rural uses in accordance with the Local Planning Strategy.</p> <p>1.0 Structure Plan</p> <p>1.1 Subdivision shall be generally in accordance with the Structure Plan.</p> <p>1.2 The minimum lot size shall be 2.0ha. The local government may recommend that the WAPC approve minor variations to the Structure Plan.</p> <p>2.0 Land Use</p> <p>(a) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> - Single House and associated outbuildings <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Home Occupation - Industry—Cottage - Agriculture—Intensive

Area	Locality	Special Provisions
		<p>(c) All other uses not mentioned under (a) and (b) are not permitted.</p> <p>3.0 Horticulture</p> <p>3.1 Local government will only approve of commercial scale horticultural enterprises where the proponent can demonstrate the use would be located and managed in such a way as to avoid creating conflicts with existing or likely future rural residential uses on adjoining or nearby lots.</p> <p>3.2 Where dams are to be constructed for irrigation purposes, the location and design shall have regard to potential impacts on the landscape amenity of the area and down-stream housing sites.</p> <p>4.0 Location of Buildings and Structures</p> <p>4.1 Buildings and structures shall be setback a minimum of 20m from the lot boundaries abutting Porongurup Road, Bevan Road, new access roads, and 15m from all other lot boundaries. No direct lot access shall be permitted to the Porongurup Road.</p> <p>4.2 Local government may vary these setback requirements based on specific locational requirements such as views, privacy, the retention of remnant vegetation, appropriate location of effluent disposal systems and addressing satisfactorily fire management issues.</p> <p>4.3 Buildings shall be sited to allow a low fuel buffer not less than 20m wide, which does not encroach into remnant vegetation and areas of revegetation as designated on the Structure Plan.</p> <p>4.4 All dams require the approval of local government before construction. Dams shall be sites and designed to avoid visual impact from surrounding roads, to the satisfaction of local government.</p> <p>5.0 Building Design, Materials and Colour</p> <p>5.1 Dwelling houses shall not exceed 7.5m in height, measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of local government, in order to minimise the visual impacts of such buildings when viewed from surrounding roads.</p> <p>5.2 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand, to the satisfaction of local government.</p> <p>5.3 Water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area, to the satisfaction of local government.</p> <p>6.0 Vegetation and Revegetation</p> <p>6.1 No clearing of vegetation shall occur except for—</p> <ul style="list-style-type: none"> (a) clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended); (b) clearing as may reasonably be required to construct an approved building and its curtilage; (c) trees that are dead, diseased or dangerous; (d) clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the local government; and (e) clearing required to establish a low fuel buffer. <p>6.2 Local government may request the WAPC to impose a condition of subdivision requiring the revegetation of areas shown on the Structure Plan. Such revegetation areas shall be appropriately maintained for a minimum of three years.</p> <p>6.3 Additional tree planting may be required as a condition of development approval.</p> <p>6.4 Alternative methods, other than fencing, are to demarcate internal lot boundaries where they cross the creekline and foreshore vegetation.</p>

Area	Locality	Special Provisions
		<p>7.0 Water Supply</p> <p>7.1 Where lots are not serviced by a reticulated water supply, each dwelling house shall be provided with a water supply with a minimum capacity of 92,000L. This may be supplied from licensed underground water supplies or rainwater storage systems approved by local government and the Health Department of W.A.</p> <p>8.0 Effluent Disposal</p> <p>8.1 On-site effluent disposal shall be the responsibility of the individual landowner.</p> <p>8.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by local government and the Health Department of W.A. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Conventional effluent disposal systems for new dwellings shall be setback a minimum of 100m from the drainage line north west of Bevan Road, and be situated 2m above the highest known groundwater.</p> <p>8.3 Local government shall require the use of amended soil type effluent disposal systems, such as Ecomax/ATU Systems in situations where a 100m setback from the drainage line cannot be achieved, where soil conditions are not conducive to the retention of nutrients, and in low-lying areas.</p> <p>8.4 Separation from creeklines and groundwater areas shall be determined by local government in conjunction with the Health Department of W.A., but generally, a minimum horizontal separation of 50m from the creekline will be required.</p> <p>8.5 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner to satisfactorily demonstrate to the local government and the Health Department of W.A. that effluent disposal will not cause adverse environmental or health impacts.</p> <p>8.6 No more than one effluent disposal system per lot will be permitted except for the Additional Use site denoted on the Structure Plan. The effluent disposal requirements for the Additional Use site shall be assessed by local government as part of its development approval process. (Refer Table 3—Additional Uses.)</p> <p>9.0 Stormwater Drainage Management</p> <p>9.1 A nutrient stripping/sediment retention drainage management plan, prepared in accordance with Department of Water and Environmental Regulation, is to be submitted with any application for subdivision approval.</p> <p>10.0 Bushfire Management Control</p> <p>10.1 Local government may request the WAPC to impose conditions of subdivision for—</p> <ul style="list-style-type: none"> • the construction of strategic firebreaks, as shown on the Structure Plan; • the provision of a standpipe and hardstand facility, to the satisfaction of local government and DFES; and • a contribution towards the provision of firefighting facilities. <p>10.2 Where a lot is traversed by a strategic firebreak, as shown on the Structure Plan, the registered proprietor shall maintain the firebreak to the satisfaction of local government. Fencing and/or unlocked gates across the strategic firebreak shall only be permitted at the discretion and satisfaction of local government and DFES.</p> <p>10.3 A low fuel buffer, at least 20m wide, shall be established and maintained around all buildings.</p> <p>10.4 The subdivider shall ensure, to the satisfaction of local government, that prospective purchasers are aware of the fire management guidelines contained in the Homeowners Bushfire Survival Manual and Australian Standard 3959 'Construction of Buildings in Bushfire Prone Areas'.</p>

Area	Locality	Special Provisions
		<p>11.0 Notification of Prospective Owners</p> <p>11.1 The subdivider shall ensure, to the satisfaction of local government, that prospective purchasers—</p> <ul style="list-style-type: none"> • are provided with a copy of these special provisions before entering into a contract for sale to purchase a lot; • acknowledge that horticultural uses may be permitted in the area and these uses may impact on rural residential uses; and • acknowledge that there is a tree plantation 500m to the south east of the subject land and that activities such as mobile chipping and heavy haulage during log harvest periods may adversely impact on the amenity of the area.
<i>RRes6</i>	<p>Lot 504 Marmion Street, Lot 505 Mitchell Street and Lot 1330 Warburton Road, Mount Barker</p>	<p>1.0 Structure Plan</p> <p>1.1 Subdivision shall generally be in accordance with the Structure Plan.</p> <p>1.2 The local government will not recommend lot sizes less than 4000m². The local government may recommend that the WAPC approve minor variations to the Structure Plan.</p> <p>1.3 Any subdivision proposal within the Site Investigation Area identified on the Structure Plan will be subject to further detailed site investigation, including late winter site testing and site specific engineering investigations. Subdivision applications are to be supported by site specific management plan(s) providing detailed engineered solutions that ensure effective onsite effluent disposal, drainage management, and suitable long term amenity on the lots created.</p> <p>2.0 Objective</p> <p>To provide a range of retreat lots responsive to land capability, view opportunities and proximity to the town centre.</p> <p>3.0 Land Use</p> <p>(a) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> - Single House and associated outbuildings <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Rural Pursuit/Hobby Farm - Home Occupation - Home Business - Industry—Cottage <p>(c) All other uses not mentioned under (a) and (b) are not permitted.</p> <p>4.0 Location of Buildings and Structures</p> <p>4.1 Buildings and structures shall be setback a minimum of—</p> <ul style="list-style-type: none"> - 15m from road frontages. - 5m from other boundaries. <p>4.2 Notwithstanding special provision 4.1 above, in the instance where a lot is shown with a building envelope, all buildings and effluent disposal systems shall be restricted to that envelope.</p> <p>4.3 All dams require the approval of local government prior to construction.</p> <p>4.4 No development will be permitted within the Creekline and Optic Fibre Protection Areas designated on the Structure Plan.</p> <p>5.0 Building Design, Materials and Colour</p> <p>5.1 Houses shall not exceed 7.5m in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of local government in order to lessen the visual impacts of such buildings when viewed from surrounding roads.</p>

Area	Locality	Special Provisions
		<p>5.2 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. Where boundary fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of local government.</p> <p>5.3 Any water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of local government.</p> <p>6.0 Vegetation and Revegetation</p> <p>6.1 No clearing of vegetation shall occur except for—</p> <ul style="list-style-type: none"> (a) Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended); (b) Clearing which may reasonably be required to construct an approved building and curtilage; (c) Trees that are dead, diseased or dangerous; (d) Clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the local government; (e) Clearing required to establish a building protection zone. <p>6.2 Local government may request the WAPC to impose a condition at the time of subdivision for the preparation and implementation of a landscaping plan which provides for street trees and low density selective landscape planting of local native trees and shrubs and their maintenance for a minimum of three years from planting.</p> <p>6.3 Local government may request the WAPC to impose a condition at the time of subdivision for the preparation and implementation of a creekline replanting plan which provides for the continuation of creekline replanting and Foreshore Management on Lot 1330 with similar species, density and area to that already established on Lot 505. Such a plan will incorporate appropriate fencing to the specifications of the Department of Water and Environmental Regulation.</p> <p>6.4 Additional tree planting may be required as a condition of development approval.</p> <p>7.0 Water Supply</p> <p>7.1 Where lots are not serviced by a reticulated water supply, each dwelling house shall be provided with a potable water supply with a minimum capacity of 92,000L. This may be supplied from licensed underground water supplies or rainwater storage systems to the satisfaction of local government. A secondary supply with a minimum capacity of 50,000L shall also be provided for stock, garden and fire purposes.</p> <p>8.0 Effluent Disposal</p> <p>8.1 On-site effluent disposal shall be the responsibility of the individual landowner.</p> <p>8.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by local government and the Health Department of W.A. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.</p> <p>8.3 Local government shall require the use of aerobic treatment units or suitable approved alternative effluent disposal systems on all lots.</p> <p>8.4 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of local government and the Health Department of W.A. Conventional septic tank systems will not be permitted.</p> <p>8.5 No more than one effluent disposal system will be permitted per lot.</p> <p>9.0 Bushfire Management Control</p> <p>9.1 Subdivision and Development shall comply with the Fire Management Plan.</p>

Area	Locality	Special Provisions
		<p>9.2 Building protection Zones, at least 20m wide, together with the Hazard Separation zones where identified on the Fire Management Plan, shall be established and maintained around all buildings.</p> <p>9.3 All buildings shall be built in accordance with AS 3959 'Construction of Buildings in Bush Fire Prone Areas' and will comply in all aspects to the outcomes of the Building Attack Level (BAL) assessment prepared and submitted to the satisfaction of the local government by individual lot owners at the building application stage.</p> <p>9.4 The subdivider shall make arrangements to the satisfaction of local government to ensure prospective purchasers are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959 'Construction of Buildings in Bushfire Prone Areas'.</p> <p>9.5 Landowners shall be responsible for maintaining individual lots in a low fuel condition as a Hazard Separation Zone.</p> <p>9.6 Landowners shall be responsible for complying with local government's Annual Bush Fire Mitigation Notice.</p> <p>9.7 The local government may request the WAPC to impose a condition at the time of subdivision requiring the installation of strategic fire breaks and the implementation of relevant responsibilities identified in the Fire Management Plan.</p> <p>9.8 The subdivider shall construct Strategic Firebreaks and access ways to gravel standard.</p> <p>9.9 Where a lot is traversed by a strategic fire break as shown on the Structure Plan, the owner of the lot shall maintain such firebreak to the satisfaction of local government. Fencing and/or unlocked gates across the strategic firebreak shall only be permitted at the discretion of and to the satisfaction of local government and DFES.</p> <p>9.10 The local government may request the WAPC to impose a condition at the time of subdivision requiring that—</p> <ul style="list-style-type: none"> (a) The portion of the road reserve near Lot 18 is to be provided as the location of the standpipe and 50,000L water tank for fire fighting purposes. (b) The 50,000L tank, hardstand and standpipe be provided at the first stage of subdivision. <p>10.0 Roads</p> <p>10.1 The local government may request the WAPC impose a condition at the time of subdivision for a per lot contribution to the recent resealing of Braidwood Road (formerly Marmion Street).</p> <p>11.0 Stormwater Management</p> <p>11.1 Any application for subdivision is to be supported by a revised Local Water Management Strategy approved by the Department of Water and Environmental Regulation.</p> <p>11.2 The local government may request the WAPC to implement recommendations of the strategy as condition(s) of subdivision approval.</p> <p>12.0 Notification of Prospective Owners</p> <p>12.1 Provision shall be made to local government's satisfaction to ensure prospective purchasers—</p> <ul style="list-style-type: none"> • Are given a copy of these special provisions and endorsed Structure Plan prior to entering into an agreement to acquire any property; and • Acknowledge that agricultural uses (including horticulture/viticulture) exist and may be permitted in the surrounding area and that these uses may have some impact on rural residential amenity. • Are given a copy of the Fire Management Plan. <p>12.2 The local government may request the WAPC to impose a condition requiring a notification regarding protection of optic fibre cables to be placed on the Certificates of Title of lots through which the cables are located.</p>

Area	Locality	Special Provisions
<i>RRes8</i>	Mount Barker Townsite Precinct 3. Location 4813 Marmion Street, Mount Barker	<p>1.0 Subdivision/Development Plan</p> <p>1.1 Subdivision shall generally be in accordance with the endorsed Plan of Subdivision.</p> <p>1.2 The local government will not recommend lot sizes less than 2.0ha. The local government may recommend that the WAPC approve minor variations to the Plan of Subdivision.</p> <p>2.0 Objective</p> <p>2.1 To provide for rural residential lots and associated small scale hobby farm activities.</p> <p>2.2 To ensure all development blends in with the landscape and minimises visual impact from outside the area through sensitive design and landscaping.</p> <p>2.3 To manage the land in order to minimise erosion and export of nutrients.</p> <p>3.0 Land Use</p> <p>(a) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> - Single House and associated outbuildings <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Home Occupation; - Holiday Accommodation; - Industry—Cottage; - Restaurant/Cafe; - Rural Pursuit/Hobby Farm; - Industry—Primary Production; - Agriculture—Intensive. <p>(c) All other uses not mentioned under (a) and (b) are not permitted.</p> <p>4.0 Horticulture and Viticulture</p> <p>4.1 Local government will only approve of small scale horticulture/viticulture activity where the proponent can demonstrate the use would be located and managed in such a way as to avoid creating conflicts with existing or likely future rural residential uses on adjoining or nearby lots.</p> <p>4.2 The proponent shall also be required to demonstrate that there will be no adverse environmental impacts, particularly in relation to nutrient and drainage management.</p> <p>5.0 Location of Buildings and Structures</p> <p>5.1 Buildings and structures shall be setback a minimum of 15m from the front setback and 5m from all other lot boundaries.</p> <p>5.2 All dams require the approval of local government prior to construction.</p> <p>5.3 Buildings will not be permitted within the Hazard Separation Zone.</p> <p>5.4 No structures, including fences, will be permitted within the Vegetation Protection Area.</p> <p>6.0 Building Design, Materials and Colour</p> <p>6.1 Dwelling houses shall not exceed 7.5m in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of local government in order to minimise the visual impacts of such buildings when viewed from surrounding roads.</p> <p>6.2 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of local government.</p> <p>6.3 No boundary fencing shall be permitted within areas of remnant vegetation.</p> <p>6.4 Within such areas, delineation of property boundaries shall be by way of cairns or other appropriate means.</p>

Area	Locality	Special Provisions
		<p>6.5 Driveways shall be designed to minimise visual impact and erosion by being aligned where possible with the contours of the site and planted with trees and shrubs. Stormwater runoff shall be attenuated to ensure erosion does not occur.</p> <p>6.6 Water sensitive design principals shall be utilised to accommodate drainage, including use of open swales and compensating/detention basins.</p> <p>6.7 All habitable buildings are to be constructed to AS3959.</p> <p>7.0 Vegetation and Revegetation</p> <p>7.1 No clearing of vegetation shall occur except for—</p> <ul style="list-style-type: none"> (a) Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended); (b) Clearing which may reasonably be required within a building envelope to construct an approved building and curtilage; (c) Trees that are dead, diseased or dangerous; (d) Clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the local government, access to dwellings should be encouraged wherever possible through cleared areas; (e) Clearing required to establish a low fuel buffer. <p>7.2 Local government may request the WAPC to impose a condition at the time of subdivision for revegetation of areas shown on the Plan of Subdivision. Such revegetation shall be appropriately maintained for a minimum of three years and preference should be given to local species.</p> <p>7.3 Additional tree planting may be required as a condition of development approval.</p> <p>8.0 Water Supply</p> <p>8.1 Where lots are not serviced by a reticulated water supply, each dwelling house shall be provided with a water supply with a minimum capacity of 92,000L. This may be supplied from licenced underground water supplies or rainwater storage systems to the satisfaction of local government and the Health Department of W.A.</p> <p>9.0 Effluent Disposal</p> <p>9.1 On-site effluent disposal shall be the responsibility of the individual landowner.</p> <p>9.2 Local government shall require the use of amended soil type effluent disposal systems, such as Ecomax/ATU Systems in situations where a 100m setback from a drainage line or water body cannot be achieved or where soil conditions are not conducive to the retention of nutrients. A minimum setback of 30m shall be required from the watercourse in the southwest of the subdivision which only flows in response to specific rain events. Separation from the drainage line and ground water shall be determined by local government in conjunction with the Health Department of W.A.</p> <p>9.3 Variations to the design of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of local government and the Health Department of W.A.</p> <p>9.4 No more than one effluent disposal system will be permitted on one lot unless approval is granted for short stay-holiday accommodation.</p> <p>10.0 Bushfire Management Control</p> <p>10.1 Subdivision and development are to be in accordance with the Fire Management Plan for the land, as endorsed by DFES and the Shire of Plantagenet and shall require the implementation and ongoing maintenance of the developer's property owner's and local government's responsibilities as set out in the plan.</p>

Area	Locality	Special Provisions
		<p>11.0 Infrastructure</p> <p>11.1 At the subdivision stage of development, local government may request the WAPC impose conditions to provide for pedestrian access ways as shown on the Plan of Subdivision, a contribution to the upgrade of Marmion Street and construction of subdivisional roads and battleaxe legs.</p> <p>11.2 Water sensitive design principals shall be utilised to accommodate drainage, including use of open swales and compensating/detention basins.</p> <p>12.0 Notification of Prospective Owners</p> <p>12.1 Provision shall be made to local government's satisfaction to ensure prospective purchasers are given a copy of these special provisions prior to entering into an agreement to acquire any property. Prospective purchasers are also to be notified of possible impacts (including spray drift, noise and dust) from surrounding rural uses.</p>
<i>RRes9</i>	<p>Porongurup Lots 830 and part of 831, 4853 and 6045 Spring Road, Porongurup</p>	<p>1.0 Plan of Subdivision</p> <p>1.1 Subdivision shall be generally in accordance with the Structure Plan.</p> <p>1.2 Further subdivision that creates additional lots to those shown on the Structure Plan will not be permitted.</p> <p>2.0 Objectives</p> <p>2.1 The objectives are to—</p> <ul style="list-style-type: none"> - Allow for a range of lot sizes for small scale intensive agriculture, hobby farms and rural retreats. - Provide for the protection of creeklines, remnant vegetation and encourage revegetation where appropriate to minimise visual impacts and reduce salinity and erosion. - Integrate development with the landscape while providing for bushfire protection and management. - Utilise water sensitive and passive solar design principles to ensure effective and efficient use of resources (water and energy). <p>3.0 Land Use</p> <p>(a) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> - Single House and associated outbuildings - Home Occupation <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Industry—Cottage - Bed and Breakfast - Recreation—Private <p>(c) The following uses are 'A' uses (may be permitted subject to the consent of local government following notice of the application being given in accordance with the Scheme)—</p> <ul style="list-style-type: none"> - Rural Pursuit/Hobby Farm <p>(d) All other uses not mentioned under (a), (b) and (c) are not permitted.</p> <p>4.0 Horticulture and Viticulture</p> <p>4.1 A nutrient, drainage and irrigation management plan is to be required as a condition of planning consent for applications for horticulture and shall have regard to best environmental management practice as outlined in current guidelines and codes of practice.</p> <p>4.2 A management plan that has regard to the Environmental Guidelines for Vineyards, shall be required as a condition of development approval for applications for horticulture (vineyards).</p> <p>4.3 The local government will only approve of commercial scale horticulture enterprises where the proponent can demonstrate the use would be located and managed in such a way as to avoid creating conflicts with existing or likely future uses on adjoining or nearby lots. Appropriate buffers are to be provided to minimise potential impacts such as noise, dust and spray drift.</p>

Area	Locality	Special Provisions
		<p>4.4 The Vineyard Vegetated Buffer is to be established and maintained in accordance with the Department of Health: Guidelines for Separation of Agricultural and Residential Land Uses (August 2012).</p> <p>4.5 Local government may request the WAPC to impose a condition at the time of subdivision requiring placement of a S70A notification on the titles of all lots zoned residential. The notification is to advise that amenity of the lots may be affected by legitimate ongoing agricultural uses on surrounding land.</p> <p>5.0 Building Design, Materials and Location</p> <p>5.1 All houses shall be constructed in accordance with AS 3959.</p> <p>5.2 Houses shall not exceed 7.5m in height, measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of local government, taking into account the objective of minimising the visual impacts of such buildings when viewed from surrounding roads.</p> <p>5.3 All buildings shall be setback a minimum of 20m from all lot boundaries and 50m from creeklines and water bodies.</p> <p>5.4 On those lots allocated building envelopes on the Structure Plan, all structures shall be confined to the building envelope and all habitable buildings located such that Hazard Separation Zones and Building Protection Zones do not encroach upon the Development Exclusion and Creekline Protection Area shown on the Structure Plan.</p> <p>5.5 Notwithstanding 5.3 and 5.4, the local government may approve a variation to the siting requirements where it can be justified on the basis of topography, vegetation, visual amenity and/or creekline protection, provided such variation is consistent with the objectives of the zone.</p> <p>5.6 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction.</p> <p>5.7 Water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of the local government.</p> <p>5.8 No structures or boundary fencing shall be permitted within areas of remnant vegetation. Within such areas, delineation of property boundaries shall be by way of cairns or other appropriate means.</p> <p>5.9 Construction of dams, bores and drainage works shall require the approval of the local government prior to construction. On those lots on the Structure Plan allocated with Building Envelopes, new dams shall be confined to the Building Envelopes.</p> <p>6.0 Vegetation and Revegetation</p> <p>6.1 No clearing of vegetation shall occur except for—</p> <ul style="list-style-type: none"> (a) clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended); (b) clearing that may reasonably be required to construct an approved building and curtilage; (c) trees that present an imminent danger to human health; (d) clearing to gain vehicular access to a house approved by the local government; (e) clearing required to establish a low fuel buffer. <p>6.2 The local government may request the WAPC to impose a condition at the time of subdivision for revegetation of areas shown on the Structure Plan. Such revegetation shall be appropriately maintained for a minimum of three years and preference should be given to local species.</p> <p>6.3 Additional tree planting may be required as a condition of development approval.</p>

Area	Locality	Special Provisions
		<p>6.4 Local government shall request the WAPC to impose conditions at the subdivision stage, requiring the preparation of an Ecological Corridor Management Plan and the implementation of specific fire protection and environmental management measures as set out in such a plan.</p> <p>7.0 Water Supply</p> <p>7.1 At subdivision stage, consideration shall be given to the practicality and reasonableness of provision of a reticulated water supply to the lots.</p> <p>7.2 Where provision of a reticulated water supply is found to be impractical or unreasonable, each single house shall be provided with a water supply with a minimum capacity of 92,000L. This may be supplied from licensed underground water supplies or rainwater storage systems to the satisfaction of the local government and the Health Department of W.A. The 92,000L water supply is to be made available for fire fighting purposes and tanks are to have appropriate couplings to local government and DFES standards to access the water.</p> <p>8.0 Effluent Disposal</p> <p>8.1 On-site effluent disposal shall be the responsibility of the individual landowner.</p> <p>8.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by local government and the Health Department of W.A. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Conventional effluent disposal areas for new dwellings shall be set back a minimum of 100m from the natural permanent watercourse.</p> <p>8.3 Local government shall require the use of alternative soil type effluent disposal systems, such as amended soil type/ATU Systems in the following situations—</p> <ul style="list-style-type: none"> • on those lots identified as Low/Moderate Capability—some limitations to location and type of system on the Structure Plan; • where a 100m setback from a creek line or water course cannot be achieved; • where soil conditions are not conducive to the retention of nutrients; and • in low lying areas. <p>Separation from waterways and ground water shall be determined by the local government in conjunction with the Health Department of W.A. A minimum setback of 50m from the creekline and 30m from the drainage line shall be required. Alternative effluent disposal systems and cut off drains may be required on lots with soils prone to winter water logging.</p> <p>8.4 At subdivision stage the developer shall be required to demonstrate the achievability of onsite effluent disposal on those lots marked with an asterisk on the Structure Plan. If this cannot be sufficiently demonstrated, creation of those lots will not be supported.</p> <p>8.5 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of local government and the Health Department of W.A.</p> <p>8.6 No more than one effluent disposal system will be permitted on one lot.</p> <p>9.0 Bushfire Management Control</p> <p>9.1 Development shall comply with the Fire Management Plan.</p> <p>9.2 Provision shall be made to local government's satisfaction to ensure prospective purchasers of land are given a copy of the Fire Management Plan and the Homeowners Bushfire Survival Manual, or equivalent publication.</p> <p>9.3 At subdivision stage local government shall recommend that the WAPC impose a condition requiring a S70A Notification to be lodged on each Certificate of Title proposed by this subdivision in respect of AS3959 for all houses.</p>

Area	Locality	Special Provisions
		<p>9.4 At subdivision stage local government shall recommend that the WAPC impose a condition requiring the installation of strategic firebreaks to gravel standard and construction of battle-axe legs and driveways where Building Envelopes are more than 50m from public roads as shown on the Structure Plan.</p> <p>9.5 At subdivision stage local government shall recommend that the WAPC impose a condition requiring the implementation of a hazard reduction program, to ensure fuel loads do not exceed 8 tonnes per ha, until individual lots are sold.</p> <p>9.6 Local government shall require that individual landowners are responsible for the maintenance of hazard reduction areas around approved buildings and any strategic firebreak where it crosses the landowner's lot.</p> <p>9.7 Unlocked gates are to be installed where fences are erected across strategic fire breaks shown on the Structure Plan.</p> <p>9.8 Local government shall request the WAPC to impose conditions at the subdivision stage, requiring the updating of the Fire Management Plan to reflect the current subdivision pattern and the implementation of specific fire protection management measures as set out in such a plan.</p> <p>10.0 Roads and Drainage</p> <p>10.1 At subdivision stage local government shall recommend that the WAPC impose a condition requiring the upgrading of Spring Road from the north east corner of Lot 6045 through to Chester Pass Road to a gravel standard and from the north east corner of Lot 6045 through to Porongurup Road to a bitumen standard.</p> <p>10.2 The upgrading/construction Spring Road required by Provision 10.1 above shall have regard to the landscape and floristic values of the road reserve and a responsive and sensitive design will be required. This design is likely to include reduced pavement widths and traffic calming features with the aim of retaining as much significant vegetation as possible whilst ensuring road safety is not compromised.</p> <p>10.3 At subdivision stage local government shall recommend that the WAPC impose a condition requiring the construction of all internal roads to bitumen standard.</p> <p>10.4 At subdivision stage local government shall recommend that the WAPC impose a condition requiring the Right of Way linking to Stoney Creek Road to the north be created as a public road and constructed and sealed to a bitumen standard.</p> <p>10.5 At subdivision stage local government shall recommend that the WAPC impose a condition requiring the preparation and implementation of a nutrient, stormwater and drainage management plan.</p> <p>11.0 Foreshore Management</p> <p>11.1 At subdivision stage local government shall recommend that the WAPC impose a condition requiring the implementation of a Foreshore Management Plan for creeklines and the associated vegetation, to Department of Water and Environmental Regulation and local government specifications.</p> <p>12.0 Notification of Prospective Owners</p> <p>12.1 At subdivision stage local government shall recommend that the WAPC impose a condition requiring that prospective purchasers are—</p> <ul style="list-style-type: none"> (a) Provided with a copy of these special provisions, a copy of the Fire Management Plan and a copy of the Structure Plan; and (b) Made aware that reticulated water and sewerage is not available and that alternative effluent disposal systems may be required. <p>12.2 At subdivision stage local government shall recommend that the WAPC impose a condition requiring preparation and distribution to prospective purchasers of an information sheet regarding weed and dieback control.</p>

Area	Locality	Special Provisions
		<p>12.3 At subdivision stage local government shall recommend that the WAPC impose a condition requiring preparation and distribution to prospective purchasers of an information sheet which discourages the keeping of cats and dogs and promotes measures that should be taken to minimise the impacts pets have on native fauna.</p>
<i>RRes10</i>	Portion of Plantagenet Location 6052, Porongurup	<p>1.0 Plan of Subdivision</p> <p>1.1 Subdivision shall be generally in accordance with the Plan of Subdivision endorsed by the Chief Executive Officer.</p> <p>1.2 A range of lot sizes shall be provided based on land capability assessment and a minimum lot size of 2ha and an overall maximum average density of one lot per 4ha.</p> <p>2.0 Objectives</p> <p>The objectives are to—</p> <p>2.1 Allow for a range of lots sizes for small scale intensive agriculture, hobby farms and rural retreats.</p> <p>2.2 Provide for the protection of creeklines, remnant vegetation and encourage revegetation where appropriate to minimise visual impacts and reduce salinity and erosion.</p> <p>2.3 Integrate development with the landscape while providing for bushfire protection and management.</p> <p>3.0 Land Use</p> <p>(a) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> - Single House and associated outbuildings - Home Occupation <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Agriculture—Intensive - Industry—Cottage - Bed and Breakfast - Rural Pursuit/Hobby Farm <p>(c) All other uses not mentioned under (a) and (b) are not permitted.</p> <p>4.0 Horticulture and Viticulture</p> <p>4.1 A nutrient, drainage and irrigation management plan is to be required as a condition of planning consent for applications for horticulture and viticulture and shall have regard to best environmental management practice as outlined in current guidelines and codes of practice.</p> <p>4.2 A management plan that has regard to the Environmental Guidelines for Vineyards, shall be required as a condition of development approval for applications for viticulture.</p> <p>4.3 Local government will only approve of commercial scale horticulture/viticulture enterprises where the proponent can demonstrate the use would be located and managed in such a way as to avoid creating conflicts with existing or likely future uses on adjoining or nearby lots. Appropriate buffers are to be provided to minimise potential impacts such as noise, dust and spray drift.</p> <p>5.0 Building Design, Materials and Colour</p> <p>5.1 Dwelling houses shall not exceed 7.5m in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of local government in order to minimise the visual impacts of such buildings when viewed from surrounding roads.</p> <p>5.2 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of local government.</p> <p>5.3 No boundary fencing shall be permitted within areas of remnant vegetation. Within such areas, delineation of property boundaries shall be by way of cairns or other appropriate means.</p>

Area	Locality	Special Provisions
		<p>5.4 Water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of local government.</p> <p>6.0 Vegetation and Revegetation</p> <p>6.1 No clearing of vegetation shall occur except for—</p> <ul style="list-style-type: none"> (a) Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended); (b) clearing may reasonably be required to construct an approved building and curtilage; (c) trees that are dead, diseased or dangerous; (d) clearing to gain vehicular access to a dwelling approved by the local government; (e) clearing required to establish a low fuel buffer. <p>6.2 Local government may request the WAPC to impose a condition at the time of subdivision requiring revegetation of areas shown on the Plan of Subdivision. Such revegetation shall be appropriately maintained for a minimum of three years and preference should be given to local species.</p> <p>6.3 Additional tree planting may be required as a condition of development approval.</p> <p>6.4 No structures, including fences, shall be permitted within the remnant vegetation protection areas.</p> <p>6.5 Where building envelopes are shown on the Structure Plan, buildings shall be confined to those envelopes.</p> <p>7.0 Water Supply and Drainage</p> <p>7.1 Where lots are not serviced by a reticulated water supply, each dwelling house shall be provided with a water supply with a minimum capacity of 92,000L. This may be supplied from licenced underground water supplies or rainwater storage systems to the satisfaction of local government and the Health Department of W.A.</p> <p>7.2 Construction of dams, bores and drainage works require approval of local government prior to construction.</p> <p>7.3 At the subdivision stage of development, local government may require a stormwater, drainage and nutrient retention management plan to be prepared and implemented.</p> <p>8.0 Effluent Disposal</p> <p>8.1 On-site effluent disposal shall be the responsibility of the individual landowner.</p> <p>8.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by local government and the Health Department of W.A. Systems shall be designated and located to minimise nutrient export and/or release into any waterway or groundwater. Conventional effluent disposal areas for new dwellings shall be set back a minimum of 100m from the natural permanent watercourse and situated 2m above the highest known groundwater level.</p> <p>8.3 Local government shall require the use of amended soil type effluent disposal systems, such as Ecomax/ATU Systems in the following situations—</p> <ul style="list-style-type: none"> - where a 100m setback from a creek line or water course cannot be achieved; - where soil conditions are not conducive to the retention of nutrients; and - in low lying areas. <p>Separation from waterways and ground water shall be determined by local government in conjunction with the Health Department of W.A. A minimum setback of 50m from the creekline and 30m from the drainage line shall be required.</p> <p>Alternative effluent disposal systems and cut off drains may be required on lots with soils prone to winter water logging, as identified on the Structure Plan.</p>

Area	Locality	Special Provisions
		<p>8.4 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of local government and the Health Department of W.A.</p> <p>8.5 No more than one effluent disposal system will be permitted on one lot.</p> <p>9.0 Bushfire Management Control</p> <p>9.1 Subdivision and development is to be in accordance with the Fire Management Plan for the land, as endorsed by DFES and the Shire of Plantagenet, and shall require implementation and maintenance of the developer's, property owner's and local government's responsibilities detailed in that plan.</p> <p>10.0 Road Upgrading</p> <p>10.1 Local government may request the WAPC impose a condition at the time of subdivision for a contribution to the upgrading of the unnamed road on the northern boundary of Location 4853.</p> <p>11.0 Notification of Prospective Owners</p> <p>11.1 Provision shall be made to local government's satisfaction to ensure prospective purchasers are given a copy of these special provisions prior to entering into an agreement to acquire any property.</p> <p>11.2 Prospective purchasers of lots in proximity of the proposed viticulture shall be notified that commercial scale viticulture may be developed on that lot.</p> <p>11.3 Local government may request the WAPC impose a condition at the time of subdivision for the preparation and distribution to prospective purchasers of an information sheet which discourages the keeping of cats and dogs on lots adjacent to Reserve 24095 and promotes measures that should be taken to minimise the impacts pets have on native fauna (e.g. night cat curfews, keeping dogs on leashes etc).</p> <p>11.4 Local government may request the WAPC impose a condition at the time of subdivision for preparation and distribution to prospective purchasers of an information sheet regarding weed and dieback control.</p>
<i>RRes11</i>	Portion of Lot 4815 O'Neill Road, Mount Barker	<p>1.0 Plan of Subdivision</p> <p>1.1 Subdivision shall be generally in accordance with the endorsed Structure Plan (11401-4-001 Rev E).</p> <p>1.2 Further subdivision that creates additional lots other than those shown on the Structure Plan will not be permitted.</p> <p>2.0 Objectives</p> <p>The objectives are to—</p> <p>2.1 Allow for a range of lot sizes for small scale rural retreats in proximity of the townsite and existing community facilities.</p> <p>2.2 Provide for the conservation of landscape and biodiversity values and the protection of remnant vegetation.</p> <p>2.3 Integrate development within the landscape while providing for bushfire protection and management.</p> <p>2.4 Utilise water sensitive and passive solar design principles to ensure effective and efficient use of resources (water and energy).</p> <p>3.0 Land Use</p> <p>(a) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> - Single House and associated outbuildings - Home Occupation <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Industry—Cottage - Bed and Breakfast <p>(c) All other uses not mentioned under (a) and (b) are not permitted.</p>

Area	Locality	Special Provisions
		<p>4.0 Keeping of Livestock/Animals</p> <p>4.1 Intensive agricultural pursuits and the keeping of livestock are not permitted. Given the conservation values of the site and the adjoining golf course, the keeping of dogs and cats is not encouraged.</p> <p>4.2 The owners of pets shall be responsible for ensuring the keeping of such animals does not result in the removal or damage of native flora or fauna or result in nuisance to neighbours and I or adjacent agricultural activities. A 1.8m high dog I stock proof fence is to be erected along the total eastern boundary including adjacent to the first southern 100m of fairway 17 at the time of subdivision.</p> <p>5.0 Building Design, Colour and Location</p> <p>5.1 Houses shall not exceed 7.5m in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of the local government in order to minimise the visual impacts of such buildings when viewed from surrounding roads.</p> <p>5.2 All buildings shall be setback a minimum of 15m from road boundaries and 5m from all other lot boundaries.</p> <p>5.3 Buildings and driveways shall be sensitively located to minimise the need for earthworks and removal of vegetation. All structures shall be confined to the Building Envelopes.</p> <p>5.4 Notwithstanding special provision 5.3, the local government may approve a minor variation to the siting requirements where it can be justified on the basis of topography, vegetation, visual amenity and/or fire safety, provided such variation is consistent with the objectives of the zone.</p> <p>5.5 The local government shall be supportive of developments which incorporate water sensitive and passive solar design elements. If water tanks are to be located on site then these are to be coloured an appropriate natural shade of brown or green.</p> <p>5.6 All buildings shall be built in accordance with AS 3959 (Construction of Buildings in Bush Fire Prone Areas) and will comply in all aspects to a minimum Building Attack Level 19 standard of construction unless the outcomes of the Building Attack Level (BAL) assessment prepared and submitted to local government by individual lot owners at the Building Application stage requires a higher standard to be applied.</p> <p>6.0 Vegetation and Revegetation</p> <p>6.1 No clearing of vegetation shall occur except for—</p> <ul style="list-style-type: none"> (a) clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended) and/or the Shire of Plantagenet Annual Bush Fire Mitigation Notice; (b) clearing required to establish a Building Protection Zone; (c) clearing that may reasonably be required to construct an approved building and curtilage; (d) clearing to gain vehicular access to a house approved by the local government; (e) removal of trees that are dead, diseased or dangerous; and (f) removal of woody weeds. <p>6.2 The local government may request the WAPC impose a condition at the time of subdivision for the removal of weeds as part of subdivisional works.</p> <p>6.3 The local government may request the WAPC impose a condition at the time of subdivision for infill planting in selected areas. Such tree planting shall be for the purpose of providing a visual buffer/landscape screen from the Highway and shall take account of existing overhead powerlines. Preference should be given to local species.</p> <p>6.4 Additional tree planting may be required as a condition of development approval.</p>

Area	Locality	Special Provisions
		<p>6.5 The area designated on the Structure Plan as 'Bushland Protection' is an area of high quality vegetation as determined through environmental assessment. At the subdivision stage, the local government may request the WAPC to impose a condition requiring a Restrictive Covenant to be placed over the Bush Land Protection Area to ensure the environmental quality of the area is maintained. Such covenant is to acknowledge that occasional fuel reduction burns will be necessary with the Bush Land Protection Area.</p> <p>7.0 Effluent Disposal</p> <p>7.1 On-site effluent disposal shall be the responsibility of the individual landowner.</p> <p>7.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by the local government and the Health Department of W.A. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.</p> <p>7.3 The local government shall require the use of alternative type effluent disposal systems, such as Aerobic Treatment Unit (ATU) Systems on all lots. Conventional systems including septic tanks and leach drains will not be permitted.</p> <p>7.4 Variations to the type or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of the local government and the Health Department of W.A.</p> <p>7.5 No more than one effluent disposal system will be permitted on one lot.</p> <p>8.0 Water Supply</p> <p>8.1 At subdivision stage, consideration shall be given to the practicality and reasonableness of provision of a reticulated water supply to the lots.</p> <p>8.2 Where provision of a reticulated water supply is found to be impractical or unreasonable, each single house shall be provided with a water supply with a minimum capacity of 92,000L. This may be supplied from licensed underground water supplies or rainwater storage systems to the satisfaction of the local government and the Health Department of W.A. The 92,000L water supply is to be made available for fire fighting purposes and tanks are to have appropriate couplings to local government and DFES standards to access the water.</p> <p>8.3 Where other uses such as domestic gardens are to be included, the local government may require an alternative water source of a 50,000L rainwater tank to be connected to the house and outbuildings roof areas to provide water for the other uses.</p> <p>8.4 Sufficient roof area will be required to fill these tanks bearing in mind recent advice on declining rainfall.</p> <p>9.0 Bushfire Management</p> <p>9.1 Subdivision and Development shall comply with the Fire Management Plan.</p> <p>9.2 The local government may request the WAPC to impose a condition at the subdivision stage requiring the installation of strategic firebreaks (to gravel standard), fire hydrants and any other requirements of the Fire Management Plan.</p> <p>9.3 The local government may request the WAPC to impose a condition at the subdivision stage requiring a S70A Notification to be lodged on each Certificate of Title proposed by this subdivision in respect of AS 3959 (Construction of Buildings in Bush Fire Prone Areas) which will be applied to all dwellings and associated buildings. The S70A Notification is to also advise that such buildings are required to comply in all aspects to a minimum Building Attack Level 19 standard of construction unless the outcomes of the Building Attack Level (BAL) assessment prepared and submitted to local government by individual lot owners at the Building Application stage requires a higher standard to be applied.</p>

Area	Locality	Special Provisions
		<p>9.4 The local government may request the WAPC to impose a condition at the subdivision stage requiring the implementation of a hazard reduction program, to ensure fuel loads do not exceed 8 tonnes per ha and the Hazard Separation Zone is established.</p> <p>9.5 Provision shall be made to local government's satisfaction to ensure prospective purchasers of land are made aware of the Fire Management Plan, DFES Homeowners Bushfire Survival Manual (or equivalent) and the Shire of Plantagenet Annual Bush Fire Mitigation Notice.</p> <p>9.6 Individual landowners are responsible for the maintenance of hazard reduction areas around approved buildings and any strategic firebreak where it crosses the landowner's lot.</p> <p>9.7 Unlocked fire gates are to be installed where fences are erected across strategic fire accesses shown on the Structure Plan.</p> <p>10.0 Stormwater Management</p> <p>10.1 The local government may request the WAPC impose a condition at the time of subdivision for the preparation of a nutrient stripping/ sediment retention drainage management plan prepared to the standards of the Department of Water and Environmental Regulation.</p> <p>11.0 Roads</p> <p>11.1 No direct vehicular access will be permitted to Albany Highway from lots 2, 3, 5 and 6 as shown on the Structure Plan.</p> <p>11.2 The local government may request the WAPC impose a condition at the subdivision stage for the upgrading of O'Neill Road where it abuts the subject land.</p> <p>12.0 Notification of Prospective Owners</p> <p>12.1 Provision shall be made to local government's satisfaction to ensure prospective purchasers of land are given a copy of these special provisions, the Fire Management Plan and the Homeowners Bushfire Survival Manual (or similar publication) prior to entering into an agreement to acquire any property.</p> <p>12.2 The local government may request the WAPC impose a condition at the time of subdivision for preparation and distribution to prospective purchasers of an information sheet regarding weed management, continuing agricultural activities on adjacent land and responsible pet ownership particularly the control of cats and dogs to protect the Quenda population.</p> <p>12.3 Local government may request the WAPC impose a condition at the time of subdivision requiring notification on the titles of all lots advising the amenity of the lots may be affected by legitimate ongoing agricultural uses on the adjoining land to the east.</p> <p>12.4 Local government may request the WAPC impose a condition at the time of subdivision requiring notification to be placed on the titles of all lots stating that the property is situated in proximity to Albany Highway and may be affected by transport noise. Further information regarding transport noise and noise attenuation measures are available from the local government.</p>
RRes12	Lots 752 and 2 Warburton Road, Mount Barker	<p>1.0 Plan of Subdivision</p> <p>1.1 Subdivision shall be generally in accordance with the Structure Plan.</p> <p>1.2 Further subdivision that creates additional lots other than those shown on the Structure Plan will not be permitted and an average lot size of 1ha is to be maintained over the Guide Plan area.</p> <p>2.0 Objectives</p> <p>2.1 Allow for a range of lot sizes for rural living and small scale hobby farms in proximity of the townsite and existing community facilities.</p>

Area	Locality	Special Provisions
		<p>2.2 Provide for the protection of creeklines and remnant vegetation and, where appropriate, to encourage revegetation to minimise visual impacts and reduce the risk of salinity and erosion.</p> <p>2.3 Integrate development with the landscape while providing for bushfire protection and management.</p> <p>3.0 Land Use</p> <p>(a) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> - Single House and associated outbuildings - Home Occupation <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Industry—Cottage - Bed and Breakfast <p>(c) All other uses not mentioned under (a) and (b) are not permitted.</p> <p>4.0 Keeping of Livestock/Animals</p> <p>4.1 The keeping of livestock shall be restricted to fenced pastured areas of the lot. The owner shall be responsible for maintenance of stock proof fencing to protect remnant vegetation and creekline revegetation areas. Animal numbers shall not exceed the stock rates recommended by Department of Primary Industry and Regional Development. The keeping of animals shall not result in the removal or damage of vegetation and trees or resulting soil degradation and dust nuisance.</p> <p>4.2 The owners of pets shall be responsible for ensuring the keeping of such animals does not result in the removal or damage native flora or fauna or result in nuisance to neighbours and/or adjacent agricultural activities. A 1.8m high dog/stock proof fence is to be erected along the total southern boundary of the zone at the time of subdivision.</p> <p>5.0 Building Design, Materials and Location</p> <p>5.1 Houses shall not exceed 7.5m in height which is measure vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of local government in order to minimise the visual impacts of such buildings when viewed from surrounding roads.</p> <p>5.2 All buildings and structures shall be setback a minimum of 5m from all lot boundaries.</p> <p>5.3 On those lots designated with a Building Envelope on the Structure Plan all structures, other than the boundary fences, shall be confined to the Building Envelope and no buildings shall be permitted in the creekline protection and development exclusion areas shown on the Structure Plan.</p> <p>5.4 Notwithstanding special provision 5.4, the local government may approve a minor variation to the siting requirements where it can be justified on the basis of topography, vegetation, visual amenity and/or fire safety, provided such variation is consistent with the objectives of the zone.</p> <p>5.5 No boundary fencing shall be permitted within the creekline protection areas identified on the Structure Plan. Within such areas, delineation of property boundaries shall be by way of cairns or other appropriate means.</p> <p>5.6 Construction of dams, bores and drainage works require approval of the local government prior to construction.</p> <p>6.0 Vegetation and Revegetation</p> <p>6.1 No clearing of vegetation shall occur except for—</p> <ul style="list-style-type: none"> (a) Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended) and or the Shire of Plantagenet Annual Fire Break Notice; (b) Clearing required to establish a low fuel buffer; (c) Clearing that may reasonably be required to construct an approved building and cartilage;

Area	Locality	Special Provisions
		<p>(d) Clearing the gain vehicular access to a dwelling approved by the local government;</p> <p>(e) Trees that are dead, diseased or dangerous;</p> <p>(f) Removal of woody weeds;</p> <p>No clearing shall be permitted within the creekline protection area.</p> <p>6.2 The local government may request the WAPC impose a condition at the time of subdivision for the preparation of a Foreshore Management Plan for the creekline and associated vegetation in consultation with the Department of Water and Environmental Regulation and the Department of Conservation, Biodiversity and Attractions. That plan is to facilitate the passage of Quenda along the creekline.</p> <p>6.3 The local government may request the WAPC impose a condition at the time of subdivision for tree planting of areas shown on the Structure Plan. Such plantings shall be appropriately maintained for a minimum of three years and preference should be given to local species.</p> <p>6.4 Additional tree planting may be required as a condition of development approval.</p> <p>6.5 No structures, including fences shall be permitted within the creekline protection areas.</p> <p>7.0 Effluent Disposal</p> <p>7.1 On-site effluent disposal shall be the responsibility of the individual landowner.</p> <p>7.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by local government and the Health Department of W.A. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.</p> <p>7.3 All on site effluent disposal systems shall be Aerobic Treatment Unit (ATU) systems. Separation from waterways and ground water shall be determined by the local government in conjunction with the Health Department of W.A. A minimum setback of 50m from the creekline and 30m from the identified edge of flood plain shall be required.</p> <p>7.4 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of the local government and the Health Department of W.A.</p> <p>7.5 No more than one effluent disposal system will be permitted on one lot.</p> <p>8.0 Bushfire Management Control</p> <p>8.1 Subdivision and development shall comply with the Fire Management Plan.</p> <p>8.2 The local government may request the WAPC to impose a condition at the subdivision stage requiring the installation of strategic firebreaks, emergency access points and fire hydrants and the implementation of relevant responsibilities identified in the Fire Management Plan.</p> <p>8.3 The local government shall require that individual landowners are responsible for the maintenance of Building Protection Zones around approved buildings and any strategic firebreak where it crosses the landowner's lot.</p> <p>9.0 Road Upgrading</p> <p>9.1 The local government may request the WAPC impose a condition at the subdivision stage for the upgrading of Warburton Road to a sealed standard where it abuts the subject land.</p> <p>9.2 The local government may request the WAPC impose a condition at the subdivision stage for the upgrading of the intersection of Warburton Road and Martin street.</p> <p>10.0 Drainage</p> <p>10.1 The local government may request the WAPC impose a condition at the subdivision stage for the preparation of a nutrient stripping/sediment retention drainage management plan.</p>

Area	Locality	Special Provisions
		<p>11.0 Water Supply</p> <p>11.1 The local government may request the WAPC impose a condition at the subdivision stage for the provision of reticulated water to all lots.</p> <p>11.2 The local government may request the WAPC impose a condition at the subdivision stage for easements to be provided over the Bolganup water main.</p> <p>12.0 Site Contamination</p> <p>12.1 Prior to subdivision of the potentially affected area, investigation for soil and groundwater contamination shall be carried out in accordance with the Department of Water and Environmental Regulation Contaminated Sites Management Series guidelines.</p> <p>12.2 Remediation, including validation of remediation, of any contamination identified shall be completed prior to the issue of titles.</p> <p>13.0 Notification of Prospective Owners</p> <p>13.1 Provision shall be made to the local government's satisfaction to ensure prospective purchasers of land are given a copy of these special provisions, the Fire Management Plan and the Bush Fire Survival Manual prior to entering into an agreement to acquire any property.</p> <p>13.2 The local government may request the WAPC impose a condition at the time of subdivision for preparation and distribution to prospective purchasers of an information sheet regarding the ecological values of the creekline conservation area, weed management, continuing agricultural activities on adjacent land and responsible pet ownership particularly the control of cats and dogs to protect the Quenda population.</p> <p>13.3 Local government may request the WAPC impose a condition at the time of subdivision requiring placement of a S70A notification on the titles of lots directly adjoining Lot 3. The notification is to advise that amenity of the lots may be affected by legitimate ongoing agricultural uses on the adjoining land.</p>
<i>RRes13</i>	Lot 51 Porongurup Road, Mount Barker	<p>1.0 Plan of Subdivision</p> <p>1.1 Subdivision shall be generally in accordance with a Structure Plan for the land approved by the Western Australian Planning Commission.</p> <p>1.2 Further subdivision that creates additional lots other than those shown on the approved Structure Plan will not be permitted without the Structure Plan first having been amended in accordance with the Planning and Development (Local Planning Scheme) Regulations 2015.</p> <p>2.0 Objectives</p> <p>2.1 Create a lifestyle equestrian rural residential estate in proximity to the townsite and existing community facilities.</p> <p>2.2 Provide for the protection of remnant vegetation where appropriate.</p> <p>2.3 Integrate development with the landscape while providing for bushfire protection and management.</p> <p>2.4 Provide for adequate drainage provision across the site.</p> <p>3.0 Land Use</p> <p>(a) The following uses are permitted ('P') uses—</p> <ul style="list-style-type: none"> - Single House and Associated Outbuildings - Home Occupation - Rural Pursuit/Hobby Farm <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Industry—Cottage - Bed and Breakfast - Home Business <p>(c) All other uses not mentioned under (a) and (b) are not permitted.</p> <p>4.0 Keeping of Livestock/Animals</p> <p>4.1 The keeping of livestock shall be restricted to fenced pastured areas of the lot. The owner shall be responsible for maintenance of stock proof fencing to protect remnant</p>

Area	Locality	Special Provisions
		<p>vegetation. Animal numbers shall not exceed the stock rates recommended by the Department of Agriculture and Food. The keeping of animals shall not result in the removal or damage of vegetation and trees or resulting soil degradation and dust nuisance.</p> <p>5.0 Building Design, Materials and Location</p> <p>5.1 Houses, outbuildings and water tanks shall be designed and constructed of materials which allow them to blend into the rural landscape of the site. The local government will be supportive of walls and roofs with natural tonings in keeping with the amenity of the area, however the local government shall refuse to approve walls and roofs constructed of reflective materials such as unpainted Zincolume and white and off-white colours.</p> <p>5.2 All buildings and structures shall be setback a minimum of 15 metres from all lot boundaries, unless the retention of existing vegetation requires a lesser setback distance approved by the local government.</p> <p>5.3 On those lots designated with a Building Envelope on the approved Structure Plan, all structures, other than the boundary fences, shall be confined to the Building Envelope.</p> <p>5.4 Notwithstanding 5.3, the local government may approve a minor variation to the sitting requirements where it can be justified on the basis of topography, vegetation, visual amenity and/or fire safety, provided such variation is consistent with the objectives of the zone.</p> <p>5.5 Horse stables and yards must be located a minimum distance of 30 metres from any dwelling or dam.</p> <p>5.6 The finished floor level for horse stables must be located at least 1.2 metres above the highest annual groundwater table level. A sand pad may be used to increase the distance from the groundwater table, provided it is acceptable to the local government authority, and it is not located where stormwater runoff can erode the pad.</p> <p>5.7 A minimum 500mm sand pad is to be provided for dwellings and effluent disposal system for Lots 1 to 7 and Lots 23 to 25 as depicted on the approved Structure Plan to ensure adequate separation to the groundwater table.</p> <p>5.8 Buildings are to be setback a minimum distance of 20 metres from the area marked 'Conservation Area' on the approved Structure Plan.</p> <p>5.9 Where identified for lots on the approved Structure Plan, no Single House or other noise-sensitive development will be approved by the local government unless it is satisfied that the development can achieve the relevant construction standards as specified in Appendix E of the acoustic assessment relating to the land (ref: 20250-5-15283).</p> <p>6.0 Vegetation</p> <p>6.1 No clearing of vegetation shall occur except for—</p> <ol style="list-style-type: none"> Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended) and the Shire of Plantagenet Annual Fire Break Notice. Clearing required to establish a low fuel buffer. Clearing that may reasonably be required to construct an approved building and curtilage. Clearing to gain vehicular access to a dwelling approved by the local government. Trees that are dead, diseased or dangerous. Removal of woody weeds or blue gum plantation. <p>6.2 Vegetation within the area identified as 'Conservation Area' on the approved Structure Plan shall not be cleared or removed without the prior written consent of the local government.</p> <p>6.3 The owner shall be responsible for the construction and maintenance of stock proof fencing to protect remnant vegetation and areas identified as 'Conservation Area' on the approved Structure Plan.</p> <p>6.4 The local government may request the Commission impose a condition at the time of subdivision for tree planting</p>

Area	Locality	Special Provisions
		<p>of areas shown on the approved Structure Plan. Such plantings shall be appropriately maintained for a minimum of three years and preference should be given to local species.</p> <p>7.0 Effluent Disposal</p> <p>7.1 On-site effluent disposal shall be responsibility of the individual landowner.</p> <p>7.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by local government and the Department of Health. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.</p> <p>7.3 All on site effluent disposal systems shall be Aerobic Treatment Unit (ATU) systems.</p> <p>7.4 No more than one effluent disposal system will be permitted on one lot.</p> <p>8.0 Bushfire Management Control</p> <p>8.1 Subdivision and development shall comply with the Fire Management Plan.</p> <p>8.2 The local government may request the Commission to impose a condition at the subdivision stage requiring the installation of strategic firebreaks, emergency access points and fire water supply tanks and the implementation of relevant responsibilities identified in the Fire Management Plan.</p> <p>8.3 In the case of mature trees proposed to be removed from the Hazard Separation Zone, a suitably qualified person will need to demonstrate through prior survey, that the tree does not provide habitat refuge for fauna (Black Cockatoos).</p> <p>8.4 Where a Single House is proposed to be erected within the area shown as “*Bushland to meet fire and environmental management requirements” on the approved Structure Plan, the Single House shall be erected to a construction standard of not less than BAL29.</p> <p>8.5 The local government shall require that individual landowners are responsible for the maintenance of Building Protection Zones and Hazard Separation Zones around approved buildings and any strategic firebreaks where it crosses the landowner’s lot.</p> <p>9.0 Road Upgrading</p> <p>9.1 The local government may request the Commission impose a condition at the subdivision stage for the construction and upgrading of Sounness Street and Ormond Road to a sealed standard where they abut the subject land.</p> <p>9.2 The local government may request the Commission impose a condition at the subdivision stage for the upgrading of the internal gravel road servicing the existing strata lots to a sealed standard should the road be reserved as a local road as a requirement of subdivision.</p> <p>10.0 Bridle Trails</p> <p>10.1 The local government may request the Commission impose a condition at the subdivision stage for the construction of bridle trails in accordance with those depicted on the approved Structure Plan.</p> <p>10.2 The local government may request the Commission impose a condition at the subdivision stage requiring the establishment of a management committee and preparation of a management strategy to ensure the ongoing maintenance and management of the bridle trails contained within the approved Structure Plan.</p> <p>11.0 Drainage</p> <p>11.1 Drainage is to be in accordance with the Local Water Management Strategy prepared for the subject site.</p> <p>11.2 The local government may request the Commission impose a condition at the subdivision stage requiring the preparation of an Urban Water Management Plan.</p>

Area	Locality	Special Provisions
		<p>12.0 Water Supply</p> <p>12.1 Each single house shall be provided with a water supply with a minimum capacity of 92,000 litres. This may be supplied from licensed underground water supplies or rainwater storage systems to the satisfaction of the local government and the Health Department of Western Australia. The 92,000 litres water supply is to be made available for fire fighting purposes and tanks are to have appropriate couplings to local government and DFES standards to access the water as detailed in the Fire Management Plan.</p> <p>12.2 Where other uses such as domestic gardens are to be included, the local government may require an alternative water source of a 50,000 litres rainwater tank to be connected to the house and outbuildings roof areas to provide water for other uses.</p> <p>13.0 Notification of Prospective Owners</p> <p>13.1 Provision shall be made to the local government's satisfaction to ensure prospective purchasers of land are given these Special Provisions, the Fire Management Plan and the Bush Fire Survival Manual prior to entering into an agreement to acquire any property.</p> <p>13.2 The local government may request the Commission impose a condition at the time of subdivision for preparation and distribution to prospective purchasers of an information sheet regarding responsibilities for retention of vegetation, weed management, continuing agricultural activities on adjacent land and responsible pet ownership.</p> <p>13.3 Local government will request the Commission impose a condition at the time of subdivision requiring the placement of a notification of the titles of lots in accordance with S165 of the <i>Planning and Development Act 2005</i>, notifying land owners of the existence of the active speedway to the south of the land; the potential for infrequent nuisance of noise as a result of speedway activities; and development on the lot may require inclusion of noise mitigation measures.</p> <p>14.0 Speedway Noise Management Plan</p> <p>14.1 At the time of lodgement of a subdivision or development application of lots as identified on the approved Structure Plan, the proponent shall submit a suitable Speedway Noise Management Plan in accordance with the <i>Environmental Protection Act 1986</i>, in consultation with the local government and Mount Barker Speedway Club Inc.</p>

Schedule 3

SPECIAL REQUIREMENTS FOR RURAL SMALLHOLDINGS ZONES

Area	Locality	Lots	Locations	Special Provisions
RSH 1	Plantagenet St Werburghs Road, Mount Barker		3764	<p>1.0 Structure Plan</p> <p>1.1 Subdivision shall generally be in accordance with the Structure Plan.</p> <p>1.2 The local government will not recommend lot sizes less than 4Ha. The local government may recommend that the WAPC approve minor variations to the Structure Plan.</p> <p>2.0 Objective</p> <p>2.1 To provide for rural smallholding lots from 4ha upwards and allow small scale rural pursuits, hobby farms and alternative residential lifestyles.</p> <p>2.2 To conserve and enhance the landscape quality of the area by ensuring all development is sensitively designed and integrated with the landscape.</p>

Area	Locality	Lots	Locations	Special Provisions
				<p>3.0 Landuse</p> <p>(a) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> - Single House and Associated Outbuildings; - Rural Pursuit/Hobby Farm (subject to special provision 4.0). <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Agriculture—Intensive; - Home Occupation; - Holiday Accommodation; - Industry—Cottage; - Industry—Primary Production; - Winery <p>(c) All other uses not mentioned under (a) and (b) are not permitted.</p> <p>3.1 No development may proceed without local government's development approval.</p> <p>4.0 Keeping of Livestock/Animals</p> <p>4.1 Intensive agricultural pursuits such as piggeries, feed lotting, poultry farms are not permitted. The keeping of livestock shall be restricted to fenced pastured areas of the lot. The owner shall be responsible for the maintenance of stock proof fencing to protect remnant vegetation and revegetation areas. Animal numbers shall not exceed the stocking rates recommended by the Department of Primary Industry and Regional Development. The keeping of animals shall not result in the removal or damage of vegetation and trees or result in soil degradation and dust nuisance.</p> <p>4.2 Where in the opinion of local government the continued presence of animals on any portion of land is likely to contribute, or is contributing to the dust nuisance or soil degradation, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.</p> <p>4.3 Where notice has been served on a landowner in accordance with special provision 4.2, the local government may also require the land to be rehabilitated to its satisfaction within three months of serving the notice.</p> <p>4.4 In the event that such action is not undertaken, local government may carry out such works as are deemed necessary, with all costs being borne by the landowner.</p> <p>5.0 Horticulture and Viticulture</p> <p>5.1 A nutrient, drainage and irrigation management plan is to be required as a condition of development approval for applications for horticulture and viticulture and shall have regard to best environmental management</p>

Area	Locality	Lots	Locations	Special Provisions
				<p>practice as outlined in current guidelines and codes of practice.</p> <p>5.2 A management plan that has regard to the Environmental Guidelines for Vineyards, shall be required as a condition of development approval for applications for viticulture.</p> <p>5.3 Local government will only approve of commercial scale horticulture/viticulture enterprises where the proponent can demonstrate the use would be located and managed in such a way as to avoid creating conflicts with existing or likely future uses on adjoining or nearby lots.</p> <p>6.0 Location of Buildings and Structures</p> <p>6.1 Any variations to the building envelopes shown on the Structure Plan are to comply with relevant fire management requirements, including Hazard Separation and Building Protection Zones, and buffer setbacks from rural landuse which may impact on residential buildings. All buildings shall be set back a minimum of 15m from all boundaries unless otherwise determined by local government.</p> <p>6.2 All dams require the approval of local government prior to construction.</p> <p>7.0 Building Design, Materials and Colour</p> <p>7.1 Dwelling houses shall not exceed 7.5m in height which is measured vertically from the natural ground level. The maximum height of all outbuildings and structures associated with use of the land will be at the discretion of local government in order to minimise the visual impacts of such buildings when viewed from surrounding roads.</p> <p>7.2 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of local government.</p> <p>7.3 Water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of local government.</p> <p>7.4 All habitable buildings are to be constructed to AS 3959.</p> <p>8.0 Vegetation and Revegetation</p> <p>8.1 No clearing of vegetation shall occur except for—</p> <ul style="list-style-type: none"> (a) Clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended); (b) Clearing which may reasonably be required to construct an approved building and curtilage; (c) Trees that are dead, diseased or dangerous;

Area	Locality	Lots	Locations	Special Provisions
				<p>(d) Clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the local government;</p> <p>(e) Clearing required to establish a low fuel buffer;</p> <p>8.2 Additional tree planting and revegetation may be required as a condition of development approval. Revegetation shall utilise local indigenous flora.</p> <p>8.3 In order to minimise clearing, demarcation of lot boundaries within areas of remnant vegetation shall be by way of bollards, stone or concrete cairns or by some other similar means.</p> <p>9.0 Water Supply</p> <p>9.1 Where lots are not serviced by a reticulated water supply, each dwelling house shall be provided with a water supply with a minimum capacity of 92,000L. This may be supplied from licenced underground water supplies or rainwater storage systems to the satisfaction of local government and the Health Department of W.A.</p> <p>10.0 Effluent Disposal</p> <p>10.1 On-site effluent disposal shall be the responsibility of the individual landowner.</p> <p>10.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by local government and the Health Department of W.A. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Conventional effluent disposal areas for new dwellings shall be set back a minimum of 100m from any natural permanent watercourse or water body and situated 2m above the highest known groundwater level.</p> <p>10.3 Local government shall require the use of amended soil type effluent disposal systems, such as Ecomax/ATU Systems in situations where a 100m setback from a drainage line or water body cannot be achieved, where soil conditions are not conducive to the retention of nutrients, and in low lying areas. Separation from waterways and ground water shall be determined by local government in conjunction with the Health Department of W.A. A minimum setback of 50m is required from any creekline.</p> <p>10.4 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of local government and the Health Department of WA.</p>

Area	Locality	Lots	Locations	Special Provisions
				<p>10.5 No more than one effluent disposal system will be permitted on one lot unless approval is granted for short stay holiday accommodation.</p> <p>11.0 Bushfire Management Control</p> <p>11.1 Subdivision and development are to be in accordance with the Fire Management Plan for the land, as endorsed by DFES and the Shire of Plantagenet and shall require the implementation and ongoing maintenance of the developer's, property owner's, and local government's responsibilities as set out in the plan.</p> <p>12.0 Drainage/Roads</p> <p>12.1 All stormwater shall be contained within the site to local government's specification and satisfaction.</p> <p>12.2 At the subdivisional stage the local government may request the WAPC impose a condition requiring a comprehensive Stormwater Management Plan to be prepared for the site utilising water sensitive design principles.</p> <p>12.3 Local government may request the WAPC impose a condition at the subdivision stage to contribute to the upgrade of St Werburgh's Road.</p> <p>12.4 Local government may request the WAPC impose a condition at the subdivisional stage requiring all subdivisional road(s) and battleaxe legs to be constructed to local government's specification and satisfaction.</p> <p>13.0 Notification of Prospective Owners</p> <p>13.1 Provision shall be made to local government's satisfaction to ensure prospective purchasers of land—</p> <p>(a) are given a copy of these Special Provisions prior to entering into an agreement to acquire any property; and</p> <p>(b) acknowledge that horticulture/viticulture uses may be permitted in this area and that these uses may have some impact on smallholding uses.</p>
RSH 2	Porongurup Millinup Road, Porongurup	27	3201 and 3305	<p>1.0 Subdivision/Development Plan</p> <p>1.1 Subdivision shall generally be in accordance with the Structure Plan.</p> <p>1.2 The local government will not recommend lot sizes less than 10ha. The local government may recommend that the WAPC approve minor variation to the Structure Plan.</p> <p>2.0 Objective</p> <p>To provide for limited subdivision and development for larger hobby farms and rural retreats where it can be demonstrated that such development will be compatible with the objectives and recommendations of the Porongurup National Park and views</p>

Area	Locality	Lots	Locations	Special Provisions
				<p>from the scenic tourist route along Millinup Road.</p> <p>3.0 Landuse</p> <p>(a) The following uses are permitted (P)—</p> <ul style="list-style-type: none"> - Single House and Associated Outbuildings. - Rural Pursuit/Hobby Farm. <p>(b) The following uses may be permitted at the discretion of local government (D)—</p> <ul style="list-style-type: none"> - Agriculture—Intensive - Home Occupation. - Industry—Cottage. - Industry—Primary Production. - Holiday Accommodation. <p>(c) All other uses not mentioned under (a) and (b) are not permitted.</p> <p>3.1 No development within the zone may proceed without local government's development approval.</p> <p>3.2 Applications for development approval shall be accompanied by complete details of building materials, colours, site location, elevations from the front and one side and a landscape plan demonstrating how the proposed development can be predominantly screened from Millinup Road.</p> <p>3.3 Intensive commercial agricultural pursuits such as piggeries, intensive poultry farms and feedlots are not permitted.</p> <p>3.4 Approval for horticulture shall be subject to compliance with the Codes of Practice of the Department of Water and Environment Regulation.</p> <p>3.5 The keeping of livestock shall be restricted to fenced pastured areas of the lot. The owner shall be responsible for the construction and maintenance of stock proof fencing to protect remnant vegetation and revegetation areas.</p> <p>3.6 Where in the opinion of local government the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust nuisance or soil degradation, notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.</p> <p>3.7 Where notice has been served on a landowner in accordance with special provision 3.8 the local government may also require the land to be rehabilitated to its satisfaction within three months of serving the notice.</p> <p>3.8 In the event that such action is not undertaken, local government may carry out such works as are deemed necessary, with all costs being borne by the landowner.</p>

Area	Locality	Lots	Locations	Special Provisions
				<p>4.0 Location Of Buildings And Structures</p> <p>Siting of all buildings and structures will require local government approval and will be subject to the following requirements:</p> <p>4.1 Buildings and structures shall be set back a minimum of 30m from Millinup Road, 20m from the northern boundary and 15m from all other boundaries.</p> <p>4.2 Buildings and structures shall be sited to allow a low fuel buffer not less than 20m wide, which does not encroach into remnant vegetation or revegetation areas as designated on the Structure Plan.</p> <p>4.3 Buildings and structures shall avoid exposed sites adjacent to Millinup Road where there is little remnant vegetation within or adjacent to the road reserve.</p> <p>4.4 Buildings and structures shall be offset from driveway crossovers so they are not immediately exposed to Millinup road.</p> <p>4.5 Driveways shall be designed to minimise visual impact and erosion by avoiding long straight lines and should be planted with trees and shrubs.</p> <p>4.6 At the development approval stage a landscape plan shall be provided indicating the number, type and location of shrubs and trees to be planted and maintained as a condition of development approval to effectively minimise the visual impact of all development on the site.</p> <p>4.7 All dams require the approval of local government prior to construction. Dams shall be sited and designed to avoid visual impact from surrounding roads to the satisfaction of local government.</p> <p>5.0 Building Design, Materials and Colour</p> <p>5.1 Dwelling houses shall not exceed 7.5m in height which is measured vertically from the natural ground level. The maximum height of all outbuildings will be at the discretion of local government in order to minimise the visual impacts of such buildings when viewed from surrounding roads.</p> <p>5.2 No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of local government.</p> <p>5.3 Water tanks shall be coloured an appropriate natural shade of brown or green or suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of local government.</p>

Area	Locality	Lots	Locations	Special Provisions
				<p>6.0 Vegetation And Revegetation</p> <p>6.1 No clearing of vegetation shall occur except for—</p> <ul style="list-style-type: none"> (a) clearing to comply with the requirements of the <i>Bush Fires Act 1954</i> (as amended); (b) clearing which may reasonably be required to construct an approved building and curtilage; (c) trees that are dead, diseased or dangerous; (d) clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the local government; (e) clearing required to establish a low fuel buffer. <p>6.2 Local government may request the WAPC to impose a condition at the time of subdivision for the revegetation of areas shown on the Structure Plan. Such revegetation areas shall be appropriately maintained for a minimum of three years.</p> <p>6.3 Additional tree planting may be required as a condition of development approval.</p> <p>7.0 Water Supply</p> <p>Where lots are not serviced by a reticulated water supply, each dwelling house shall be provided with a water supply with a minimum capacity of 92,000L. This may be supplied from licensed underground water supplies or rainwater storage systems to the satisfaction of local government and the Health Department of W.A.</p> <p>8.0 Effluent Disposal</p> <p>8.1 On-site effluent disposal shall be the responsibility of the individual landowner.</p> <p>8.2 The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by local government and the Health Department of W.A. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Conventional effluent disposal systems for new dwellings shall be set back a minimum of 100m from the nearest drainage line and situated 2m above the highest known groundwater level.</p> <p>8.3 Local government shall require the use of amended soil type effluent disposal systems, such as Ecomax/ATU systems in situations where a 100m setback from the drainage line cannot be achieved, where soil conditions are not conducive to the retention of nutrients and in low lying areas.</p>

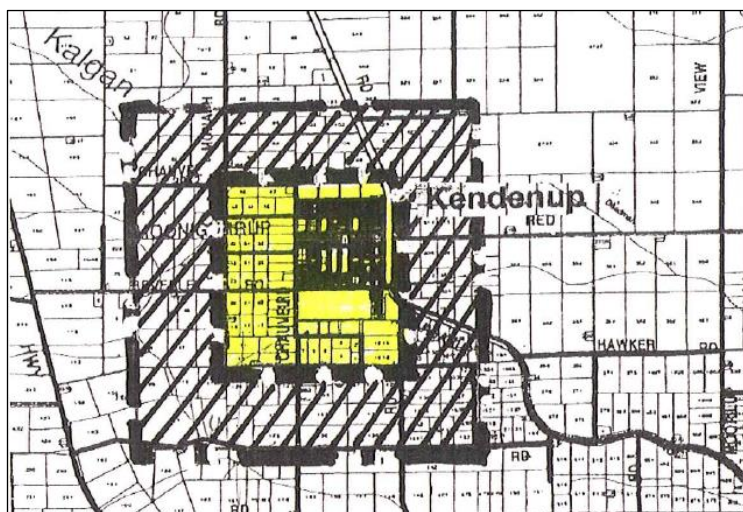
Area	Locality	Lots	Locations	Special Provisions
				<p>Separation from waterways and groundwater shall be determined by local government in conjunction with the Health Department of W.A.</p> <p>8.4 Variations to the design or location of effluent disposal areas will require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impacts to the satisfaction of local government and the Health Department of W.A.</p> <p>8.5 No more than one effluent disposal system will be permitted on one lot unless approval is granted for holiday accommodation.</p> <p>9.0 Bushfire Management Control</p> <p>9.1 Local government may request the WAPC to impose a condition at the time of subdivision for the construction of the strategic firebreak as shown on the Structure Plan.</p> <p>9.2 Where a lot is traversed by a strategic firebreak as shown on the Structure Plan, the owner of the lot shall maintain such firebreak to the satisfaction of local government. Fencing and/or unlocked gates across the strategic firebreak shall only be permitted at the discretion of and to the satisfaction of local government and the DFES.</p> <p>9.3 Low fuel buffers, at least 20m wide shall be established and maintained around all buildings.</p> <p>9.4 The subdivider shall make arrangements to the satisfaction of local government to ensure prospective purchasers are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959 (Construction of Buildings in Bushfire Prone Areas).</p> <p>9.5 Local government may request the WAPC to impose a condition at the time of subdivision for the provision of a water supply for fire fighting and a contribution towards the provision or upgrade of fire protection equipment.</p> <p>10. Notification of Prospective Owners</p> <p>10.1 Provision shall be made to local government's satisfaction to ensure prospective purchasers—</p> <ul style="list-style-type: none"> - are given a copy of these special provisions prior to entering into an agreement to acquire any property; and - acknowledge that horticultural uses may be permitted and that these uses may have adverse impacts on rural residential uses.


Schedule 4
RURAL VILLAGE ZONE—PROVISIONS RELATING TO SPECIFIED AREAS


Structure Plan Area	Description of Land Area	Land Use	Matters to be addressed in Structure Plans	General Provisions
1.	Lots 1 and 1664 Boxhill Road and Lots 5 and 11 Porongurup Road, Porongurup	<p>Orderly and proper development of the Porongurup Rural Village zone in accordance with the principles identified in the Porongurup Rural Village Structure Plan; and</p> <p>1. The following uses are permitted—</p> <p>(i) Within the Karribank Enclave as shown on the Structure Plan map—</p> <ul style="list-style-type: none"> - Grouped Dwellings - Restaurant/cafe - Tourist Accommodation <p>(ii) within the Mayfield Enclave as shown on the Structure Plan map—</p> <ul style="list-style-type: none"> - Group Dwellings <p>(iii) within all other areas of the Structure Plan Map—</p> <ul style="list-style-type: none"> - Single House - Industry Cottage <p>2. The following uses are Discretionary (D)—</p> <ul style="list-style-type: none"> - Home Occupation <p>3. The following uses may be permitted at the discretion of the local government after Notice of Application has been given in accordance with the deemed provisions (A)—</p> <ul style="list-style-type: none"> - Bed and Breakfast - Home Business <p>4. Where the use of any land for a particular purpose is not specifically mentioned above, local government may—</p>	<p>1. No development will be permitted unless it is in accordance with a Structure Plan approved in the manner prescribed in the deemed provisions.</p> <p>2. When considering the proposed Structure Plan, local government will consider the following matters—</p> <ul style="list-style-type: none"> a. Onsite effluent; b. Water demand and supply; c. Drainage; d. Heritage; e. Visual Impact; f. Protection of existing vegetation; g. Bush fire management; h. Traffic management; i. Road Design, pedestrian networks and streetscapes; and j. Community infrastructure. <p>3. Local government expects the proposed Structure Plan to encompass the following supporting documentation—</p> <ul style="list-style-type: none"> • Land Capability; • Environmental Management Plan; • Foreshore Management plan; • Infrastructure and Servicing Report, including Storm Water Management Plan; • Landscape and Visual Impact Study; • Design Guidelines; and • Fire Management Plan. 	<p>1. All lots are to be connected to a reticulated water supply.</p> <p>2. Notwithstanding 1, all new housing will need to provide adequate drinking water by means of rooftop harvesting and storage undertaken to the specification and satisfaction of the local government.</p> <p>3. Any development proposal shall embody the basic premise that development and associated services are secondary to the natural features of the site and development plans will indicate the extent of earthmoving and clearing.</p> <p>4. Greywater systems to be installed in accordance with Department of Health WA requirements to the satisfaction of the local government.</p> <p>5. The keeping of livestock is not permitted. The keeping of cats is not permitted unless kept in a run approved by the local government. The keeping of other domestic pets shall not result in the removal or damage of vegetation and trees. Where in the opinion of local government the keeping of animals is contributing to environmental degradation notice may be served on the owner of the land, requiring immediate removal of those animals specified in the notice.</p> <p>6. No new house or building will be permitted to install wood fire heaters.</p> <p>7. All residential buildings shall be developed in accordance with Design Guidelines adopted by local government.</p> <p>8. On-site effluent disposal shall be the responsibility of the individual landowner. The disposal of liquid and/or solid wastes shall be carried out with an aerobic treatment unit (ATU) or other effluent disposal system approved by the local government and the Health Department of W.A. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.</p> <p>9. No exotic grasses or shrubs or tree areas shall be introduced into the development. All planting to be in accordance with planting guidelines incorporated in the adopted Landscape Plan. The use of deciduous trees on the northern side of houses to allow winter solar access is permitted.</p>
		<p>(i) determine that the use is not consistent with the purpose or objectives of the Rural Village zone and is therefore not permitted; or</p> <p>(ii) determine by absolute majority that the proposed use is consistent with the purpose and objectives of the Rural Village zone thereafter follow the 'A' procedure of the deemed provisions in considering an Application for development approval.</p>		

Schedule 5
SPECIAL CONTROL AREAS

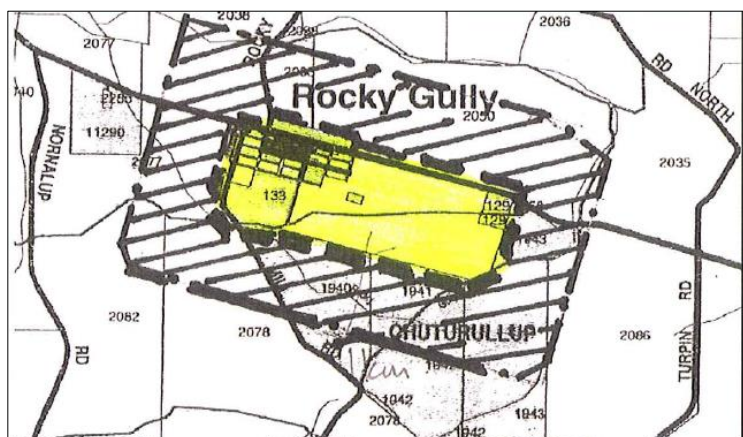
SCA 1: Kendenup Townsite SCA




Townsite Area A  (Timber Plantations not permitted)

Townsite Area B  (Timber Plantations 'A' use on Rural zoned land)

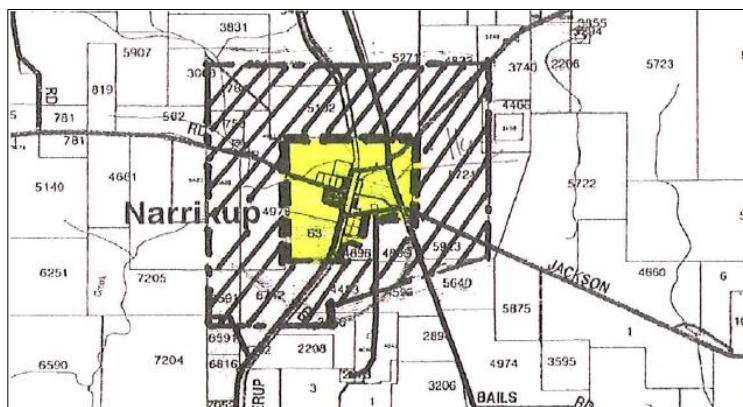
SCA 2: Rocky Gully Townsite SCA





Townsite Area A  (Timber Plantations not permitted)

Townsite Area B  (Timber Plantations 'A' use on Rural zoned land)

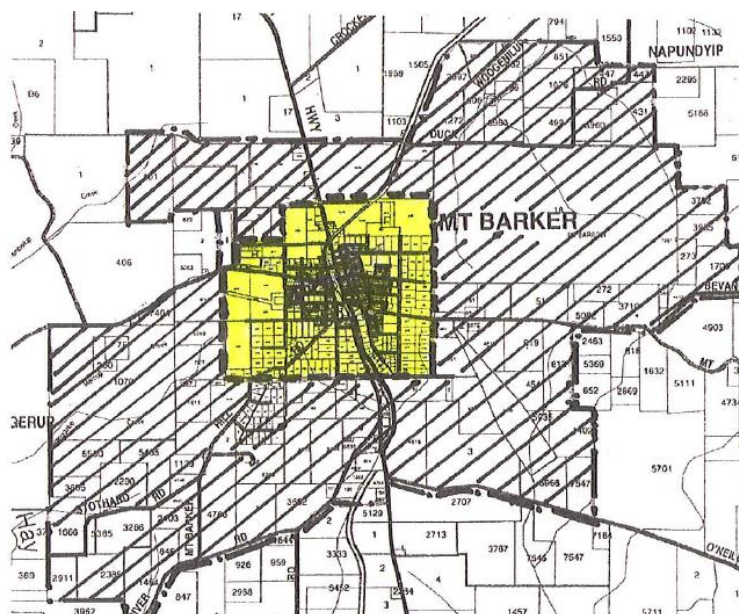
SCA 3: Narrikup Townsite SCA





Townsite Area A  (Timber Plantations not permitted)

Townsite Area B  (Timber Plantations 'A' use on Rural zoned land)

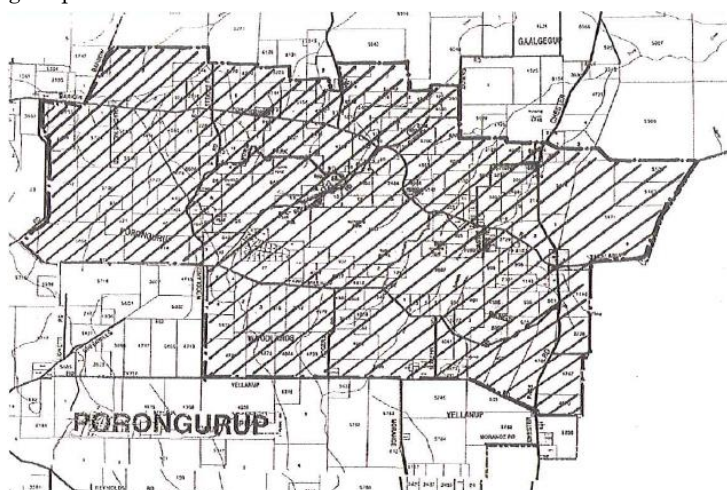
SCA 4: Mount Barker SCA



Townsite Area A  (Timber Plantations not permitted)

Townsite Area B  (Timber Plantations 'A' use on Rural zoned land)

SCA 5: Porongurup SCA



Special Control Area  (Timber Plantations 'A' use on Rural zoned land)

Schedule 6
HERITAGE LIST

No.	Name	Location	Description
1.	Old Police Station, Stables and Courthouse	Reserve 29661 and 23817 Albany Highway, Mount Barker	Restored buildings in historic precinct.
2.	Old Post Office	Lot 10/35 Albany Highway, Mount Barker	Used as an Art Centre Mitchell House
3.	Mount Barker Railway Station Buildings	Reserve 10338, Albany Highway, Mount Barker	Restored
4.	Anglican Church	Reserve 6493, Albany Highway, Mount Barker	Fine example of stone building

No.	Name	Location	Description
5.	Ruins of bush inn	Pt Lot 81, Frost Park off McDonald Avenue, Mount Barker	One of the first buildings of any substance constructed in Mount Barker
6	St Werburghs Chapel	Reserve 41359 St Werburghs Road, Mount Barker	Privately owned fine example of early settlers Chapel
7	Egerton-Warburton Homestead	Lot 20 Goundrey Road, Mount Barker	Early homestead
8	Karri Bank Guest House	Lot 11 Porongurup Road, Porongurup	Timber construction Guest House
9	Bolganup Homestead	Lot 23 Porongurup Road, Porongurup	Early Homestead

(Note: See Part 3—Heritage protection—Deemed provisions)

COUNCIL RESOLUTION TO ADVERTISE LOCAL PLANNING SCHEME

Adopted by resolution of the local government of the Shire of Plantagenet at the Ordinary Meeting of the local government held on the 7th day of November 2017.

CHRIS PAVLOVICH, Shire President

PAUL SHEEDY, A/Chief Executive Officer

COUNCIL RESOLUTION TO SUPPORT SCHEME FOR APPROVAL

Local government resolved to support approval of the draft Scheme of the Shire of Plantagenet Local Planning Scheme No. 5 at the Ordinary Meeting of the local government held on 14th day of August 2018.

The Common Seal of the Shire of Plantagenet was hereunto affixed by authority of a resolution of the local government in the presence of—

CHRIS PAVLOVICH, Shire President

PAUL SHEEDY, A/Chief Executive Officer

WAPC Recommended for Approval—

DAVID SAUNDERS, Delegated under S.16 of the
Planning and Development Act 2005.

Date: 23 November, 2020.

Approval Granted—

RITA SAFFIOTI, Minister for Planning.

Date: 1 December, 2020.