



WESTERN  
AUSTRALIAN  
GOVERNMENT  
**Gazette**

ISSN 1448-949X

PRINT POST APPROVED PP665002/00041

6167



PERTH, FRIDAY, 14 DECEMBER 2007 No. 258 SPECIAL

PUBLISHED BY AUTHORITY JOHN A. STRIJK, GOVERNMENT PRINTER AT 3.00 PM

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PLANNING AND DEVELOPMENT ACT 2005

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**SHIRE OF NANNUP**

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**LOCAL PLANNING SCHEME**

**No. 3**



**PLANNING AND DEVELOPMENT ACT 2005**

## SHIRE OF NANNUP

**LOCAL PLANNING SCHEME No. 3**

Ref: 853/6/17/3

It is hereby notified for public information, in accordance with section 87 of the *Planning and Development Act 2005* that the Minister for Planning and Infrastructure approved the Shire of Nannup Local Planning Scheme No. 3 on 13 November 2007, the scheme text of which is published as a Schedule annexed hereto.

B. DUNNET, Shire President.  
S. A. COLLIE, Chief Executive Officer.

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**PLANNING AND DEVELOPMENT ACT 2005****SHIRE OF NANNUP****LOCAL PLANNING SCHEME No. 3****PART 1—PRELIMINARY****1.1 Citation**

1.1.1 The Shire of Nannup Local Planning Scheme No 3 (‘the Scheme’) comes into operation on its Gazettal date.

1.1.2 The following Scheme is revoked—

Name: Shire of Nannup Town Planning Scheme No 1 as amended from time to time.  
Gazettal Date: 16 September 1983

**1.2 Responsible Authority**

The Shire of Nannup is the responsible authority for implementing the Scheme.

**1.3 Scheme Area**

This Scheme applies to the Scheme Area which covers all of the local government of the Shire of Nannup as shown on the Scheme Map.

**1.4 Contents of Scheme**

This Scheme comprises—

- (a) the Scheme Text; and
- (b) the Scheme Map (sheets 1—7).

The Scheme is to be read in conjunction with the Local Planning Strategy.

**1.5 Purposes of the Scheme**

The purposes of this Scheme is to:—

- (a) set out the local government’s planning aims and intentions for the Scheme Area;
- (b) specify the local government’s clear development and environmental objectives for the Scheme Area
- (c) set aside land as reserves for public purposes;
- (d) zone land within the Scheme Area for the purposes defined in the Scheme;
- (e) control and guide land use and development;
- (f) set out procedures for the assessment and determination of planning applications;
- (g) make provision for the administration and enforcement of the Scheme; and
- (h) address other matters contained in the First Schedule to the Town Planning Act.

**1.6 The Aims of the Scheme**

1.6.1 The local government’s general aim is to recognise the unique qualities and characteristics of the Scheme Area and safeguard its natural resources, whilst promoting sustainable development through diversified residential, commercial, industrial, agricultural, timber, tourist and resource based activities

1.6.2 The local government’s general intentions are—

- (a) To ensure there is sufficient supply of serviced and suitable land for housing, commercial activities, community facilities, recreation and open space.
- (b) To assist employment and economic growth by facilitating the timely provision of suitable land for retail, commercial, industrial, entertainment and tourist development, as well as providing opportunities for home-based employment.
- (c) To promote the sustainable use of rural land for agricultural purposes whilst accommodating other rural activities.
- (d) To manage the use and development of land by means of zoning and development controls to achieve compatibility between land uses, and the preservation, and where possible the enhancement of visual amenity of urban and rural uses.

- (e) To protect and enhance the environmental values and natural resources of the Shire and to promote ecologically sustainable land use and development.
- (f) To safeguard and enhance the character and amenity of the built and natural environment of the Scheme Area.
- (g) To ensure that existing and future residents enjoy a range of attractive living environments and have access to the widest possible range of services and amenities.
- (h) To recognise and protect places of natural beauty, historic interest and scientific interest that are considered to be important to the heritage of the Shire.
- (i) To assist in the effective implementation of regional plans, strategies and policies.
- (j) To make provision for other matters authorised by the Act.

### 1.7 Definitions

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

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

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

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

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

*Note: Reference to the Residential Design Codes and their application in respect of the Scheme are contained in clause 5.2.*

### 1.8 Relationship with Other Laws

Where a provision of this Scheme is inconsistent with any local law, the provisions of this Scheme shall prevail.

## PART 2—LOCAL PLANNING FRAMEWORK

### 2.1 Scheme Determinations to Conform with Local Planning Strategy

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

*Note: A Local Planning Strategy has been prepared and endorsed under the Town Planning Regulations 1967.*

### 2.2 Local Planning Policies

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

- (a) generally or for a particular class or classes of matters; and
- (b) throughout the Scheme Area or in one or more parts of the Scheme Area;

and may amend or add to or rescind a Policy so prepared.

### 2.3 Relationship of Local Planning Policies to Scheme

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

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

*Note: Local Planning Policies are guidelines used to assist the local government in making decisions under the Scheme. Although Local Planning Policies are not part of the Scheme they must be consistent with, and cannot vary, the intent of the Scheme provisions, including the Residential Design Codes. In exercising powers under the Scheme, the Council must have due regard to relevant Local Planning Policies as required under clause 10.2.*

### 2.4 Procedures for Making and Amending a Local Planning Policy

2.4.1 A Local Planning Policy shall become operative only after the following procedures have been completed—

- (a) the local government having prepared and adopted a draft Policy shall advertise the draft Policy by way of a notice published once a week for two consecutive weeks in a local newspaper circulating within the Scheme Area and by such other methods as the local government may consider appropriate to ensure notice of the draft Policy, giving details of where the draft Policy may be inspected, the subject and nature of the draft Policy and in what form and during what period (being not less than 21 days from the date specified in the notice) submissions may be made;



- (b) the local government is to carry out such other consultations as it thinks fit;
  - (c) the local government is to review the draft Policy in the light of any submissions made and shall then resolve either to finally adopt the draft Policy with or without modification, or not to proceed with the draft Policy;
  - (d) following final adoption of a Policy, notification of the final adoption shall be published once in a newspaper circulating within the Scheme Area; and
  - (e) where, in the opinion of the local government, the provisions of any Policy affect the interests of the Commission, a copy of the Policy shall be forwarded to the Commission.
- 2.4.2 Copies of any Policy shall be kept and made available for public inspection at the offices of the local government.
- 2.4.3 Any amendment or addition to a Policy shall follow the procedures set out in (a)—(e) above.

### **2.5 Revocation of a Local Planning Policy**

A Local Planning Policy may be revoked by—

- (a) the adoption by the local government of a new Policy under clause 2.4 that is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for two consecutive weeks in a newspaper circulating in the Scheme Area.

## **PART 3—RESERVES**

### **3.1 Reserves**

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

### **3.2 Local Reserves**

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

### **3.3 Use and Development of Local Reserves**

3.3.1 A person must not—

- (a) use a Local Reserve; or
- (b) commence or carry out development on a Local Reserve

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

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

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

3.3.2 In the case of land reserved for the purposes of a public authority, the local government is to consult with that authority before determining an application for planning approval

## **PART 4—ZONES AND THE USE OF LAND**

### **4.1 Zones**

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

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

### **4.2 Objectives of the Zones**

The broad objectives of the zones are—

- **Agriculture Zone**  
To provide for the sustainable use of land for a range of rural pursuits which are compatible with the capability of the land, whilst retaining the rural character and amenity of land within the zone.
- **Agriculture Priority 1—Scott Coastal Plain Zone**  
To provide for the continued establishment of large-scale agricultural operations within the Scott Coastal Plain locality, whilst allowing where appropriate, limited forms of non-agricultural development.
- **Agriculture Priority 2 Zone**  
To provide for the continued establishment of agricultural operations, whilst allowing, where appropriate, limited forms of non-agricultural development.
- **Cluster Farming Zone**  
To provide for a mix of agricultural and residential development based on a sustainable agricultural theme.
- **Coastal Landscape Zone**  
To protect significant landscapes and environmental features and provide for development which is compatible with and which will enhance the landscape and environmental qualities of the area.

- **Industry Zone**  
To provide for light, service and general industries, and associated uses, which by the nature of their operations, are not required to be situated so as to be remote from residential areas.
- **Mixed Use Zone**  
To provide for residential, offices, commercial and other compatible uses which complement the mixed use character of a locality.
- **Residential Zone (R Codes 10 to 15)**  
To provide for residential development at a range of densities with a variety of housing to meet the needs of different household types through the application of the Residential Design Codes
- **Special Residential Zone**  
To provide within a rural residential environment, low density residential use with a high level of infrastructure, in close proximity to the urban services of the district.
- **Special Rural Zone**  
To provide for residential use in a rural environment.
- **Special Use Zone**  
Refer to Clause 4.7
- **Town Centre Zone**  
To provide for retail shopping, office and commercial development together with social, recreational and community activities servicing the Nannup Townsite as a whole.

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

#### 4.3 Zoning Table

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

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

- ‘P’ means that the use is permitted by the Scheme providing the use complies with the relevant development standards and requirements of the Scheme.
- ‘D’ means that the use is not permitted unless the local government has exercised its discretion by granting planning approval.
- ‘A’ means that the use is not permitted unless the local government has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 9.4.
- ‘X’ means a use that is not permitted by the Scheme.

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

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

4.3.4 In relation to the Zoning Table, the following applies:

- **animal boarding** includes cattery and dog kennels.
- **animal husbandry—intensive** includes animal keeping, stable, piggery and poultry farm.
- **agriculture—intensive** includes market garden.
- **caravan park** includes park home park.
- **consulting room(s)** includes medical centre.
- **education establishment** includes business college, college, pre-primary school, school and university
- **entertainment centre** includes amusement parlour, cinema, theatre, club premises, night club, reception centre and special facility.
- **exhibition centre** includes art gallery and museum.
- **industry—light** includes timber yard.
- **industry—rural** includes sawmill.
- **industry—service** includes dry cleaning premises, laundromat, motor vehicle repair, motor vehicle wash and service station.
- **market** includes stall—general and stall—wayside.
- **office** includes administration office, bank, real estate agency and travel agency.
- **recreation and leisure** includes health club, recreation-private and recreation public.
- **research centre** includes research laboratory.

- **residential building** includes aged/dependent persons home, backpacker's accommodation, workers accommodation and lodging house.
- **restaurant** includes café and fast food outlet.
- **rural pursuit** includes equestrian activity and hobby farm.
- **shop** includes art and craft centre, convenience store, home store and lunch bar.
- **storage** includes contractor's yard and salvage yard.
- **transport depot** includes ambulance depot, fire brigades depot and milk depot.

Note—

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

#### 4.4 Interpretation of the Zoning Table

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

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

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

ZONING TABLE

	Agriculture	Agriculture Priority 1—Scott Coastal Plain	Agriculture Priority 2	Cluster Farming	Coastal Landscape	Industry	Mixed Use	Residential	Special Residential	Special Rural	Town Centre
Abattoir	D	D	D	X	D	X	X	X	X	X	X
Agriculture—Extensive	P	P	P	P	P	X	X	X	X	P	X
Agriculture—Intensive	P	P	P	D	D	X	X	X	X	D	X
Animal Boarding	D	D	D	X	D	X	X	X	X	A	X
Animal Husbandry—Intensive	D	D	D	D	D	X	X	X	X	A	X
Bed & Breakfast Accommodation	D	D	D	D	D	X	D	D	D	D	D
Camping Area	A	A	A	A	A	X	X	X	X	X	X
Car Park	A	A	A	D	D	D	D	A	X	X	D
Caravan Park	A	A	A	A	A	X	A	X	X	X	A
Caretaker's Dwelling	D	D	D	D	D	D	D	D	X	X	D
Chalet Development	A	A	A	A	A	X	X	X	A	X	X
Child Care Centre	X	X	X	X	X	X	D	A	A	A	D
Civic Use	D	D	D	D	D	D	D	D	D	D	D
Community Purpose	D	D	D	D	D	D	D	D	D	D	D
Consulting Rooms	X	X	X	X	X	X	D	A	A	A	D
Corrective Institution	A	A	A	X	A	X	A	X	X	X	X

	Agriculture	Agriculture Priority 1—Scott Coastal Plain	Agriculture Priority 2	Cluster Farming	Coastal Landscape	Industry	Mixed Use	Residential	Special Residential	Special Rural	Town Centre
Cottage Industry	D	D	D	D	D	D	D	D	D	D	D
Dwelling—Single Dwelling	P	P	P	P	P	X	P	P	P	P	P
Dwelling—Grouped Dwelling	X	X	X	X	X	X	D	D	X	X	D
Education Centre	A	A	A	A	A	X	A	A	X	X	A
Entertainment Centre	A	A	A	A	A	X	D	X	X	X	D
Exhibition Centre	A	A	A	A	A	X	D	A	X	X	D
Factory Unit Building	X	X	X	X	X	P	D	X	X	X	D
Farm Supply Centre	A	A	A	X	A	D	D	X	X	X	D
Fuel Depot	A	A	A	X	X	X	A	X	X	X	A
Funeral Parlour	X	X	X	X	X	D	D	X	X	X	D
Garden Centre	A	A	A	X	D	D	P	X	A	A	P
Home Business	D	D	D	D	D	X	D	D	D	D	D
Home Occupation	D	D	D	D	D	X	D	D	D	D	D
Home Office	P	P	P	P	P	X	P	P	P	P	P
Hospital	X	X	X	X	X	X	D	X	X	X	D
Hotel	X	X	X	X	X	X	D	X	X	X	D
Industry—Extractive	A	A	A	X	A	X	X	X	X	X	X
Industry—General	X	X	X	X	X	P	D	X	X	X	D
Industry—Hazardous	A	A	A	X	A	A	X	X	X	X	X
Industry—Light	X	X	X	X	X	P	D	X	X	X	D
Industry—Rural	D	D	D	D	D	D	D	X	X	X	D
Industry—Service	X	X	X	X	X	P	D	X	X	X	D
Market	D	D	D	D	D	D	D	D	D	D	D
Medical Centre	X	X	X	X	X	X	D	A	X	X	D
Motel	X	X	X	X	X	X	D	X	X	X	D
Motor Vehicle Wrecking	A	X	X	X	X	P	A	X	X	X	D
Office	X	X	X	D	X	D	D	X	X	X	D
Place of Assembly	A	A	A	A	A	X	D	A	X	X	D
Place of Worship	A	A	A	X	A	X	D	A	X	X	D
Plantation	D	D	D	D	D	X	X	X	X	X	X
Plant Nursery	A	A	A	A	A	D	P	X	X	X	P
Public Utility	P	P	P	P	P	P	P	P	P	P	P
Recreation and Leisure	D	D	D	D	D	D	D	A	A	A	D
Research Centre	A	A	A	A	D	A	D	X	X	X	D
Residential Building	A	A	A	A	D	X	D	D	A	A	D
Restaurant	A	A	A	A	A	X	D	X	X	X	D
Restricted Premises	X	X	X	X	X	D	A	X	X	X	D
Roadhouse	A	A	A	X	A	A	A	X	X	X	A
Rural Pursuit	P	P	P	P	P	X	X	X	P	P	X
Salvage Yard	X	X	X	X	X	D	D	X	X	X	D
Shop	X	X	X	A	X	D	P	X	X	X	P
Showroom	X	X	X	A	X	D	P	X	X	X	P
Stock & Sale Yard	D	D	D	X	D	D	X	X	X	X	X
Storage Units or Yard	X	X	X	X	X	P	P	X	X	X	P
Tavern	X	A	A	X	A	X	D	X	X	X	D

	Agriculture	Agriculture Priority 1—Scott Coastal Plain	Agriculture Priority 2	Cluster Farming	Coastal Landscape	Industry	Mixed Use	Residential	Special Residential	Special Rural	Town Centre
Telecommunications Infrastructure	D	X	X	D	X	D	D	D	D	D	D
Trade Display	D	D	D	D	D	D	D	X	X	X	D
Transport Depot	A	A	A	X	A	D	D	X	X	X	D
Veterinary Centre	D	D	D	A	D	D	P	X	X	X	P
Warehouse	X	X	X	X	X	D	D	X	X	X	D
Winery	D	D	D	A	D	X	A	A	X	X	A
Workers Accommodation	D	D	D	D	D	X	X	X	X	X	X

#### 4.5 Additional Uses

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

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

#### 4.6 Restricted Uses

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

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

#### 4.7 Special Use Zones

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

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

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

#### 4.8 Non-Conforming Uses

Except as otherwise provided in this Scheme, no provision of the Scheme shall be deemed to prevent—

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

*Note: 'Land' has the same meaning as in the Town Planning Act and includes houses, buildings and other works and structures.*

#### 4.9 Extensions and Changes to a Non-Conforming Use

4.9.1 A person must not—

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

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

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

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

#### 4.10 Discontinuance of Non-Conforming Use

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

#### 4.11 Termination of a Non-Conforming Use

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

*Note: Section 13 of the Town Planning Act enables the local government to purchase, or, with the consent of the Governor, compulsorily acquire land for the purpose of a town planning scheme, subject to Part 9 of the land Administration Act, that section and the Scheme.*

#### 4.12 Destruction of Non-Conforming Use Buildings

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

#### 4.13 General Provisions Relating to Zones

##### 4.13.1 Agriculture Zone

###### 4.13.1.1 Specific Objectives of the Zone—

- (a) To preserve the rural character and setting of the zone, particularly along transport corridors;
- (b) To promote a range of rural pursuits which are compatible with the capability of the land to sustain those pursuits;
- (c) To conserve the productive potential of agricultural land and support the continued development of extensive farming; and
- (d) To encourage environmental sustainable development that takes into account the land's natural attributes, including topography, geomorphology, remnant vegetation, watercourses and groundwater.

###### 4.13.1.2 Residential Development

No more than one single dwelling may be developed on a lot within the Agriculture zone, except where the local government is satisfied that workers accommodation is necessary for the continuation of an agricultural or other permitted land use. Criteria for the development of workers accommodation is contained in sub-clause 5.8.16.

###### 4.13.1.3 Building Setbacks

All development shall be setback—

- (a) 50 metres from any boundary having frontage to a Major Road Reserve;
- (b) 20 metres from all other boundaries.

###### 4.13.1.4 Subdivision

Council's guidelines in assessing referrals from the Western Australian Planning Commission for the subdivision of land within the zone will be—

- Where land is to be used for annual or perennial horticulture production, subdivision should be based on a minimum lot size of 40 hectares, including a minimum area of high capability (class 1 or 2) land of 30 hectares, in addition to sufficient area for water capture/storage, the siting of a dwelling and agricultural buildings, other infrastructure, protection of any remnant vegetation, and sufficient setbacks from watercourses and adjoining properties so as not to restrict potential agricultural productivity on those properties;
- Where land is to be used for grazing, cropping and other general agricultural practices, subdivision should be based on a minimum lot size of 80 hectares;
- Where an agricultural trade lot is proposed a minimum lot size of 40 hectares is required. The development of a dwelling on an agricultural trade lot is prohibited under the Scheme.

##### 4.13.2 Agriculture Priority 1—Scott Coastal Plain Zone

###### 4.13.2.1 Specific Objectives of the Zone

- (a) To conserve the productive potential of the land and support the continued development of large scale agricultural establishments;
- (b) To preserve the rural character and setting of the zone
- (c) To encourage environmental sustainable development that takes into account the land's natural attributes, including geomorphology, remnant vegetation, watercourses and groundwater;
- (d) To ensure that any non-agricultural development is complementary to the predominant agricultural use and capability of the land; and
- (e) To provide for intensive or extensive development of the land appropriate to the agricultural capability of that land.

###### 4.13.2.2 Residential Development

No more than one single dwelling may be developed on a lot, except where the local government is satisfied that workers accommodation is necessary for the continuation of an agricultural or other permitted land use. Criteria for the development of workers accommodation is contained in sub-clause 5.8.16.

#### 4.13.2.3 Building Setbacks

Development is to be setback 20 metres from all boundaries.

#### 4.13.2.4 Subdivision

Council's guidelines in assessing referrals from the Western Australian Planning Commission for the subdivision of land within the zone will be to maintain the productive capacity of the land and the economy of scale of operations and to reduce the potential impacts of competing land uses, there is a clear presumption against any subdivision of the existing lots, regardless of their current size.

### 4.13.3 Agriculture Priority 2 Zone

#### 4.13.3.1 Specific Objectives of the Zone

- (a) To conserve the productive potential of the land and support the continued development of large scale agricultural establishments;
- (b) To preserve the rural character and setting of the zone; and
- (c) To ensure that any non-agricultural development is complementary to the predominant agricultural use and capability of the land;

#### 4.13.3.2 Residential Development

No more than one single dwelling may be developed on a lot, except where the local government is satisfied that workers accommodation is necessary for the continuation of an agricultural or other permitted land use. Criteria for the development of workers accommodation is contained in sub-clause 5.8.16.

#### 4.13.3.3 Building Setbacks

Development is to be setback 20 metres from all boundaries.

#### 4.13.3.4 Subdivision

Council's guidelines in assessing referrals from the Western Australian Planning Commission for the subdivision of land within the zone will be—

- Where land is to be used for annual or perennial horticulture production, subdivision should be based on a minimum lot size of 40 hectares. The applicant will be required to demonstrate that a minimum area of high capability (class 1 or 2) land of 30 hectares is available to each lot, in addition to sufficient area for water capture/storage, the siting of a dwelling and agricultural buildings, other infrastructure, protection of any remnant vegetation, and sufficient setbacks from watercourses and adjoining properties so as not to restrict potential agricultural productivity on those properties;
- Where land is to be used for grazing, cropping and other general agricultural practices, subdivision should be based on a minimum lot size of 80 hectares, where it can be clearly demonstrated that the subdivision will be beneficial to sustainable agricultural production and land management on the subject land and will not be prejudicial to similar production and management on adjoining lands.
- Where an agricultural trade lot is proposed a minimum lot size of 40 hectares is required. The development of a dwelling on an agricultural trade lot is prohibited under the Scheme.

### 4.13.4 Cluster Farming Zone

#### 4.13.4.1 Specific Objectives of the Zone

- (a) Facilitate opportunities for enhancement of the agricultural base of the district by facilitating agricultural-residential linked development; and
- (b) Encourage the creation and development of lots suitable for intensive agriculture and horticulture where it can be proven that the land is capable of accommodating such uses;

#### 4.13.4.2 Site Selection Criteria for the Zone

The local government will only support a cluster farm proposal where such proposal meets the following criteria—

- (a) The proposal promotes an intensification of agricultural use of agricultural land.
- (b) The proposal demonstrates to the satisfaction of the local government that agricultural production is a primary element of the project on a continuing basis.
- (c) The site is capable of supporting the extent of proposed agricultural and residential development in terms of water supply and land capability.
- (d) The site is of a size not less than 60 hectares.
- (e) The residential density not exceeding a ratio of two residential lots for every 10ha of potential land area identified for intensive agriculture. The maximum number of lots permitted in each zone is 20.
- (f) The residential cluster component including tourist lots shall not exceed 10% of the property area and individual residential lots shall be within the range of 2000m<sup>2</sup> to 1 hectare.
- (g) Tourist development is to be low key in scale, ancillary to agricultural production and use of the land consistent with the opportunities under the Local Planning Strategy.
- (h) Lots separate from the agricultural component of the cluster farm will not be supported.
- (i) The site is capable of absorbing changes in the landscape through sensitive location of the built component of the land, or appropriate landscaping techniques.

- (j) Proposals must demonstrate that the land is capable of sustaining both residential and agricultural components without detrimental impacts on the natural and rural environment.
- (k) Any other criteria referred to in the Local Planning Strategy.

#### 4.13.4.3 Rezoning

Prior to rezoning, the local government will require submission of a development guide plan in accordance with Schedule 14, and a supporting report that satisfactorily address the following—

- (a) That the land is fit for the proposed intensification of agriculture and the proposed residential development. The land capability report is to include a soil and water assessment to test for contamination from past/present agricultural practices.
- (b) Minimisation of landscape and environmental impact—Proposals will be required to protect or enhance the visual or scenic character of an area, with minimal clearances of existing remnant vegetation or modify the existing landscape. The use of extensive screen fencing, bunding or tree planting inconsistent with the existing landscape will not be supported.
- (c) any other matter requested by the local government.

#### 4.13.4.4 Servicing

Proposals are to demonstrate the ability to be appropriately serviced to meet the needs of the residential and agricultural components in relation to the provision of access, water, power, wastewater disposal, fire control and communal facilities whilst ensuring environmental values are maintained. Proposals that rely on connection to existing remote services are unlikely to be sustainable or comply with other criteria. Cluster farm proposals are to demonstrate the following—

- (a) Access to a sustainable water supply for the residential and agricultural components.
- (b) Connection of the residential component to a sustainable wastewater system.
- (c) Road Access—The Cluster farm is to be serviced by roads to and within the property of what the local government believes are of a suitable standard to accommodate the level of traffic anticipated to be generated by the proposed intensive agriculture and residential activities. Proposals that require substantial upgrading of access to the property and are remote from main traffic routes may not be supported.
- (d) Fire Management—A Fire Management Plan will be required addressing such matters as emergency water supplies, potential hydrant provision, strategic fire breaks, buffers, long term fire control and management arrangements. Proposals within high fire risk areas or remote from emergency fire fighting services will generally not be supported.

#### 4.13.4.5 Development

- (a) No more than one dwelling house per residential lot will be permitted.
- (b) The development of a dwelling or dwellings on the land set aside for intensive agriculture will only be permitted where required for the management of the land.
- (c) The local government will only recommend support to the Commission when considering applications for subdivision of land within the Cluster Farming Zone until such time as a minimum 10% of the agricultural component of the Cluster Farm has been established.

#### 4.13.4.6 Subdivision

In considering proposals to rezone land to the Cluster Farming Zone, and subsequent applications for subdivision to the Western Australian Planning Commission, Council will apply the following criteria to the subject land—

- have a parent title of not less than 60 hectares;
- be intrinsically linked to intensive agriculture, particularly viticulture or horticulture and the landscape character of the area. The linkage is to be via survey strata tenure or other approved management linkage between the residential and agricultural components;
- not be located further than 10km from the Nannup townsite;
- have a maximum ratio of two residential lots for every 10ha of potential land area identified for intensive agriculture;
- be based on demonstrated sustainability for agriculture that requires high capital investment;
- restrict the non-agricultural component of the site to 10%;
- limit the number of residential lots to a maximum of 20;
- restrict the size of residential lots to between 2000-4000 square metres to ensure a clustered design is achieved;
- operate and have controlled management through legal arrangements that establishes a framework for the development of the cluster farm and ensures that prospective landowners are directly responsible for the continued agricultural operation of the farm to ensure a strong link between residential and agricultural components;
- demonstrate how potential conflicts with surrounding and nearby land uses are reduced or avoided through appropriate location, access, theme design and buffers, to ensure that the residential component is compatible with agriculture in the area and will not sterilise adjoining farmland;
- demonstrate that the land is capable of sustaining both residential and agricultural components without detrimental impacts on the natural and rural environment;
- demonstrate that the land is fit for residential development in the form of a land capability report that includes a soil and water assessment to test for contamination from past/present agricultural practices;



- protect or enhance the visual or scenic character of an area, with minimal clearing of existing remnant vegetation or modification to the existing landscape required to accommodate the proposed development;
- demonstrate the ability to be appropriately serviced in order to meet the needs of the residential and agricultural components in relation to the provision of access, water, power, wastewater disposal, fire control and communal facilities (if necessary) whilst ensuring environmental values are maintained;
- guarantee a sustainable water supply;
- have a Fire Management Plan that addresses such matters as emergency water supplies, potential hydrant provision, strategic fire breaks, buffers, long term fire control and management arrangements;
- not be within a high fire risk areas or remote from emergency fire fighting services;
- include the provision of a community focus and development theme.

#### 4.13.4.7 Special Provisions

In addition to those other provisions of the Scheme that may apply to land within the Cluster Farming Zone, Schedule 15 sets out the specific land use and development control provisions that apply to individual Cluster Farming zones.

### 4.13.5 Coastal Landscape Zone

#### 4.13.5.1 Specific Objectives of the Zone

- (a) To protect the significant landscapes and environmental features of the locality; and
- (b) To provide for development which is compatible with and will preserve and enhance the landscape and environmental qualities of the locality.

#### 4.13.5.2 Building Setbacks

All development is to be setback a minimum 20 metres from all boundaries

#### 4.13.5.3 Development Standards

- (a) All development shall be located as to not have any adverse impact outside the boundary of the subject lot;
- (b) All development should be designed and located as to be compatible with and complementary to the visual landscape, in particular it should not be sited on exposed dunes or in visually conspicuous positions;
- (c) All development and associated waste/effluent disposal systems are to have adequate setback from watercourses in order to protect the sensitive environment of the area.

#### 4.13.5.4 Residential Development

No more than one single dwelling may be developed on a lot, except where the local government is satisfied that workers accommodation is necessary for the continuation of an agricultural or other permitted land use. Criteria for the development of workers accommodation is contained in sub-clause 5.8.16.

#### 4.13.5.5 Subdivision

Council will not recommend approval to subdivision (other than for boundary realignments, where they can be demonstrated as being necessary) until such a time as the WAPC has endorsed a Coastal Management Strategy relating to this zone. The Coastal Management Strategy will address issues such as appropriate lot sizes, need for additional roads and other infrastructure, methods of preserving vegetation and the need for structure planning prior to subdivision.

#### 4.13.5.6 Development of Land Abutting Coast

For any development other than a single residential dwelling and uses associated with an established or proposed agricultural use on land abutting the coastline or vacant crown land that itself abuts the coast, a site specific coastal management plan is to be prepared to the satisfaction of the local government, addressing (but not limited to) the following issues—

- Setbacks for development;
- Dune and vegetation protection measures;
- Beach access points;
- Vehicle movement control;
- Fencing;
- Fire management;
- Vesting of any adjacent unallocated crown land (if applicable); and
- Visual amenity.

### 4.13.6 Industry Zone

#### 4.13.6.1 Specific Objectives of the Zone

- (a) To ensure sufficient land is set aside to meet demand for industrial development;
- (b) To encourage and facilitate employment generating development which will contribute to the economic and social well-being of the district;
- (c) To minimise land use conflict between industrial and other land uses; and
- (d) To provide for industrial, light industrial, service and storage uses which by their nature should be removed from residential areas.

#### 4.13.6.2 Building Setbacks

- (a) Development shall be setback 6 metres from the primary street frontage and 3 metres from any secondary street frontage.
- (b) Development may be provided with a nil setback to the side and rear boundaries of the subject land, subject to compliance with the requirements of the Building Code of Australia.

#### 4.13.6.3 Development Standards

- (a) On lots within the zone having an area of less than 4000m<sup>2</sup>, land between the road reserve and the setback distance prescribed by the Scheme shall not be developed except for one or more of the following—
  - (i) an access driveway,
  - (ii) a parking area,
  - (iii) loading and unloading of vehicles,
  - (iv) a trade display; or
  - (v) landscaping.
- (b) On lots within the zone having an area of 4000m<sup>2</sup> or more, the local government will require as a condition of its planning approval, at least 5% of the site area be set aside and developed as landscaping and that at least one half of the landscaped area be to the front and sides of the development.
- (c) If a service road is situated between buildings, or between a building and boundary of the lot, it shall not be less than 6 metres in width. If a service road is situated between an open yard, or an open yard and a building on a side boundary, it shall not be less than 4.5 metres in width. In any event, the Building Code of Australia shall prevail.

### 4.13.7 Mixed Use Zone

#### 4.13.7.1 Specific Objectives of the Zone

- (a) To allow, where practical, the use of existing premises for alternative uses, including a change of use of such premises.
- (b) To allow a broad range of land uses within the zone having regard to its peripheral location on the edge of the Nannup town centre and its intermediate situation between the town centre and other zones, particularly the Residential Zone.

#### 4.13.7.2 Residential Development and Development Standards

- (a) Notwithstanding clause 5.2, residential development of land within the Zone shall conform to the provisions of the Residential Design Codes with respect to the R20 density code, except where land is connected to a reticulated sewerage network, the R30 density code is to apply.
- (b) Building setbacks for non-residential development shall be in accordance to the provisions relating to the R20 density code of the Residential Design Codes.

### 4.13.8 Residential Zone

#### 4.13.8.1 Specific Objectives of the Zone

- (a) To promote and safeguard the health, safety, convenience, general welfare and amenity of residential areas and residents;
- (b) To provide for a wide range of housing types, and therefore lifestyle opportunities;
- (c) To encourage residential development that will achieve efficient use of existing physical and social infrastructure and is economically serviced and affordable; and
- (d) To provide for home based employment where such a use does not cause injury to, or prejudicially affect the amenity of the locality within which it is situated.

### 4.13.9 Special Residential Zone

#### 4.13.9.1 Specific Objectives of the Zone

- (a) To provide for a style of spacious living at densities lower than those characteristic of traditional single residential development but higher than those found in the Special Rural Zone;
- (b) To limit special residential development to areas adjacent or in close proximity to the Nannup urban area for reasons of reliance on urban services and infrastructure; and
- (c) To provide for a high level of residential amenity whilst protecting the zone's rural environment and amenity.

#### 4.13.9.2 Rezoning

- (a) Before making provision for a Special Residential Zone, the local government will require the preparation of a submission supporting the creation of the Special Residential Zone and such submission is to include—
  - (i) a statement as to the purpose or intent for which the zone is being created;
  - (ii) the reasons for selecting the particular area the subject of the proposed zone with particular reference as to how this relates to the local government's Local Planning Strategy and the Nannup Townsite Strategy, and the capability of the land for such use;
  - (iii) evidence that a reticulated water supply can be provided to all of the proposed lots; and
  - (iv) any other information which the local government considers relevant to the land;

- (b) For each Special Residential Zone the proponent shall prepare, or have prepared, a development guide plan containing the information set out in Schedule 14.

#### 4.13.9.3 Fencing

Boundary fencing within the zone shall be post and minimum four strand wire, 1.0 to 1.3 metres high, or post and ring lock or similar approved by the local government. Solid fencing such as super six or pickets shall not be permitted on boundaries and shall only be permitted in proximity to buildings where the local government determines that it will not adversely affect the amenity of the area.

#### 4.13.9.4 Subdivision

Subdivision within the zone is to be generally in accordance with the development guide plan adopted by Council for the specific zone. No further subdivision of land within the zone, contrary to that shown on the approved development guide plan, shall be supported.

#### 4.13.9.5 Special Provisions

Schedule 13 sets out any special provisions applicable to the land to assist in achieving the objectives of the zone.

### 4.13.10 Special Rural Zone

#### 4.13.10.1 Specific Objectives of the Zone

- (a) To select land within the Scheme Area wherein closer subdivision may be permitted to provide for rural-residential retreats and hobby farms on land which is suitable for such purpose and does not result in the removal of prime agricultural land or impact upon the continuation of established or potential agricultural use;
- (b) To provide for a range of land uses compatible with the residential occupation of the land while providing for agricultural production on smaller lots where such production does not interfere with the amenity or rural residential character of the area;
- (c) To provide for a range of housing choice and hence, lifestyle opportunities, within relatively close proximity to the town centre or main transport connections to the town centre;
- (d) To encourage alternative rural-residential settlement patterns, including cluster subdivision patterns that provide opportunities for agricultural production, landscape protection and conservation; and
- (e) To establish minimum development standards to ensure development is consistent with, and does not detract from, the rural character or landscape qualities.

#### 4.13.10.2 Rezoning

- (a) Special Rural Zones shall be restricted to land within the Special Rural Policy Area shown on the Scheme Map.
- (b) Before making provision for a Special Rural Zone the local government will prepare, or require the owner(s) of the land to prepare a submission supporting the creation of the Special Rural zone and such submission shall include—
  - (i) a statement as to the purpose or intent for which the zone is being created;
  - (ii) the reasons for selecting the particular area the subject of the proposed zone with particular reference as to how this relates to the local government's Local Planning Strategy and the Nannup Townsite Strategy, and the capability of the land for such use;
  - (iii) information regarding the method whereby it is proposed to provide a potable water supply to each lot;
  - (iv) information regarding the methods of wild fire protection proposed to be implemented for the subdivision;
  - (v) any matters listed in Clause 6.2.3; and
  - (vi) any other information which the local government considers relevant to the land.
- (c) For each Special Rural Zone the proponent shall prepare, or have prepared, a development guide plan containing the information set out in Schedule 14.

#### 4.13.10.3 Residential Development

Not more than one dwelling house per lot shall be erected.

#### 4.13.10.4 Tree Preservation

- (a) No trees or substantial vegetation may be felled, removed or damaged except for—
  - (i) clearing associated with approved development or an approved fire management plan;
  - (ii) establishment of fire breaks as may be required by a Local Law or a notice issued by the local government pursuant to the Bush Fires Act; or
  - (iii) any other purpose approved by the local government.
- (b) Where land within the zone is in the opinion of the local government deficient in tree cover, the local government may as a condition of Planning Approval for development require the planting and maintenance of suitable tree cover in order to enhance the amenity of the area.

#### 4.13.10.5 Building Envelopes

- (a) All development is to be sited within the building envelope shown on the approved development guide plan.

- (b) Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, the local government may approve an alternative building envelope.
- (c) The local government, in considering an application for an alternative building envelope shall follow the procedures under sub-clause 9.4 prior to considering Planning Approval to the application.

#### 4.13.10.6 Building Setbacks

Where a lot does not have an identified building envelope, all buildings shall be setback a minimum of 20 metres from all boundaries.

#### 4.13.10.7 Fencing

Boundary fencing within the zone shall be post and minimum four strand wire, 1.0 to 1.3 metres high, or post and ring lock or similar approved by the local government. Solid fencing such as super six or pickets shall not be permitted on boundaries and shall only be permitted in proximity to buildings where the local government determines that it will not adversely affect the amenity of the area.

#### 4.13.10.8 Subdivision

Subdivision within the zone is to be generally in accordance with the development guide plan adopted by Council for the specific zone. No further subdivision of land within the zone, contrary to that shown on the approved development guide plan, shall be supported.

#### 4.13.10.9 Special Provisions

Schedule 12 sets out any special provisions applicable to the land to assist in achieving the objectives of the zone.

### 4.13.11 Town Centre Zone

#### 4.13.11.1 Specific Objectives of the Zone

- (a) To provide for the development or redevelopment of land within the zone for a broad range of uses which the local government considers is appropriate to the town centre serving the residents and visitors.
- (b) To encourage new development within the zone to achieve a high standard in relation to the historic character of Nannup to assist in promoting the town centre in terms of its own distinctive identity and attraction.
- (c) To promote townscape improvement in accordance with any adopted Townscape Plan.

#### 4.13.11.2 Building Setbacks

- (a) Development may be provided with a nil setback to any street frontage within the zone.
- (b) Development may be provided with a nil setback to the side and rear boundaries of the subject land provided that the site does not adjoin any land used or zoned for residential purposes, in which case the development shall be setback in accordance with the Residential Design Codes.

#### 4.13.11.3 Development Standards

- (a) For the purpose of maintaining the existing streetscape, character and heritage significance of the Town Centre Zone, the local government may—
  - (i) Require that on-site car parking bays be located at the rear of the development;
  - (ii) Require that access to car parking areas be provided from a secondary or rear street or right of way, where available; and/or
  - (iii) Reduce the required number of on-site car parking bays.
- (b) Notwithstanding clause 5.2, the development of land for residential purposes within the Zone is to conform to the provisions of the Residential Design Codes with respect to the R20 density code, except where land is connected to a reticulated sewerage network, the R30 density code is to apply.
- (c) In considering an application for approval to demolish a building within the zone, the local government may—
  - (i) Defer consideration of the application until it has received and approved an application for subsequent development of the site; or
  - (ii) Approve the application, subject to conditions including the retention, maintenance, reinstatement and re-positioning of any part of the building proposed to be demolished.

## PART 5—GENERAL DEVELOPMENT REQUIREMENTS

### 5.1 Compliance with Development Standards and Requirements

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

### 5.2 Residential Design Codes

5.2.1 A copy of the Residential Design Codes, as amended, shall be kept and made available for public inspection at the offices of the local government.

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

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

5.2.4 Where a split density coding is indicated for a particular area shown on the Scheme Map, development for residential use shall conform to the lower density code, except where the subject land is connected to a reticulated sewerage system, in which case the higher density code is to prevail.

### **5.3 Special Application of Residential Design Codes**

Notwithstanding that a single dwelling does not require the prior approval of the local government pursuant to the Scheme, any person who wishes the local government to exercise a discretion under the Residential Design Codes relating to the erection of a single dwelling shall, at the time of lodging an application for a building license or earlier, apply in accordance with the requirements of the Residential Design Codes.

### **5.4 Car Parking Requirements**

5.4.1 Car parking spaces shall be provided in accordance with the Schedule 11 requirements and shall be designed, constructed and maintained to the satisfaction of the local government.

5.4.2 Where a particular use is not listed in Schedule 11, the local government is to apply such car parking standards as it considers appropriate, having regard to the requirements for similar uses.

### **5.5 Cash-in-Lieu of Parking**

5.5.1 The local government may, in respect of any use or development proposed within any zone of the Scheme, require the payment of cash-in-lieu of the provision of parking spaces on the lot of the proposed use or development. The local government's intent in this regard is to—

- (i) encourage comprehensive, consolidated and coordinated development;
- (ii) provide for safer and more efficient management of vehicular traffic; and
- (iii) strategically plan and provide conveniently located public parking facilities, within the zone.

5.5.2 A cash-in-lieu payment made under this sub-clause shall not be less than the estimated cost to the local government of all of the following—

- (i) constructing, sealing and draining the number or car parking spaces as a consequence of the proposed use or development;
- (ii) the value of the land to be acquired by the local government and occupied by the number of car parking spaces and associated manoeuvring areas as estimated by an appropriately qualified land valuer; and
- (iii) all associated additional costs to the local government as estimated by an appropriately qualified land valuer of purchasing an equal area of land identified by council in reasonable proximity to the proposed development or use.

5.5.3 In the event of a dispute with respect to a valuation pursuant to paragraphs (i), (ii) or (iii) of sub-clause 5.5.2, the matter shall be referred by the parties for determination under the *Commercial Arbitration Act 1985* (as amended).

5.5.4 A cash-in-lieu payment made under this sub-clause shall be paid into a special purpose fund for the acquisition of land and construction of parking facilities in accordance with a car parking strategy adopted by the local government.

5.5.5 The local government shall expend any cash-in-lieu payments made under this sub-clause on the construction of parking facilities within a reasonable period and such facilities shall be constructed within reasonable proximity to the development.

5.5.6 The local government may require and accept the payment of cash-in-lieu of the provision of car parking in accordance with the provisions of clause 5.5.1, for the prior provision of car parking areas by the local government in anticipation of development.

### **5.6 Variations to Site and Development Standards and Requirements**

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

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

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

5.6.3 The power conferred by this clause may only be exercised if the local government is satisfied that—

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

### **5.7 Environmental Conditions**

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

5.7.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.

5.7.3 The local government is to—

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

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

## 5.8 Specific Development Requirements

### 5.8.1 Access for Loading and Unloading of Vehicles

- (a) Provision shall be made for service access to the rear or side of any non-residential use for the purpose of loading or unloading of goods except where alternative access, as considered acceptable by the local government, is provided.
- (b) Service access shall be provided in accordance with the following—
  - (i) The access shall be constructed so that vehicles using it may return to a street in a forward gear.
  - (ii) Where a right of way or rear lane is to be used for service access, a paved area shall be provided on the lot so that when loading or unloading occurs, the vehicle does not obstruct other vehicles. In the event that the access way does not provide for through traffic, the paved area required by this paragraph shall be sufficiently large enough to enable vehicles to turn so as to return to a road in forward gear.
  - (iii) Where practical, the service access shall be designed so as to segregate service vehicles, both moving and stationary, from parking areas and access ways provided for customer parking.
- (c) One or more service courts, as determined by the local government, shall be provided in any commercial or industrial development for the storage and concealment of refuse disposal bins, crates and other materials of trade. A service court shall be—
  - (i) accessible from the service access required by this sub-clause;
  - (ii) of an area and dimension to the satisfaction of Council but, in any case, shall not be less than 10m<sup>2</sup> in area; and
  - (iii) screened to the satisfaction of the local government.
- (d) The local government may waive any of the requirements of this clause if in its opinion the location, size, scale, operations or any other factor do not justify the imposition of such conditions.

### 5.8.2 Discretion to Modify Setback Requirements

5.8.2.1 The local government may, by adopting the procedures of clause 9.4, 'Advertising of Applications' reduce the boundary setback(s) within any zone provided that—

- (a) The proposed reduction will not adversely impact upon adjoining development (or the residents thereof) or prejudice the long-term coordinated development of the street.
- (b) The local government is satisfied that adequate off-street parking is available at the side or rear of the proposed development and access to that parking can be obtained from the adjoining road carriageway.
- (c) Traffic flow within the lot and on the adjoining road network will not be adversely affected.
- (d) The design and proposed standard of finish of the proposed development is of sufficient quality to justify a reduction in setback requirements.

5.8.2.2 In the case of all zones, except the Residential Zone, the local government shall decide in relation to development of lots with more than one street frontage, to which street frontage the street setback shall be applied and allow a reduction in the street frontage setback to the street(s) provided that adequate sight lines for traffic are maintained.

### 5.8.3 Areas Not Connected To A Public Reticulated Water Supply

5.8.3.1 An owner or occupier of any lot within the Scheme Area which is not connected to a public reticulated water supply shall connect any new dwelling to a rainwater storage tank having a minimum capacity of 135,000 litres or an alternative potable water supply to the satisfaction of the local government.

5.8.3.2 Where the installation of a rainwater storage tank is made a condition of Planning Consent for residential or non-residential development the tank(s) are to be fitted with couplings to the specification of the local government, to ensure that the tank capacity is available for the purposes of fire fighting.

### 5.8.4 Protection of Coasts and Shores

No person shall without the consent of the local government carry out any development within one hundred metres of the fore dune of the ocean coast.

### 5.8.5 Control of Stock

- (a) The local government may by the service of a notice on the owner and/or occupier of any lot, impose a limit on the number of any type of animals that may be kept on the lot, if the local government considers there is a likelihood that adjoining land owners will be inconvenienced or land degradation will occur because of the presence of a greater number of such animals.

- (b) An owner or occupier who has received a notice limiting the number of stock able to be kept on a property, shall not permit a greater number of stock to be kept than set out in the notice.

#### **5.8.6 Landscaping**

5.8.6.1 The landscaping requirements referred to in the Scheme, means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of the local government, natural bush land, swimming pools and areas under covered ways may be included in calculating the provision of landscaping. Garbage collection and handling spaces and other open storage areas shall not be included in such calculation.

5.8.6.2 In considering the landscaping requirement of any application for planning approval, the following shall apply—

- (a) Access driveways between a street alignment and any buildings may be included in the landscaping requirement but otherwise car parking areas and driveways shall not be included.
- (b) The local government may, in a landscaped area, restrict the use of hard materials (e.g. concrete, gravel etc) and require instead, the planting of drought resistant trees and shrubs of a type that require little maintenance.
- (c) Landscaping required pursuant to this Scheme or to a conditional planning approval shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the local government and shall thereafter be fully reticulated and permanently maintained to the satisfaction of the local government.
- (d) A landscaping strip with a minimum width of 1.5 metres shall be provided between car parking areas and lot boundaries.

#### **5.8.7 Disposal of Wastes**

No person shall, without the approval of the local government, use privately-owned land for the disposal or dumping of any form of rubbish or waste matter, either temporarily or permanently.

#### **5.8.8 Untidy Sites**

With the intent of maintaining an acceptable standard of amenity, the local government may, by written notice as provided for in clause 11.7 and the provisions of sub section (4) of Section 10 of the Act, require an owner, occupier or lessee of land to undertake such works as may be necessary to restore or upgrade the conditions of a property to a standard commensurate with those generally prevailing in the vicinity.

#### **5.8.9 Transportable and Kit Dwellings**

The local government may permit the erection or placement of relocated, transportable or prefabricated dwellings on a lot providing that the design of the building is to the satisfaction of the local government and, in its opinion, does not adversely affect the amenity of other properties in the vicinity.

#### **5.8.10 Standard of Development**

Notwithstanding that a proposed development conforms in all other respects with any provision of the Scheme or any local law in force, the local government may at its discretion, refuse to grant approval if it considers that such development would by its siting, design, construction or materials result in a significant deterioration in the landscape and amenity of the general locality.

#### **5.8.11 Improvement of Existing Development**

To maintain an acceptable standard of amenity the local government may, by written notice, require the owner, occupier or lessee of a property to undertake such works as may be necessary to restore or upgrade the condition of that property to a standard commensurate with those generally prevailing in the locality.

#### **5.8.12 Development Adjoining Major Road Reserves**

In considering an application for planning approval in respect of land adjoining a Major Road Reserve, the local government may refer the application to Main Roads Western Australia for consideration and comment. The local government shall have due regard to any comments received from Main Roads Western Australia and may impose conditions in relation to the following—

- (a) the setback of the development from the Major Road Reserve;
- (b) the quantity, location and design of any required access roads; and
- (c) the provision of access from any secondary roads adjoining the subject land.

#### **5.8.13 Home Based Businesses**

In determining a development application for a home business, including but not limited to a home occupation, home business or home office, the local government may impose conditions relating to the following matters—

- (a) the operating hours of the home business;
- (b) the size and type of any vehicle used in connection with the home business and where such a vehicle may be parked;
- (c) any activities incidental to the home business including the storage of goods and/or equipment on the subject land; and
- (d) for the purpose of monitoring the impact of a home business the planning approval may be granted for a limited period of up to twelve months.

### 5.8.14 Control of Advertisements

#### 5.8.14.1 Objectives

The objectives of the provisions for the control of advertisements are—

- (a) to ensure that the visual quality and character of particular localities and transport corridors are not eroded;
- (b) to minimise the total area and impact of outdoor advertising commensurate with the realistic needs of commerce for such advertising;
- (c) to prohibit outdoor advertising which is considered to be superfluous or unnecessary by virtue of their colours, height, prominence, visual impact, size, relevance to the premises on which they are located, number and content;
- (d) to minimise clutter of advertising signs; and
- (e) to promote a high standard of design and presentation in outdoor advertising.

#### 5.8.14.2 Power to Control Advertisements

- (a) For the purpose of this Scheme and subject to sub-clause 5.8.14.1, the erection, placement and display 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. Such planning approval is required in addition to any licence pursuant to the local government's relevant Local Law or policy.
- (b) Application for the local government's approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 9.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out in Schedule 7 giving details of the advertisement(s) to be erected, placed or displayed on the land.

#### 5.8.14.3 Existing Advertisements

Advertisements which—

- (i) were lawfully erected, placed or displayed prior to the gazettal 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 gazettal of this Scheme;

hereinafter in this part referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the license or approval as appropriate.

#### 5.8.14.4 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, the 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 area which may be affected.

#### 5.8.14.5 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 sub-clause 5.8.14.2, the local government's prior planning approval is not required in respect of those advertisements listed in Schedule 5 which for the purpose of this Part are referred to as 'exempted advertisements'. The exemptions listed in Schedule 5 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 the National Estate; and/or
- (iii) listed in the local government's Heritage List pursuant to Clause 7.1 of the Scheme.

#### 5.8.14.6 Discontinuance

Notwithstanding the scheme objectives and sub-clause 5.8.14.5, where the local government can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this clause, 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.

#### 5.8.14.7 Derelict or Poorly Maintained Signs

Where, in the opinion of the local government, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may take action in accordance with clause 11.2 of the Scheme.

#### 5.8.14.8 Notices

- (a) For the purpose of this Scheme, a person authorizing or responsible for the erection and/or display of an advertisement is referred to as 'the advertiser' shall be interpreted as any one or any group comprised of the land owner, occupier or licensee.
- (b) Any notice served in exceptional circumstances pursuant to sub-clause 5.8.14.6 or pursuant to sub-clause 5.8.10.7 shall be served upon the advertiser and shall specify—
  - (i) the advertisement(s) the subject of the notice;
  - (ii) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;



- (iii) the period, not being less than 60 days, within which the action specified shall be completed by the advertiser.
- (c) Any person upon whom a notice is served pursuant to this Part may within a period of 60 days from the date of the notice appeal to the Hon Minister for Planning or the State Administrative Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

#### 5.8.14.9 Scheme to Prevail

Where the provisions of this Part are found to be at variance with the provisions of any of the local government's Local Laws, the provisions of the Scheme shall prevail.

#### 5.8.14.10 Enforcement and Penalties

The offences and penalties provisions specified in Part 11 of the Scheme apply to the advertiser in this part.

### 5.8.15 Structure Plans/Subdivision Guide Plans Endorsed Under Previous Town Planning Scheme

Any Structure Plan or Subdivision Guide Plan endorsed by the Council under Town Planning Scheme No. 1 is automatically endorsed by the Council under this Scheme, unless specifically referenced elsewhere in the Scheme.

### 5.8.16 Workers Accommodation

The development of workers accommodation is to comply to the following criteria—

- (a) There is to be a demonstrated need for workers accommodation necessary for the continued operation of the agricultural production. Applicants should submit information showing a demonstrated need for the development of workers accommodation. Examples of such supporting information include an estimate of the number of workers required for agricultural production purposes based on—
- Extent of agricultural production
  - Requirement for workers accommodation
- (b) The additional dwelling or buildings should generally be clustered in one location, to avoid future subdivision pressure and minimise constraints on adjoining uses;
- (c) The additional dwelling is to be positioned on-site to avoid conflict with existing or permissible adjoining land uses;
- (d) All services to the dwellings from the lot boundary (including access roads) are to be shared, where practical; and
- (e) Workers accommodation cannot be established on a lot not containing an established residential dwelling.

## PART 6—SPECIAL CONTROL AREAS

### 6.1 Operation of Special Control Areas

The following Special Control Areas are shown on the Scheme Maps—

- **Flood Risk Land**—relates to areas liable for flooding.
- **Landscape Values Area**—relates to the conservation and enhancement of significant natural and man made landscapes including the preservation of significant vegetation, prominent landforms and view corridors.
- **Special Rural Policy Area**—relates to areas considered suitable for further investigation for rural-residential development.
- **Heritage Area**—relates to the conservation and enhancement of heritage areas—Refer Clause 7.2.
- **Public Drinking Water Source Area**—relates to the protection of public drinking water supplies.

### 6.2 Special Control Area Provisions

Special control areas are shown on the Scheme Map. The provisions of the special control area apply in addition to the provisions of the zone and any general provisions of the Scheme.

#### 6.2.1 Flood Risk Land

6.2.1.1 Notwithstanding any other provision of the Scheme.

- (a) the local government shall not grant approval to the carrying out of any development on land (or portion(s) thereof) that is shown on the Scheme Map as being flood risk land or where land abuts the Blackwood River unless an assessment has been made of—
- (i) the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge flood water;
  - (ii) the safety of the proposed development in time of flood; and
  - (iii) whether the proposed development involves any possible risk to life, human safety or private property in time of flood.

- (b) A person shall not carry out any development on land (or portion(s) thereof) identified as flood prone land on the Scheme Map or on other land which, in the opinion of the local government, may be liable to flooding, unless—
- (i) the floor of any dwelling house or other habitable building is, or will be, raised a minimum of 500mm above the 1 in 100 year flood level identified for the land;
  - (ii) the base of the septic tank/leach drain system is to be a minimum 300mm above the 1 in 100 year flood level identified for the land and fitted with appropriate devices to prevent back flow of effluent or ground water. This requirement may be removed if an approved alternative treatment unit was installed instead of a conventional septic tank/leach drain effluent disposal system;
  - (iii) where the proposed development is for residential purposes an engineering certification is to be submitted. This certification is to ensure that the dwelling has been designed taking into account the potential forces of flood waters; and
  - (iv) where the proposed development is for residential purposes a licensed survey shall be submitted confirming the floor level height of the building compared to the identified flood level for the portion of the subject land. This survey is to be carried out and submitted for local government endorsement upon completion of the sand pad or stumping network of the proposed building. No further works on the proposed building are to be commenced until local government endorsement of the survey information has been given.

6.2.1.2 Notwithstanding sub-clause 6.2.2.1(b)(i), land identified by the Blackwood River Flood Study 1983 as being within the 1 in 25 year flood level will not be permitted to be developed for residential purposes unless such development is connected to the reticulated sewerage network.

6.2.1.3 Where proposals are received for the development of extensions or additions to existing residential development sited within a flood risk area, the requirements of sub-clause 6.2.2.1(b)(i) will be waived where such extensions/additions do not exceed 25 per cent of the floor area of the existing building.

6.2.1.4 Proposals for the development of tourist or commercial uses within flood risk land will be assessed by the local government having regard to the type, size and scale of the proposed development. Under no circumstances will the flood risk related development requirements be less than the requirements of sub-clause 6.2.2.1(b).

6.2.1.5 For the purposes of sub-clause 6.2.1.1, the local government may consult with, and take into consideration, the advice of the Water and Rivers Commission, in relation to the delineation of flood ways and flood prone land, the effect of the development on a floodway, and any other measures to offset the effects of flooding.

6.2.1.6 Any decision made by the local government in pursuance of this clause is deemed to be a decision made in 'good faith' and the local government is hereby forever indemnified against any claim made by any person and relating to any loss whatsoever arising from such a decision.

6.2.1.7 Where land which is identified as being Flood Risk Land is proposed to be subdivided the local government, if resolving to support the application for subdivision, shall recommend to the Commission that memorials be placed on newly created titles to ensure prospective purchasers are aware that the land may be prone to flooding.

## **6.2.2 Landscape Values Area**

6.2.2.1 The places identified on the Scheme Map as being within a Landscape Values Area are those areas considered by the local government to be of particular scientific, scenic or other value and should be retained in their present state, or restored to their original state or to a state acceptable to the local government.

6.2.2.2 The local government's specific objectives in making provision for Landscape Values Areas are—

- (a) to identify areas of significant landscape value in the Town Planning Scheme and adopt provisions to protect these values from insensitive development;
- (b) to encourage development to fit into the special natural, visual and physical characteristics of the land, particularly topography;
- (c) to encourage the retention of vegetation and preservation of the natural topography of the land;
- (d) to support small scale, low key development whereby the site layout, location of buildings and provision of services is appropriate to the site's natural, visual and physical features;
- (e) to discourage development considered likely to intrude upon, or not be compatible with, the landscape character and landscape qualities of the area;
- (f) to encourage rural landscape improvements including rehabilitation or revegetation within areas considered to be of significant landscape or scenic value, or degraded areas considered to be visually prominent.

6.2.2.3 A person shall not, without the approval of the local government, at, or on land included within a Landscape Value Area, carry out any development including, but without limiting the generality of the following—

- (a) the erection, demolition or alteration of any building or structure (not including farm fencing, wells, bores or troughs and minor drainage works ancillary to the general rural pursuits of the locality);

- (b) clearing of land or removal of trees; and
- (c) the erection of advertising signs.

6.2.2.4 The clearing of remnant vegetation to accommodate the establishment of agroforestry or a private timber plantation will not be permitted.

6.2.2.5 Any development of new buildings, other than outbuildings approved by the local government as being required for bona fide agricultural purposes, and telecommunications infrastructure, is to be sited within a building envelope to be stipulated by the local government.

### **6.2.3 Special Rural Policy Area**

6.2.3.1 The purpose of identifying land on the Scheme Map as being within the Special Rural Policy Area is to enable the planned and progressive development of the land for rural residential purposes in a manner and at a time appropriate to the orderly and proper planning and development of the land, the locality and the District.

6.2.3.2 Where land is identified on the Scheme Map as being within the Special Rural Policy Area, the local government will require the rezoning of the land in accordance with the requirements of sub-clause 4.13.10.2 of the Scheme.

6.2.3.3 Where land is identified on the Scheme Map as being within the Special Rural Policy Area, the local government will require the rezoning of the land consistent with the proposed uses and the preparation of a comprehensive Development Guide Plan for the land and the endorsement of the Plan by it and the Western Australian Planning Commission prior to the local government supporting any subdivision or development of the land.

6.2.3.4 The local government may require the Development Guide Plan to have regard for adjacent lands. Such Development Guide Plan shall be prepared in accordance with Schedule 14.

6.2.3.5 The subdivision or development of the land the subject of the Development Guide Plan shall generally be in accordance with the endorsed Development Guide Plan.

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

6.2.3.7 A dwelling house may be erected on an existing allotment of land within the Special Rural Policy Area where the local government is satisfied that the siting of the dwelling house is unlikely to prejudice the future development of the land or other land in the vicinity.

### **6.2.4 Public Drinking Water Source Area**

6.2.4.1 The purpose of identifying land on the Scheme Map as being within a Public Drinking Water Source Area is to protect existing and future public drinking water sources, where it affects private land, by guiding and restricting the types of land uses and development that could have adverse impacts on the quality of the water supply sources.

6.2.4.2 A person shall not, without the Planning Approval of the local government, at or on land within a Public Drinking Water Source Area, carry out any development, including the construction or extension of a building or change in land use activity.

6.2.4.3 An application for Planning Approval must be accompanied by a statement or report, which demonstrates that the relevant waterway will not be significantly impacted by the proposed development or activity. This information is required in addition to the accompanying material specified by clause 9.2.

6.2.4.4 In considering any development application, subdivision application or application for rezoning of land, the local government is to have regard to the priority classification assigned to the Public Drinking Water Source Area by the Water and Rivers Commission.

6.2.4.5 All development and rezoning applications which materially change the existing land uses within a Public Drinking Water Source Area are to be referred to the Water and Rivers Commission for comment.

6.2.4.6 The local government, in considering the granting of Planning Approval to a development application within a Public Drinking Water Source Area is to have regard to the advice received from the Water and Rivers Commission under sub-clause 6.2.4.5.

## **PART 7—HERITAGE PROTECTION**

### **7.1 Heritage List**

7.1.1 The local government is to establish and maintain a Heritage List to identify those places within the Scheme Area to be of cultural heritage significance and worthy of conservation under the provisions of the Scheme, together with a description of each place and the reasons for its entry.

7.1.2 In the preparation of the Heritage List the local government is to—

- (a) have regard to the Municipal Inventory prepared by the local government pursuant to Section 45 of the Heritage of Western Australia Act 1990; and
- (b) include on the Heritage List such of the entries on the Municipal Inventory as it considers to be appropriate.

7.1.3 In considering a proposal to include a place on the Heritage List, the local government is to—

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

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

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

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

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

## 7.2 Designation of a Heritage Area

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

7.2.2 The local government is to—

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

*Note—*

1. *The purpose and intent of the heritage provisions are—*
  - (a) *to facilitate the conservation of places of heritage value; and*
  - (b) *to ensure as far as possible that development occurs with due regard to heritage values.*
2. *A 'place' is defined in Schedule 1 and may include works, buildings and contents of buildings.*

7.2.3 If a local government proposes to designate an area as a Heritage Area, the local government is to—

- (a) notify in writing each owner of land affected by the proposed designation and provide the owner with a copy of the proposed Local Planning Policy for the Heritage Area;
- (b) advertise the proposal by—
  - (i) publishing a notice of the proposed designation once a week for two consecutive weeks in a newspaper circulating in the Scheme Area;
  - (ii) erecting a sign giving notice of the proposed designation in a prominent location in the area that would be affected by the designation; and
  - (iii) such other methods as the local government considers appropriate to ensure widespread notice of the proposal;
 and
- (c) carry out such other consultation as the local government considers appropriate.

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

- (a) the area subject of the proposed designation;
- (b) where the Local Planning Policy which will apply to the proposed Heritage Area may be inspected; and
- (c) in what form and in what period (being not less than 21 days from the date of the notice) submissions may be made;

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

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

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

7.2.7 The local government may modify or revoke a designation of a Heritage Area.

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

## 7.3 Heritage Agreements

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

*Note—*

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

#### **7.4 Heritage Assessment**

Despite any existing assessment on record, the local government may require a heritage assessment to be carried out prior to the approval of any development proposed in a Heritage Area or in respect of a heritage place included on the Heritage List.

#### **7.5 Variations to Scheme Provisions for a Heritage Place and Heritage Area**

Where desirable to—

- (a) facilitate the conservation of a heritage place entered in the Register of Places under the *Heritage of Western Australia Act 1990* or listed in the Heritage List under sub-clause 7.1.1; or

- (b) enhance or preserve heritage values in a heritage area declared under sub-clause 7.2.1,

the local government may vary any site or development requirement specified in the scheme or the Residential Design Codes, by following the procedures set out in clause 5.6 of the scheme.

### **PART 8—DEVELOPMENT OF LAND**

#### **8.1 Requirement for Approval to Commence Development**

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

*Note—*

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

#### **8.2 Permitted Development**

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

- (a) the carrying out of any building or works which affect only the interior of a building and which do not materially affect the external appearance of the building unless the building is—
  - (i) located in a place that has been registered in the Register of Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an Order under Part 6 of the *Heritage of Western Australia Act 1990*;
  - (iii) included on the Heritage List under clause 7.1 of this Scheme;
- (b) the erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where the proposal—
  - (i) requires the exercise of a discretion by the local government under the scheme to vary the provisions of the Residential Design Codes;
  - (ii) is located in a Heritage Area designated under the Scheme;
  - (iii) requires the exercise of a discretion by the Council under the scheme to vary the setback provisions of a specific zone.
- (c) the demolition of any building or structure except where the building or structure is—
  - (i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
  - (ii) the subject of an order under Part 6 of the *Heritage of Western Australia Act 1990*;
  - (iii) included on the Heritage List under clause 7.1 of the Scheme; or
  - (iv) located within a Heritage Area designated under the Scheme;
- (d) a home office;
- (e) any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (f) any of the exempted classes of advertisements listed in Schedule 5 except in respect of a place included on the Heritage List or in a Heritage Area.
- (g) the construction, replacement, maintenance or repair by a Government agency or statutory undertaking, of any equipment necessary to provide and maintain a public service;
- (h) the development on land within any zone by the local government or Government agency for the purposes of roads, stormwater drainage, recreation areas, landscaping, gardening, bushfire hazard reduction, parking, amenities building, river bank stabilisation or beach rehabilitation;

- (i) the reference in sub-clause (h) to the carrying out of development for the purpose of roads includes a reference to the winning of extractive material by the local government for the purpose of public road construction; and
- (j) the carrying out of any development by the local government in connection with the construction, reconstruction, improvement, maintenance, repair or widening (where the local government has acquired the land) of any road except the realignment or relocation of the road.

*Note: Development carried out in accordance with a subdivision approval granted by the Commission is exempt under Section 20D Town Planning Act.*

### **8.3 Amending or Revoking a Planning Approval**

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

### **8.4 Unauthorised Existing Developments**

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

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

*Note:*

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

## **PART 9—APPLICATION FOR PLANNING APPROVAL**

### **9.1 Form of Application**

9.1.1 Every application for approval for one or more of the following—

- (a) use or commencement of development on a Local Reserve under clause 3.3;
- (b) commencement of a 'P' use which does not comply with all the relevant development standards and requirements of the Scheme under clause 4.3.2;
- (c) commencement of a 'D' use or an 'A' use under clause 4.3.2;
- (d) commencement of a use not listed in the Zoning Table under clause 4.4.2;
- (e) commencement of development under clause 8.1;
- (f) continuation of development already commenced or carried out under clause 8.4;
- (g) variation of a site or development requirement under clause 5.6;
- (h) a subsequent planning approval pursuant to an approval under clause 10.8.1;
- (i) alteration or extension of a non-conforming use under sub-clause 4.9.1;
- (j) changing a non-conforming use under sub-clause 4.9.3;
- (k) continuing to use a non-conforming use under clause 4.12; and
- (l) the erection, placement or display of an advertisement;

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

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

### **9.2 Accompanying Material**

Unless the local government waives any particular requirement every application for planning approval shall be accompanied by—

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

- (vi) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas;
  - (vii) the location, dimensions and design of any open storage or trade display area and particulars of the manner in which it is proposed to develop the same; and
  - (viii) the nature and extent of any open space and landscaping proposed for the site.
- (b) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
  - (c) any specialist studies that the local government may require the applicant to undertake in support of the application such as traffic, heritage, environmental, engineering or urban design studies; and
  - (d) any other plan or information that the local government may require to enable the application to be determined.

### **9.3 Additional Material for Heritage Matters**

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

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

### **9.4 Advertising and/or Referral of Applications**

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

- (a) an 'A' use under sub-clause 4.3.2; or
- (b) a use not listed in the Zoning Table under sub-clause 4.4.2;

the local government is not to grant approval to that application unless notice given in accordance with the provisions of sub-clause 9.4.3.

9.4.2 Notwithstanding the provisions of sub-clause 9.4.1, where an application is made for planning approval for any other purpose, the local government may require that notice is first given in accordance with the provisions of sub-clause 9.4.3.

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

- (a) notice of the proposed use or development served on nearby owners and occupiers who, in the opinion of the local government, are likely to be affected by the granting of planning approval stating that submissions may be made to the local government by a specified date being not less than 14 days from the day the notice is served;
- (b) notice of the proposed use or development published in a newspaper circulating in the Scheme Area stating that submissions may be made to the local government by a specified date being not less than fourteen days from the day the notice is published;
- (c) a sign or signs displaying notice of the proposed use or development to be erected in a conspicuous position on the land for a period of not less than 14 days from the day the notice is erected.

9.4.4 The notice referred to in sub-clause 9.4.3 (a) and (b) shall be in the form contained in Schedule 8 with such modifications as considered appropriate by the local government.

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

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

## **PART 10—PROCEDURE FOR DEALING WITH APPLICATIONS**

### **10.1 Consultations with Other Authorities**

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

10.1.2 In the case of land reserved under the Scheme for the purposes of a public authority, the local government shall consult that authority before making its determination.

### **10.2 Matters to be Considered by Local Government**

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

- (a) the aims and provisions of this Scheme and any other relevant town planning scheme(s) operating within the Scheme Area;

- (b) the Local Planning Strategy;
- (c) the requirements of orderly and proper planning including any relevant proposed new town planning scheme or amendment, or region scheme or amendment, which has been granted consent for public submissions to be sought;
- (d) any approved Statement of Planning Policy of the Commission;
- (e) any approved Environmental Protection Policy under the *Environmental Protection Act 1986*;
- (f) any relevant policy or strategy of the Commission or any relevant planning policy adopted by the Government of the State;
- (g) any Local Planning Policy adopted by the Council under the provisions of clause 2.4, any heritage policy statement for any designated Heritage Area adopted under clause 7.2, or any other plan or guideline adopted by the local government under the Scheme;
- (h) in the case of land reserved under the Scheme, the ultimate purpose intended for the reserve;
- (i) the conservation of any place that has been registered in the Register of Places under the *Heritage of Western Australia Act 1990*, or which is subject of an order under Part VI of the *Heritage of Western Australia Act 1990*, or which is included in the Heritage List under clause 7.1, and the effect of the proposal on the character or appearance of a Heritage Area;
- (j) the compatibility of a use or development within its setting;
- (k) any social issues that have an effect on the amenity of the locality;
- (l) the cultural significance of any place or area affected by the development;
- (m) the likely effect of the proposal on the natural environment and any means that are proposed to protect or to mitigate impacts on the natural environment;
- (n) whether the land to which that application relates is unsuitable for the proposal by reason of it being, or likely to be, subject to flooding, inundation, subsidence, landslip, bush fire or any other risk;
- (o) the preservation of the amenity of the locality;
- (p) the relationship of the proposal to development on adjoining land or on other land in the locality including but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the proposal;
- (q) whether the proposed means of access to and egress from the site are adequate and whether adequate provision has been made for the loading, unloading, manoeuvring and parking of vehicles;
- (r) the amount of traffic likely to be generated by the proposal, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;
- (s) whether public transport services are necessary and, if so, whether they are available and adequate for the proposal;
- (t) whether public utility services are available and adequate for the proposal;
- (u) whether adequate provision has been made for access for pedestrians and cyclists;
- (v) whether adequate provision has been made for access by disabled persons;
- (w) whether adequate provision has been made for the landscaping of the land to which the planning application relates and whether any trees or other vegetation on the land should be preserved;
- (x) whether the proposal is likely to cause soil erosion or land degradation;
- (y) the potential loss of any community service or benefit resulting from the planning approval;
- (z) any relevant submissions received on the application;
- (za) the comments or submissions received from any authority consulted under sub-clause 10.1.1; and
- (zb) any other planning consideration the local government considers relevant.

### 10.3 Determination of Applications

In determining an application for planning approval the local government may—

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

### 10.4 Form and Date of Determination

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

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

### 10.5 Term of Planning Approval

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

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



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

### **10.6 Temporary Planning Approval**

Where the local government grants planning approval, the local government may impose conditions limiting the period of time for which the approval is granted.

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

### **10.7 Scope of Planning Approval**

Planning approval may be granted—

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

### **10.8 Approval Subject to Later Approval of Details**

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

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

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

### **10.9 Deemed Refusal**

10.9.1 Subject to sub-clause 10.9.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the local government within 60 days of the receipt of it by the local government, or within such further time as agreed in writing between the applicant and the Council.

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

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

### **10.10 Appeals**

An applicant aggrieved by a decision of the local government in respect of the exercise of a discretionary power under the Scheme may appeal in accordance with Part V of the Town Planning Act.

## **PART 11—ENFORCEMENT AND ADMINISTRATION**

### **11.1 Powers of the Local Government**

11.1.1 The local government in implementing the Scheme has the power to—

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

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

### **11.2 Removal and Repair of Existing Advertisements**

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

11.2.2 Where, in the opinion of the local government, an advertisement has been permitted to deteriorate to a point where it conflicts with the aims of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, the local government may by written notice require the advertiser to—

- (a) repair, repaint or otherwise restore the advertisement to a standard specified by the local government in the notice; or
- (b) remove the advertisement.

11.2.3 For the purpose of sub-clauses 11.2.1 and 11.2.2 any notice shall be served upon the advertiser and shall specify—

- (a) the advertisement(s) the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; and
- (c) the period, not being less than 60 days from the date of the local government's determination, within which the action specified is to be completed by the advertiser.

11.2.4 A person on whom notice is served under this clause may appeal under Part V of the Town Planning Act against the determination of the local government.

### 11.3 Delegation of Functions

11.3.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or the CEO, within the meaning of those expressions under the Local Government Act 1995, the exercise of any of its powers or the discharge of any of its duties under the Scheme, other than this power of delegation.

11.3.2 The CEO may delegate to any employee of the local government the exercise of any of the CEO's powers or the discharge of any of the CEO's duties under clause 11.3.1.

11.3.3 The exercise of the power or delegation under clause 11.3.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.

11.3.4 Sections 5.45 and 5.46 of the *Local Government Act 1995* and the regulations referred to in section 5.46 apply to a delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

### 11.4 Person Must Comply with Provisions of Scheme

11.4.1 A person must not—

- (a) contravene or fail to comply with the provisions of the Scheme;
- (b) use any land or commence or continue to carry out any development within the Scheme Area—
  - (i) otherwise than in accordance with the Scheme;
  - (ii) unless all approvals required by the Scheme have been granted and issued;
  - (iii) otherwise than in accordance with any conditions imposed upon the grant and the issue of any approval required by the Scheme; and
  - (iv) otherwise than in accordance with any standards laid down and any requirements prescribed by the Scheme or determined by the local government under the Scheme with respect to that building or that use.

11.4.2 Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed by section 10 of the Town Planning Act.

*Note: Section 10(4) of the Town Planning Act provides that a person who—*

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

### 11.5 Compensation

11.5.1 A person whose land or property is injuriously affected by the making or amendment of the Scheme may make a claim for compensation under Section 11(1) of the Town Planning Act—

- (a) in any case, within six months of the date of publication of notice of approval of the Scheme or the amendment, as the case requires, in accordance with the *Town Planning Regulations 1967*; or
- (b) where the land has been reserved for a public purpose and—
  - (i) an application made under the Scheme for approval to carry out development on the land is refused; or
  - (ii) an application made under the Scheme for approval to carry out development on the land is granted subject to conditions that have the effect of permitting the land to be used or developed for no purpose other than a public purpose.

not later than six months after the application is refused or the permission granted.

*Note: A claim for compensation under Section 11(1) of the Town Planning Act may be made in the Form No. 7 in Appendix A of the Town Planning Regulations 1967.*

11.5.2 A person whose land or property is injuriously affected by the making of a Scheme may not claim compensation for that injurious affection more than once under clause 11.5.1.

### 11.6 Purchase or Taking of Land

11.6.1 If, where compensation for injurious affection is claimed under the Town Planning Act, the local government elects to purchase or take the land compulsorily the local government is to give written notice of that election to the claimant within three months of the claim for compensation being made.

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

*Note: Section 13 of the Town Planning Act empowers the local government to purchase or compulsorily acquire land comprised in a Scheme.*

### 11.7 Notice for Removal of Certain Buildings

11.7.1 Under Section 10(1) of the Town Planning Act, 28 days written notice is prescribed as the notice to be given for the removal of a building or other work referred to in that subsection.

11.7.2 The local government may recover expenses under section 10(2) of the Town Planning Act in a court of competent jurisdiction.

## PART 12—SCHEDULES

SCHEDULE 1	DEFINITIONS <ul style="list-style-type: none"> <li>• GENERAL DEFINITIONS</li> <li>• LAND USE DEFINITIONS</li> </ul>
SCHEDULE 2	ADDITIONAL USES
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## SCHEDULE 1—DEFINITIONS

### GENERAL DEFINITIONS

**absolute majority** has the same meaning given to the term in the *Local Government Act 1995*.

**advertisement** means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of, and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements. The term includes any airborne device anchored to any land or building and any vehicle or trailer or other similar object placed or located so as to serve the purpose of advertising.

**amenity** means all those factors which combine to form the character of an area and shall include the present and likely future amenity.

**Building Code of Australia** means the *Building Code of Australia 1996*.

**building envelope** means an area of land within a lot marked on a plan approved by the responsible authority within which all buildings and effluent disposal facilities on the lot must be contained.

**Commission** means the Western Australian Planning Commission constituted under the Commission Act 1985.

**Commission Act** means the *Western Australian Planning Commission Act 1985*.

**conservation** has the same meaning given to the term in the *Heritage of Western Australia Act 1990*.

**Council** means the Council of the Shire of Nannup.

**cultural heritage significance** has the same meaning given to the term in the *Heritage of Western Australian Act 1990*.

**development** has the same meaning given to the term in the Town Planning Act.

**floor area** has the same meaning given to the term in the *Building Code of Australia 1996*.

**frontage** when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning given to the term in the Residential Design Codes; or
- (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts two or more roads, the one to which the building or proposed building faces.

**Gazettal date** means the date on which the Scheme came into force, being the date on which notice of the Minister's approval of the Scheme is published in the *Government Gazette*.

**habitable building** means a building designed primarily for housing and/or overnight accommodation purposes for persons.

**height** when used in relation to a building that is used for—

- (a) residential purposes, has the same meaning given to the term in the Residential Design Codes;  
or
- (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above.

**incidental use** means a use of premises which is ancillary and subordinate to the predominant or primary use.

**land** has the same meaning given to the term in the Town Planning Act.

**local government** means the public authority known as the Shire of Nannup.

**lot** has the same meaning given to the term in the Town Planning Act but shall not include a strata or survey strata lot.

**minerals** have the same meaning given to the term in the *Mining Act 1978*.

**Minister** means the Minister for Planning.

**net lettable area (nla)** means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas—

- (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas;
- (b) lobbies between lifts facing other lifts serving the same floor;
- (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.

**non-conforming use** has the same meaning given to the term in the Town Planning Act.

**owner** in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity—

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

**place** for the purposes of Part 7 dealing with places of cultural heritage significance, has the same meaning given to the term in the *Heritage of Western Australia Act 1990*.

**plot ratio** shall have the same meaning given to the term in the *Building Code of Australia 1996* except for residential dwellings where the term shall have the same meaning given to the term in the Residential Design Codes.

**precinct** is a definable area where particular planning policies, guidelines or standards apply.

**predominant use** means the primary use of premises to which all other uses carried out on the premises are subordinate, incidental or ancillary.

**premises** mean land or buildings.

**public authority** shall have the same meaning given to term in the Town Planning Act.

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

**Residential Design Codes** means State of Planning Policy No. 3.1—Residential Design Codes of Western Australia published in the *Government Gazette* on 4 October 2002, together with any amendments thereto.

**retail** means the sale or hire of goods or services to the public.

**Scheme** means the Shire of Nannup Local Planning Scheme No. 3.

**Scheme Act** means the *Metropolitan Region Town Planning Scheme Act 1959*.

**substantially commenced** means that work or development the subject of a planning approval has been begun by the performance of some substantial part of that work or development.

**Town Planning Act** means the *Town Planning and Development Act 1928*.

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

**zone** means a portion of the scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indicating the restrictions imposed by the scheme on the use and development of land, but does not include a reserve or special control area.

#### LAND USE DEFINITIONS

**abattoir** means premises used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

**administration office** means premises used for office purposes of an administrative nature including financial, secretarial and advertising services.

**aged persons home** means premises used for the accommodation of aged persons in independent units and where meals and other facilities may be provided.

**agriculture—extensive** means premises used for the raising of stock or crops but does not include agriculture—intensive and animal husbandry—intensive.

**agriculture—intensive** means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following—

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

**agroforestry** means land used commercially for both tree production and agriculture where trees are planted in blocks of more than 1 hectare.

**ambulance depot** means premises used for the parking and maintenance of ambulances.

**amusement parlour** means premises open to the public, where the predominant use is for amusement by means of amusement machines and where there are more than two amusement machines operating within the premises.

**animal boarding** means premises used to board domestic pets.

**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** means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) and other livestock in feedlots.

**animal keeping** means premises used to breed or board domestic pets or to keep breed or board animals used for racing purposes.

**aquaculture** shall have the same meaning as given to the term in and for the purposes of the *Fish Resources Management Act 1994*.

**art and craft centre** means premises used to manufacture, display, and sell, works of art or craft.

**art gallery** means premises used to display art.

**backpacker's accommodation** means premises used for the short term accommodation of persons either in separate bedrooms or communal dormitories, and includes the provision of communal kitchen and living facilities.

**bank** means premises used for banking purposes.

**bed and breakfast accommodation** means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term basis and includes the provision of breakfast.

**betting agency** means premises operated in accordance with the *Totalisator Agency Board Betting Act 1960*.

**business college** means premises used for business education.

**cafe** means restaurant.

**cattery** means the use of an approved outbuilding constructed in accordance with the *Health Act Model By-Laws Series 'A' Part One—General sanitary Provisions 1927* for the purpose of keeping more than 3 cats over the age of 3 months.

**caravan park** has the same meaning given to the term in the *Caravan Parks and Camping Grounds Act 1995*.

**caretaker's dwelling** means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant.

**carpark** means premises used primarily for parking vehicles whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale.

**chalet development** means premises designed for single occupancy and which comprise detached accommodation units, which may be fully self contained or not, and which are generally of single storey or split level construction and a character not dissimilar to farm dwellings or cabins. None of the accommodation units are to be occupied by the same tenant(s) for more than a total of 3 months in any 12-month period.

**Child care centre** has the same meaning given to the term in the *Community Services (Child Care) Regulations 1988*.

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

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

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

**Cluster farming** means the pursuit of a viable agricultural enterprise and linked residential component by a group of individuals, families or business entities on a shared farming basis of a property identified and having high agricultural potential for such activity on a sustainable basis.

**College** means premises used for post school academic studies but excludes a university.

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

**Consulting room(s)** means premises used by no more than two health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care.

**Consulting room(s) home** means premises ancillary to a residence used by no more than one health consultant for the investigation or treatment of human injuries or ailments and for general patient care.

**Contractor's yard** means premises used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.

**Convenience store** means premises used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 300 m<sup>2</sup> gross leaseable area.

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

**Dog kennels** means premises used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council, and may include the sale of dogs.

**Drive-in cinema** means premises used to make provision for an audience to view the entertainment while seated in motor vehicles.

**Dry cleaning premises** mean premises used for the cleaning of garments and other fabrics by chemical processes.

**Dwelling** has the same meaning given to the term in the Residential Design Codes.

**Education centre** means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre.

**Electoral office** means premises used for electoral purposes.

**Entertainment centre** means premises used for the purposes of entertainment of the public or of a private gathering for commercial purposes.

**Equestrian activity** means premises used for the showing, competition or training of horses and includes a riding school.

**Exhibition centre** means premises used for the display of materials of an artistic, cultural or historical nature, and includes a museum or art gallery and may include sales of such materials.

**Factory unit building** means a building or structure, or group of buildings or structures on one lot, in which are carried on two or more separate industries or storage areas not owned or managed by the same person, or in which provision is made for the carrying on of two or more separate industries or storage areas not owned or managed by the same person.

**Farm supply centre** means premises used for the sale of farm supplies including vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.

**Family day care** has the same meaning given to the term in the *Community Services (Child Care) Regulations 1988*.

**Fast food outlet** means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises.

**Fire brigades depot** means premises used for the parking and maintenance of fire engines, trucks and fire fighting equipment.

**Fuel depot** means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.

**Funeral parlour** means premises used to prepare and store bodies for burial or cremation.

**Group dwelling** has the same meaning given to the term in the Residential Design Codes.

**Health club** means premises used for physical exercise and associated activities.

**Hobby farm** means premises used for the keeping of farm animals or the growing of vegetables, fruit or flowers for non commercial purposes or sale.

**Holiday cottages** shall have the same meaning as given to 'Chalet Development'

**home business** means a business, service or profession carried out in a dwelling or on land around a dwelling which—

- (a) does not employ more than two people not members of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 50 m<sup>2</sup>;
- (d) does not entail the retail sale, display or hire of goods of any nature;
- (e) in relation to vehicles and parking, will not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and
- (f) does not involve the use of an essential service of greater capacity than normally required in the zone.

**Home occupation** means an occupation carried out in a dwelling or on land around a dwelling by a resident of the dwelling which—

- (a) does not employ any person not a member of the occupier's household;
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood;
- (c) does not occupy an area greater than 20 m<sup>2</sup>;
- (d) does not display a sign exceeding 0.2 m<sup>2</sup> in area;
- (e) does not involve the retail sale, display or hire of goods of any nature;
- (f) in relation to vehicles and parking, will not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volumes in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (g) does not involve the use of an essential service of greater capacity than normally required in the zone.

**Home office** means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which—

- (a) does not entail clients or customers travelling to and from the dwelling;
- (b) does not involve any advertising signs on the premises; and
- (c) does not require any external changes to the appearance of the dwelling.

**Home store** means any shop with a net lettable area not exceeding 100 m<sup>2</sup> attached to a dwelling and which is operated by a person resident in the dwelling.

**Hospital** means premises in which people are admitted and lodged for medical treatment or care and includes a maternity hospital.

**Hotel** means premises providing accommodation the subject of a hotel licence granted under the provisions of the *Liquor Licensing Act 1988* and may include a betting agency operated in accordance with the *Totalisator Agency Board Betting Act 1960*, but does not include a tavern the subject of a tavern licence or a motel.

**Industry** means premises used for the manufacture, dismantling, processing, assembly, testing, servicing, maintenance and repairing of goods and products, and, if on the same land as any of these operations, the storage of goods, the work of administration or accounting, the selling of goods by wholesale or retail, and the provision of amenities for employees, where incidental to the industrial operations carried out on the land.

**Industry—cottage** means a trade or light industry producing arts and crafts goods which cannot be carried out under the provisions relating to 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 within 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 50 m<sup>2</sup>;
- (e) does not display a sign exceeding 0.2 m<sup>2</sup> in area.

**Industry—extractive** means an industry which involves the extraction, quarrying or removal of sand, gravel, clay, hard rock, stone or similar materials from the land and includes the treatment and storage of those materials, or the manufacture of products from those materials on, or adjacent to, the land from which the materials are extracted, but does not include industry—mining.

**Industry—general** means an industry other than a cottage, extractive, hazardous, light, mining, noxious, rural or service industry.

**Industry—hazardous** means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.

**Industry—light** means an industry—

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises, will not cause any injury to, or will not adversely affect the amenity of the locality; and
- (b) the establishment of which will not, or the conduct of which does not, impose an undue load on any existing or proposed service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

**Industry—mining** means land used commercially to extract minerals from the land.

**Industry—noxious** means an industry which is subject to licensing as 'Prescribed Premises' under the *Environmental Protection Act 1986*.

**Industry—rural** means an industry handling, treating, processing or packing rural products and a workshop servicing plant or equipment used for rural purposes.

**Industry—service** means an industry—light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold, or premises having a retail shop front and used as a depot for receiving goods to be serviced.

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

**Lodging house** shall have the same meaning as is given to the term in and for the purposes of the *Health Act 1911*.

**Lunch bar** means a building or part of a building used for the sale of takeaway food within industrial and commercial areas, in a form ready to be consumed without further preparation off the premises but does not include a fast food outlet.

**Marina** means premises at which berths or pens, and fuelling, servicing, repairing, storage (including storage on land) and other facilities for boats are provided, with or without the sale of boating gear and equipment, and includes all jetties, piers, embankments, quays and moorings and all offices and storerooms used in connection with the marina.

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

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

**Market garden** means land used for market gardening purposes.

**Medical centre** means premises used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).

**Milk depot** means premises to which milk and by products are delivered for distribution by vendors to consumers but in which milk is not processed or pasteurised.

**Motel** means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and to which a licence under the *Liquor Licensing Act 1988* may have been granted.

**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 electrical and mechanical repairs and overhauls to motor vehicles. The term includes repairs to tyres but does not including recapping or retreading of tyres, panel beating, spray painting or chassis reshaping.

**Motor vehicle wash** means premises where the primary use is the washing of motor vehicles.

**Motor vehicle wrecking** means premises used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second hand motor vehicle accessories and spare parts.

**Multiple dwelling** has the same meaning given to the term in the Residential Design Codes.

**Museum** means premises used to exhibit cultural or historical artefacts.

**Night club** means premises used for entertainment with or without eating facilities and to which a licence and other provisions of the *Liquor Licensing Act 1988* has been granted.

**Office** means premises used for administration, clerical, technical, professional or other like business activities.

**Park home park** shall have the same meaning as given to the term in the *Caravan Parks and Camping Grounds Regulations 1997*.

**Piggery** shall have the same meaning given to the term in and for the purposes of the *Health Act 1911*.

**Place of assembly** means premises where people assemble for a public, religious or cultural activity.

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

**Plantation** has the same meaning given to the term in the *Code of Practice for Timber Plantations in Western Australia (1997)*.

**Plant nursery** means premises used for the propagation, rearing and sale of plants and the storage and sale of products associated with horticultural and garden decor.

**Poultry farm** means premises used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the *Health Act 1911*.

**Pre-primary school** means premises used to educate pre-school children.



**Real estate agency** means any premises used to conduct a real estate office.

**Recreation and leisure** means premises used for recreation, sport or leisure purposes.

**Recreation—indoor** means any buildings used for sports including swimming, ice skating ten pin bowling, cricket, tennis, squash, soccer, billiards and similar activities.

**Recreation—outdoor** means any land used for outdoor recreation purposes.

**Recreation—private** means premises used for indoor and outdoor leisure, recreation and sport which are not usually open to the public without charge.

**Recreation—public** means land used for a public park, public gardens, foreshore reserve, playground or other grounds for recreation which are usually open to the public without charge.

**Reception centre** means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes.

**Research centre** means premises used to undertake research.

**Research laboratory** means premises used to undertake research in a laboratory.

**Residential building** has the same meaning given to the term in the Residential Design Codes.

**Restaurant** means premises where the predominant use is the sale and consumption of food and drinks on the premises and where seating is provided for patrons, and the term shall include a licensed restaurant.

**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 publications pursuant to the *Indecent Publications and Articles Act 1902*; 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.

**Roadhouse** means premises used for the predominant purpose of a service station but incidentally including a cafe, restaurant and/or shop.

**Rural pursuit** means any land or buildings used for—

- (a) the rearing or agistment of animals;
- (b) the stabling, agistment or training of horses;
- (c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens;
- (d) the sale of produce grown solely on the lot;

but does not include agriculture—extensive or agriculture—intensive.

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

**Sawmill** means premises where logs or large pieces of timber are sawn.

**School** means premises used to educate children.

**Service station** means premises used for the retail sale of petroleum products and motor vehicle accessories and goods of an incidental/convenience retail nature, and for carrying out greasing, tyre repairs or minor mechanical repairs to motor vehicles, but does not include a transport depot, panel beating, spray painting, major repairs or wrecking.

**Shop** means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser and beauty therapist) but does not include a showroom or fast food outlet.

**Showroom** means premises used for displaying or offering for sale by wholesale or retail, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools or goods of a bulky nature.

**Special facility** means a facility established for purposes in section 46(5) of the *Liquor Licensing Act 1988* or for another purpose in respect of which the relevant Liquor Licensing Authority in Western Australia grants a special facility licence within the meaning of the *Liquor Licensing Act 1988*.

**Stable** means premises used for the housing, keeping and feeding of horses, asses and mules and associated incidental activities.

**Stall—general** means a place, stand, vehicle or other thing where goods are exposed or offered for sale by retail, and being distinguished from a shop in that it is not permanently housed in a place that is structurally part of a building and of which the stallholder has exclusive possession.

**Stall—wayside** means a place, stand, vehicle or other thing which offers for sale to the general public, produce or any commodity which is grown or manufactured on the land or site, upon which the stall is located.

**Stock and sale yard** means premises used for holding and sale of animal stock.

**Storage units or yard** means premises used for the storage of goods, equipment, plant or materials.

**Tavern** means premises used to sell liquor for consumption on the premises and the subject of a tavern licence granted under the provisions of the *Liquor Licensing Act 1988*.

**Tearooms** shall have the same meaning given to it as 'restaurant'.

**Telecommunications infrastructure** means any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use, in or in connection with a telecommunications network.

**Timber yard** means premises used for the handling, cutting and dressing of timber and timber products in association with their sale by retail.

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

**Transport depot** means premises used for the garaging of motor vehicles used or intended to be used for carrying goods or persons, or for the transfer of goods and persons from one motor vehicle to another of such motor vehicle and includes maintenance, management and repair of the vehicles used, but not of other vehicles, and may include overnight accommodation on-site for the transport workers.

**Travel agency** means premises used to conduct a travel agency business.

**University** means premises used for tertiary academic studies.

**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.

**Veterinary clinic** means the use of any premises for the treatment of minor ailments of animals and may include the keeping of animals overnight for the purposes of post operative recovery.

**Veterinary hospital** means the use of premises for the treatment of minor or major ailments of animals, and includes the accommodation of animals for periods longer than overnight.

**Video shop** means premises used for the sale or hire of video cassettes or video recorders and ancillary goods.

**Warehouse** means premises used to store or display goods and which may include sale by wholesale.

**Winery** means premises used for the production of viticultural produce and which may include the sale of the produce.

**Worker's accommodation** means premises used for the short term accommodation of farm workers or extended family necessary to assist in the operation of an agricultural establishment.

#### SCHEDULE 2—ADDITIONAL USES

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
A1.	Lot 6 of 156 Warren Road, Nannup	Museum	Nil
A2.	Part Nelson Location 6147 Chalwell Road	Additional dwelling (to allow for maximum of two dwellings in total)	<ol style="list-style-type: none"> <li>1. Existing tree cover is to be retained unless the removal of trees is authorised by the local government in a particular instance to carry out approved development or comply with the provisions of the Bush Fires Act.</li> <li>2. All stormwater and sewerage is to be disposed of on-site and leach drains are not to be constructed closer than 50 metres to any river, stream or other surface water body.</li> <li>3. In considering any applications for subdivision of the land the local government's recommendation to the Commission will be to only support applications proposing a maximum of two lots with a minimum lot size of five hectares.</li> <li>4. At the time of considering any applications for subdivision of the subject land the local government will consider requesting the Commission impose conditions addressing the following matters— <ol style="list-style-type: none"> <li>(i) upgrading of feeder roads servicing the land; and</li> <li>(ii) the need for a fire management plan.</li> </ol> </li> </ol>

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
A3.	Nelson Location 11193 Mount Leeuwin Loop Road	Additional dwellings (to allow for a maximum of four dwellings in total).	<ol style="list-style-type: none"> <li>1. Existing tree cover is to be retained unless the removal of trees is authorised by the local government in a particular instance to carry out approved development or comply with the provisions of the Bush Fires Act.</li> <li>2. All stormwater and sewerage is to be disposed of on-site and leach drains are not to be constructed closer than 50 metres to any river, stream or other surface water body.</li> <li>3. In considering any applications for subdivision of the land the local government's recommendation to the Commission will be to only support applications proposing a maximum of four lots with a minimum lot size of five hectares.</li> <li>4. At the time of considering any applications for subdivision of the subject land the local government will consider requesting the Commission impose conditions addressing the following matters— <ol style="list-style-type: none"> <li>(i) upgrading of feeder roads servicing the land; and</li> <li>(ii) the need for a fire management plan.</li> </ol> </li> </ol>
A4.	Nelson Location 11316 Vasse Highway	Additional dwellings (to allow for a maximum of seven dwellings in total)	<ol style="list-style-type: none"> <li>1. Existing tree cover shall be retained unless the removal of trees is authorised by the local government in a particular instance to carry out approved development or comply with the provisions of the Bush Fires Act.</li> <li>2. All stormwater and sewerage is to be disposed of on-site and leach drains shall not be constructed closer than 50 metres to any river, stream or other surface water body.</li> <li>3. In considering any applications for subdivision of the land the local government's recommendation to the Commission will be to only support applications proposing a maximum of seven lots with a minimum lot size of five hectares.</li> <li>4. At the time of considering any applications for subdivision of the subject land the local government will consider requesting the Commission impose conditions addressing the following matters— <ol style="list-style-type: none"> <li>(i) upgrading of feeder roads servicing the land; and</li> <li>(ii) the need for a fire management plan.</li> </ol> </li> </ol>

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
A5.	Nelson Location 11864 Brockman Highway	Additional Dwellings (to allow for maximum 4 dwellings).	<ol style="list-style-type: none"> <li>1. Existing tree cover is to be retained unless the removal of trees is authorised by the local government in a particular instance to carry out approved development or comply with the provisions of the Bush Fires Act.</li> <li>2. All stormwater and sewerage is to be disposed of on-site and leach drains shall not be constructed closer than 50 metres to any river, stream or other surface water body.</li> <li>3. In considering any applications for subdivision of the land the local government's recommendation to the Commission will be to only support applications proposing a maximum of four lots with a minimum lot size of five hectares.</li> <li>4. At the time of considering any applications for subdivision of the subject land the local government will consider requesting the Commission impose conditions addressing the following matters— <ol style="list-style-type: none"> <li>(i) upgrading of feeder roads servicing the land; and</li> <li>(ii) the need for a fire management plan.</li> </ol> </li> </ol>
A6.	Nelson Location 11914 Jalbarragup Road	Additional dwellings (to allow for maximum of three dwellings in total).	<ol style="list-style-type: none"> <li>1. Existing tree cover is to be retained unless the removal of trees is authorised by the local government in a particular instance to carry out approved development or comply with the provisions of the Bush Fires Act.</li> <li>2. All stormwater and sewerage is to be disposed of on-site and leach drains shall not be constructed closer than 50 metres to any river, stream or other surface water body.</li> <li>3. In considering any applications for subdivision of the land the local government's recommendation to the Commission will be to only support applications proposing a maximum of three lots with a minimum lot size of five hectares.</li> <li>4. At the time of considering any applications for subdivision of the subject land the local government will consider requesting the Commission impose conditions addressing the following matters— <ol style="list-style-type: none"> <li>(i) upgrading of feeder roads servicing the land; and</li> <li>(ii) the need for a fire management plan.</li> </ol> </li> </ol>

NO.	DESCRIPTION OF LAND	ADDITIONAL USE	CONDITIONS
A7.	Nelson Location 3558 Buckley Road	Additional dwellings (to allow for a maximum of five dwellings in total).	<ol style="list-style-type: none"> <li>1. Existing tree cover is to be retained unless the removal of trees is authorised by the local government in a particular instance to carry out approved development or comply with the provisions of the Bush Fires Act.</li> <li>2. All stormwater and sewerage is to be disposed of on-site and leach drains shall not be constructed closer than 50 metres to any river, stream or other surface water body.</li> <li>3. In considering any applications for subdivision of the land the local government's recommendation to the Commission will be to only support applications proposing a maximum of five lots with a minimum lot size of five hectares.</li> <li>4. At the time of considering any applications for subdivision of the subject land the local government will consider requesting the Commission impose conditions addressing the following matters— <ol style="list-style-type: none"> <li>(i) upgrading of feeder roads servicing the land; and</li> <li>(ii) the need for a fire management plan.</li> </ol> </li> </ol>
A8.	Lot 4 of 63 Kearney Street	Winery	Nil
A9.	Lot 1 Davidson Road & Graphite Road  (strata lots 1-10)	Additional Dwellings (one dwelling per strata lot)	<ol style="list-style-type: none"> <li>1. Existing tree cover is to be retained unless the removal of trees is authorised by the local government in a particular instance to carry out approved development or comply with the provisions of the Bush Fires Act.</li> <li>2. All stormwater and sewerage is to be disposed of on-site and leach drains shall not be constructed closer than 50 metres to any river, stream or other surface water body.</li> <li>3. No further subdivision of the strata lots will be supported by the local government.</li> </ol>

**SCHEDULE 3—RESTRICTED USES**

NO.	DESCRIPTION OF LAND	RESTRICTED USE	CONDITIONS

**SCHEDULE 4—SPECIAL USE ZONES**

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
SU1.	Nelson Location 140 Vasse Highway, Nannup	<ul style="list-style-type: none"> <li>• Chalets</li> <li>• Motel Units</li> <li>• Restaurant</li> <li>• Administration &amp; Service building</li> <li>• Recreation</li> </ul>	<ol style="list-style-type: none"> <li>1. Development of the site shall be generally in accordance with the Development Guide Plan adopted by local government and endorsed by the Chief Executive Officer.</li> <li>2. No trees or substantial vegetation shall be felled or removed from the site except where:               <ul style="list-style-type: none"> <li>required for approved development works;</li> <li>(i) the establishment of a firebreak is required by Regulation or By-law; or</li> <li>(ii) trees are dead, diseased or dangerous.</li> </ul> </li> <li>3. Where required, specifications of the potable water supply and waste disposal systems to be installed are to be submitted to the local government with</li> </ol>

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
			<p>building plans and no building shall be considered fit for human habitation until the systems are installed and operating to the local government's satisfaction.</p> <p>4. No installation for the disposal of waste water or effluent shall be located, in the case of approved alternative effluent disposal systems, closer than 50 metres and, in the case of septic tank/leach drain systems, 100 metres to a definable water course, creek or water body unless otherwise determined by the local government or the Health Department of Western Australia, such requirement to be imposed as a condition of development approval.</p> <p>5. The minimum vertical clearance between the bottom of any approved onsite effluent disposal system and the highest known groundwater table or bedrock shall be 2.0 metres.</p> <p>6. At the time of making application for development, the local government shall request the provision of suitable bush fire control mechanisms.</p>
SU2.	Nelson Location 2008 Nursery Road, Nannup	<ul style="list-style-type: none"> <li>• Holiday Cottages</li> <li>• Office</li> <li>• Private Timber Plantation</li> <li>• Rural Pursuit</li> <li>• Caretakers Dwelling</li> </ul>	<p>1. Development of the site is to be generally in accordance with the Development Guide Plan adopted by the local government and endorsed by the Chief Executive Officer.</p> <p>2. The subdivider shall develop a Management Statement in consultation with the local government, addressing but not limited to the following issues—</p> <ul style="list-style-type: none"> <li>• Rubbish collection/disposal;</li> <li>• Keeping of domestic animals;</li> <li>• Maintenance of private roads;</li> <li>• Building design;</li> <li>• Clearing of vegetation;</li> <li>• Implementation of Bush Fire Management Program; and</li> <li>• Other issues as required by the local government.</li> </ul> <p>3. All buildings shall be designed in accordance with the Australian Standard for Building in Bush Fire Prone Areas.</p> <p>4. All buildings shall be located—</p> <ul style="list-style-type: none"> <li>• minimum 20 metres from any dam or stream on the property;</li> <li>• minimum 20 metres apart; and</li> <li>• minimum 100 metres from any boundary.</li> </ul>

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
			<p>5. No cut and fill for the purpose of constructing the holiday cottages and caretakers dwelling shall be permitted.</p> <p>6. All dwellings, roads, stormwater and effluent disposal, dams and other infrastructure must be designed based upon appropriate geotechnical and engineering advice. Such advice shall be supplied to the satisfaction of the local government prior to development.</p> <p>7. Where required, specifications of the potable water supply and waste disposal systems to be installed are to be submitted to the local government with building plans. No building shall be considered fit for human habitation until the systems are installed and operating to the Health Department of Western Australian and the local government's satisfaction.</p> <p>8. No installation for the disposal of waste water or effluent shall be located, in the case of approved alternative effluent disposal systems, closer than 50 metres and, in the case of septic tank/leach drain systems, 100 metres to a definable water course, creek or water body unless otherwise determined by the local government, such requirement to be imposed as a condition of development approval.</p> <p>9. The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known groundwater table or bedrock shall be 2.0 metres.</p> <p>10. Trees may be cleared on the site in accordance with the management requirements of the property for private tree plantation purposes.</p> <p>11. Notwithstanding Special Provision No. 10, no vegetation shall be permitted to be cleared north of the most northern dam site.</p> <p>12. The local government shall either request at the time of subdivision or require at the time of development the planting of vegetation to appropriately screen proposed development from off-site.</p> <p>13. At the time of making application for development, the local government shall request the provision of a Bush Fire Management Program for the subject land which shall be prepared in consultation with</p>



NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
			<p>appropriate Government agencies. The strata company shall implement requirements pertaining to the common property and strata lots under the adopted Bush Fires Management Program to the satisfaction of the local government. No development which would impede the Bush Fires Management Program will be permitted or undertaken.</p> <p>14. The Bush Fire Management Program referred to in Special Provision No. 13 shall address the following—</p> <ul style="list-style-type: none"> <li>• retention of pines;</li> <li>• clearing of vegetation;</li> <li>• water points;</li> <li>• emergency escape routes;</li> <li>• internal road network;</li> <li>• weed management; and</li> <li>• firebreaks and fuel free areas.</li> </ul> <p>15. With the intention of preventing overstocking and other practices detrimental to the amenity of the zone, intensive agricultural pursuits and the breeding of animals for commercial gain are not permitted.</p> <p>16. At the time of development the local government may require the upgrading of Nursery Road between the entrance of the property and Brockman Highway. The developer is to be responsible for any upgrading required.</p> <p>17. No person shall occupy a chalet (does not include the caretakers dwelling) for more than a total of three months in any one twelve month period.</p>
SU3.	Portion Lots 18 and 9231 Warren Road	<ul style="list-style-type: none"> <li>• Sawmill</li> <li>• Industry—General</li> <li>• Industry—Light</li> <li>• Industry—Service</li> <li>• Civic Use</li> <li>• Car Park</li> <li>• Community Purpose</li> <li>• Dwelling—Single Dwelling</li> <li>• Bed &amp; Breakfast Accommodation</li> <li>• Caretakers Dwelling</li> <li>• Child Care Centre</li> <li>• Office</li> <li>• Home Office</li> <li>• Home Occupation</li> <li>• Home Business</li> <li>• Cottage Industry</li> <li>• Motor Vehicle Wrecking</li> </ul>	<p>1. Prior to any subdivision of the land within the zone, a Development Guide Plan is to be prepared for the approval of the local government and Commission. The Development Guide Plan is to illustrate, but not be limited to, the following—</p> <ul style="list-style-type: none"> <li>• identification of land required for general industry requirements based on the infrastructure of the established timber mill within the site;</li> <li>• identification of land suitable for light or service industrial subdivision and development;</li> <li>• suitable separation or buffering of residential enclave (former mill housing) and other nearby residential areas from industrial uses;</li> <li>• road access;</li> <li>• service infrastructure; and</li> </ul>

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
		<ul style="list-style-type: none"> <li>• Public Utility</li> <li>• Research Centre</li> <li>• Salvage Yard</li> <li>• Storage Units or Yard</li> <li>• Telecommunications Infrastructure</li> <li>• Trade Display</li> <li>• Transport Depot</li> <li>• Warehouse</li> </ul>	<ul style="list-style-type: none"> <li>• public open space for residential enclave.</li> </ul> <ol style="list-style-type: none"> <li>2. Upon approval of the Development Guide Plan development of the site is to be generally in accordance with the plan.</li> </ol>
SU4.	Portion State Forest consisting of all the land within boundary of Wheatley Townsite, otherwise known as "Donnelly River Village"	<ul style="list-style-type: none"> <li>• Bed &amp; Breakfast Accommodation</li> <li>• Caretakers Dwelling</li> <li>• Community Centre</li> <li>• Holiday Cottages</li> <li>• Lodging House</li> <li>• Museum</li> <li>• Residential Building</li> <li>• Shop</li> <li>• Single Dwelling</li> </ul>	<ol style="list-style-type: none"> <li>1. All future development is subject to the requirement to obtain Planning Approval of the local government in accordance with Part 9 of the Scheme Text.</li> </ol>
SU5.	Lots 65, 66, 67 & 68 Kearney Street, Warren Road & Higgins Street, Nannup	<ul style="list-style-type: none"> <li>• Single Dwelling</li> <li>• Bed &amp; Breakfast Accommodation</li> <li>• Grouped Dwelling</li> <li>• Home Business</li> <li>• Home Occupation</li> <li>• Home Office</li> </ul>	<ol style="list-style-type: none"> <li>1. Prior to any subdivision or further residential development of the site, a Development Guide Plan is to be prepared for the approval of the local government (and Commission if for subdivision). The Development Guide Plan is to address, but not be limited to, the following— <ul style="list-style-type: none"> <li>• Proposed method of effluent disposal and its impact upon the environmental values of Higgins Swamp;</li> <li>• Development and effluent disposal (if not sewerage) to the water body; and</li> <li>• Extent of earthworks (eg: fill) required to accommodate proposed development.</li> </ul> </li> </ol>
SU6	Lot 7 Balingup Road, Nannup	<ul style="list-style-type: none"> <li>• Dwelling—Single Dwelling</li> <li>• Chalet Development</li> <li>• Public Utility</li> <li>• Rural Pursuit</li> </ul>	<ol style="list-style-type: none"> <li>1. Development of the site shall be generally in accordance with the Development Guide Plan adopted by the local government and endorsed by the Chief Executive Officer.</li> <li>2. A fire management plan shall be prepared at the strata subdivision stage to the satisfaction of the Fire and Emergency Services Authority and the local government. The plan is to be prepared in accordance with the publication 'Planning for Bush Fire Protection Policy 2001'.</li> <li>3. In the event that the use and development of the land forms the subject of an application for approval to a strata scheme made to both the Commission and the local government, the land owners shall prepare a Management Statement to the</li> </ol>

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
			<p>satisfaction of the local government addressing the following—</p> <ul style="list-style-type: none"> <li>• The manner in which provision is to be made for the care, control and appropriate management of any land allocated as common property within the strata scheme;</li> <li>• The manner in which all essential services are to be provided and permanently maintained to all units within the Strata Scheme including the location of any implied or other easements over the lots and common property and the powers available to, and/or reserved by the Strata Company to gain access to those services for repair, maintenance, replacement or expansion as the case may require;</li> <li>• Provision is to be made for refuse collection and disposal from properties within the Strata Scheme.</li> <li>• A detailed Fire Management Plan for the land area;</li> <li>• An acknowledgment by all initial Strata Title owners and arrangements to be set in place to inform future owners of lots within the Strata Scheme of the fact that the Strata Scheme is within an agricultural area wherein agricultural practices will continue to occur and which may from time to time impact upon the amenity of the land.</li> <li>• Other issues as may be advised by the local government at the time of the Strata proposal.</li> </ul> <p>4. No vegetation is to be removed from the site without the approval of the local government except where required for the following—</p> <ul style="list-style-type: none"> <li>• Required for approved development works;</li> <li>• Establishment of a fire break as required by regulation or by-law; or</li> <li>• Trees are dead or dangerous.</li> </ul> <p>5. Each habitable building is to be connected to its own water storage tank of a minimum capacity of 50,000 litres or an alternative potable water source complying with relevant standards to the satisfaction of the local government.</p> <p>6. All habitable buildings are to be connected to an approved effluent disposal system to the satisfaction of the local</p>

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
			<p>government. Prospective purchasers of the approved lots are to be advised at the strata subdivision stage that they may need to contribute towards the upgrade of the existing Biotech effluent disposal system at the time of development or install an alternative treatment unit if required to the satisfaction of the Health Department of WA and the local government.</p> <p>7. No person shall occupy a chalet (does not include the dwelling house) for more than a total of three months in any twelve month period.</p>
SU7	TAA Lot 1 Brockman Highway, Nannup	<ul style="list-style-type: none"> <li>• Reception Centre</li> <li>• Health Centre</li> <li>• Holiday Cottages</li> <li>• Motel</li> <li>• Caravan Park</li> <li>• Public Recreation</li> </ul>	<p>1. Prior to any development of the land, a Development Guide Plan will have to be prepared to the satisfaction of the local government showing the effect of the development proposed. All development of the land will have to be in accordance with the endorsed development guide plan(s).</p> <p>2. In order to conserve the natural beauty of the locality all trees shall be retained unless their removal is authorised by the local government.</p> <p>3. A person shall not construct or commence to construct a building in a manner or of materials that would in the opinion of the local government destroy the amenity of the area or not blend in the landscape.</p> <p>4. A condition of development shall be the approval by the local government of a comprehensive landscaping plan.</p> <p>5. All habitable buildings requiring effluent disposal are to be connected to a reticulated sewerage system or domestic wastewater treatment system with an adequate phosphorus retention capacity as approved by the Department of Health and the local government. The base of the system or the modified irrigation area is to be above the highest known water table.</p> <p>6. Stormwater drainage shall be designed to the satisfaction of the local government.</p>

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
SU8	Portion of Lot 23 Brockman Highway, Nannup	<ul style="list-style-type: none"> <li>• Reception Centre</li> <li>• Health Centre</li> <li>• Holiday Cottages</li> <li>• Motel</li> <li>• Caravan Park</li> <li>• Public Recreation</li> </ul>	<ol style="list-style-type: none"> <li>1. Prior to any development of the land, a Development Guide Plan will have to be prepared to the satisfaction of the local government showing the effect of the development proposed. All development of the land will have to be in accordance with the endorsed development guide plan(s).</li> <li>2. In order to conserve the natural beauty of the locality all trees shall be retained unless their removal is authorised by the local government.</li> <li>3. A person shall not construct or commence to construct a building in a manner or of materials that would in the opinion of the local government destroy the amenity of the area or not blend in the landscape.</li> <li>4. A condition of development shall be the approval by the local government of a comprehensive and detailed landscaping plan.</li> <li>5. All habitable buildings requiring effluent disposal are to be connected to a reticulated sewerage system or a domestic wastewater treatment system with an adequate phosphorus retention capacity as approved by the Department of Health and the local government. The base of the system or the modified irrigation area is to be above the highest known water table.</li> <li>6. Stormwater drainage shall be designed to the satisfaction of the local government.</li> </ol>
SU9	Nelson Location 780 Nannup-Balingup Road	<ul style="list-style-type: none"> <li>• Workers Accommodation (4 single dwellings)</li> <li>• Restaurant</li> <li>• Winery</li> <li>• Bed &amp; Breakfast Accommodation</li> <li>• Museum</li> <li>• Chalet Development (maximum 5 chalet units)</li> <li>• Cottage Industry</li> </ul>	<ol style="list-style-type: none"> <li>1. Prior to the development of chalets an application is to be submitted for Planning Approval in accordance with Clause 8.1 of the Scheme text. The plans submitted are to show the ultimate number of chalets proposed for development on the land. The local government will determine the need for advertising or referral of the application in accordance with Clause 9.4 of the Scheme Text.</li> </ol>
SU10	Nelson Location 4497 Storry Road	<ul style="list-style-type: none"> <li>• Holiday Cottages</li> <li>• Dwelling and Ancillary Office</li> <li>• Rural Pursuits</li> </ul>	<ol style="list-style-type: none"> <li>1. Development of the site shall be generally in accordance with the Development Guide Plan attached to the Scheme Amendment Report.</li> <li>2. No trees or substantial vegetation shall be felled or removed from the site except where— <ol style="list-style-type: none"> <li>(i) required for approved development works;</li> <li>(ii) the establishment of a firebreak is required by</li> </ol> </li> </ol>

NO.	DESCRIPTION OF LAND	SPECIAL USE	CONDITIONS/SPECIAL PROVISIONS
			<p>legislation</p> <p>(iii) trees are dead, diseased or dangerous.</p> <p>3. With the intention of preventing overstocking and other practices detrimental to the amenity of the zone, intensive agricultural pursuits are not permitted unless otherwise approved by the local government.</p> <p>4. No person shall occupy a chalet (does not include the dwelling house) for more than a total of three months in any twelve month period.</p> <p>5. All buildings shall be located—</p> <ul style="list-style-type: none"> <li>• At least 20 metres from any dam or stream on the property;</li> <li>• At least 20 metres apart; and</li> <li>• At least 100 metres from any boundary.</li> </ul> <p>6. Where required, specifications of the potable water supply and waste disposal systems to be installed to the satisfaction of the local government and where required the Health Department of Western Australia.</p> <p>7. All new chalets to be constructed in accordance with AS3959 Construction of Buildings in Bush Fire Prone Areas.</p> <p>8. At the time of the development Council shall require the upgrading of Storry Road between the entrance of the property and Vasse Highway to the satisfaction of the local government. The developer is responsible for the upgrading required.</p> <p>9. The local government will require the implementation of an approved Fire Management Plan, as a condition of development approval</p>

**SCHEDULE 5—EXEMPTED ADVERTISEMENTS**

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAXIMUM SIZE
Dwellings	One professional name-plate as appropriate.	0.5m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly.	One advertisement detailing the function and/or the activities of the Institution concerned.	2.0m <sup>2</sup>
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	Each advertisement sign

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAXIMUM SIZE
	displayed.	not to exceed 5m <sup>2</sup>
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 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	N/A
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not Including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building 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 <sup>2</sup> . Maximum permissible total area shall not exceed 10m <sup>2</sup> and Individual advertisement signs shall not exceed 6m <sup>2</sup> .
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 council of a local government 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 council of a local government, 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 N/A N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m <sup>2</sup> in area.
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 <sup>2</sup>

LAND USE AND/OR DEVELOPMENT	EXEMPTED SIGN	MAXIMUM SIZE
<p><b>Building Construction</b>  <u>Sites (advertisement signs displayed only for the duration of the construction as follows—</u></p>	<p>One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p>	
(a) Dwellings.	One sign as for (1) above.	2m <sup>2</sup>
(b) Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for (1) above	2m <sup>2</sup>
(c) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One additional sign showing the name of the project builder	5m <sup>2</sup>
(d) 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 formally used for that purpose.	2m <sup>2</sup>
<p><u>Property Transactions. Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows—</u></p>		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leading 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 <sup>2</sup>
(b) Multiple Dwellings, Shops, commercial and industrial properties.	One sign as for (a) above.	Each sign shall not exceed an area of 5m <sup>2</sup>
(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 <sup>2</sup>
<p><b>Display Homes</b>            Advertisement signs displayed for the period over which homes are on display for public inspection.</p>	<p>(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.</p>	2m <sup>2</sup> 5m <sup>2</sup>

*Includes the change of poster signs and applies to non-illuminated signs unless otherwise stated*



SCHEDULE 6—FORM OF APPLICATION FOR PLANNING APPROVAL
APPLICATION FOR PLANNING APPROVAL
SHIRE OF NANNUP

OWNER DETAILS—

Name
Address
Post Code
Phone (work) (home) Fax
E-Mail
Contact Person for Correspondence
Signature Date
Signature Date

The signature of the landowner(s) is required on all applications. This application will not proceed without that signature.

APPLICANT DETAILS—

Name
Address
Post Code
Phone (work) (home) Fax
E-Mail
Contact Person for correspondence
Signature Date

PROPERTY DETAILS—

Lot No. House/Street No. Location No.
Diagram or Plan No.
Certificate of Title No. Folio
Diagram or Plan No. Folio
Title Encumbrances (eg, easements, restrictive covenants)
Street Name
Suburb
Nearest Street Intersection
Existing Building/Land Use
Description of proposed development and/or use
Nature of any existing buildings and/or use
Approximate cost of proposed development
Estimated time of completion

OFFICE USE ONLY

Acceptance Officer's Initials: Date Received:
Council Reference No:
Delegated Authority
Council Decision Required

(The content of the form of application must conform to Schedule 6 but minor variations may be permitted to the format).

SCHEDULE 7—ADDITIONAL INFORMATION FOR ADVERTISEMENTS

NOTE: TO BE COMPLETED IN ADDITION TO THE APPLICATION FOR PLANNING APPROVAL FORM

- 1. Description of property upon which advertisement is to be displayed including full details of its proposed position within that property—

- 2. Details of Proposed Sign—
  - (a) Type of structure on which advertisement is to be erected (i.e. freestanding, wall mounted, other):  
.....
  - (b) Height: ..... Width: .....  
Depth: .....
  - (c) Colours to be used: .....
  - (d) Height above ground level  
(to top of advertisement): .....  
(to underside): .....
  - (e) Materials to be used: .....
- If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating and state intensity of light source: .....
- 3. Period of time for which advertisement is required: .....
- (a) Details of signs (if any) to be removed if this application is approved—  
.....  
.....  
.....

Note: This application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.

Signature of Advertiser(s): .....  
(if different from land owners)  
Date: .....

**SCHEDULE 8—NOTICE OF PUBLIC ADVERTISING OF PLANNING PROPOSAL**  
TOWN PLANNING AND DEVELOPMENT ACT 1928 (as amended)  
Shire of Nannup  
**NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL**

The local government has received an application to use and/or develop land for the following purpose and public comments are invited.

LOT NO .....  
STREET..... SUBURB .....  
PROPOSAL

.....  
.....  
.....  
.....

Details of the proposal are available for inspection at the Council office. Comments on the proposal may be submitted to the local government in writing on or before the ..... day of .....

Signed: .....  
Dated: .....  
for and on behalf of the Shire of Nannup

**SCHEDULE 9—NOTICE OF DECISION ON APPLICATION FOR PLANNING APPROVAL**  
TOWN PLANNING AND DEVELOPMENT ACT 1928 (as amended)  
Shire of Nannup  
**DECISION ON APPLICATION FOR PLANNING APPROVAL**

LOCATION: .....  
LOT: ..... PLAN/DIAGRAM: .....  
VOL NO: ..... FOLIO NO: .....  
Application Date: ..... Received on: .....

Description of proposed development: .....

The application for planning approval is—  
 granted subject to the following conditions—  
 refused for the following reason(s)—

CONDITIONS / REASONS FOR REFUSAL—

- Note 1: If the development the subject of this approval is not substantially commenced within a period of 2 years, or such other period as specified in the approval after the date of the decision, the approval shall lapse and be of no further effect.
- Note 2: Where an approval has so lapsed, no development shall be carried out without the further approval of the local government having first been sought and obtained.
- Note: 3 if an applicant is aggrieved by this decision there is a right of appeal pursuant to the provisions of the Town Planning Act.

Signed: ..... (Shire of Nannup)

Dated: .....

**SCHEDULE 10—ENVIRONMENTAL CONDITIONS**

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS

**SCHEDULE 11—CAR PARKING REQUIREMENTS**

Development	Minimum Number Of Spaces
Attached House	2 spaces per dwelling
Caravan Park	1.25 spaces per unit, bay or tent site
Child Care Centre	1 space per employee plus 2 extra spaces for the
Consulting Rooms	picking up and setting down of persons
Grouped Dwelling	3 spaces per practitioner
Hospital	2 spaces per dwelling
Hotel	1 space per patient and bed
Industry	1 space per bedroom plus 1 space per 25m <sup>2</sup> of retail
Office	floor area
Place of Assembly	1 space per 100m <sup>2</sup> of floor area
Public Worship	1 space per 30m <sup>2</sup> gross floor area
Restaurant	1 space per 4 persons accommodated
Retail/Commercial/Office (within the	1 space per 4 persons accommodated
Town Centre zone)	1 space per 25m <sup>2</sup> of retail floor area
Retail Nursery	1 space per 35m <sup>2</sup> of gross leasable area
Service Station	1 space per 100m <sup>2</sup> of gross floor space
Shop	2 spaces per service bay
Showroom	1 space per 25m <sup>2</sup> of retail floor area
Tavern	1 space per 50m <sup>2</sup> of floor area
Vehicle Sales Premises	1 space per 25m <sup>2</sup> of retail floor area
Warehouse	1 space per 200m <sup>2</sup> of site area
	1 space per 100m <sup>2</sup> of gross floor space

**Note: Refer to Part 5 of the Scheme Text.**

## SCHEDULE 12—SPECIAL RURAL ZONES

NO.	DESCRIPTION OF LAND	CONDITIONS
SR1	Sussex Locations 865, 1082, 1083, 1084 and 1356 Denny Road and Brook Road.	<ol style="list-style-type: none"> <li>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</li> <li>2. A person shall not construct or erect or commence to erect or construct —               <ol style="list-style-type: none"> <li>(i) a dwelling having an internal floor area of less than 45m<sup>2</sup></li> <li>(ii) a building in a manner or of materials that would in the opinion of the local government destroys the amenity of the area or not blend with the landscape.</li> </ol> </li> <li>3. A person shall not construct a building in a manner or of materials that would in the opinion of the local government destroy the amenity of the area or not blend in with the landscape.</li> <li>4. A person shall not use any land for the purposes of breeding or keeping animals for commercial gain without the approval of the local government.</li> <li>5. A person shall not use any land for intensive rural pursuits for commercial gain without the approval of the local government.</li> </ol>
SR2	Sussex Location 5261 Stacey Road	<ol style="list-style-type: none"> <li>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</li> <li>2. Every lot shall contain a minimum of ten per cent of its area devoted to maintaining existing tree cover, or to a tree planting program approved by the local government.</li> <li>3. Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 m or such greater distance as the local government may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.</li> </ol>
SR3	Nelson Locations 4026, 5207 & 8972 Barrabup Road.	<ol style="list-style-type: none"> <li>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</li> <li>2. Every lot shall contain a minimum of ten per cent of its area devoted to maintaining existing tree cover, or to a tree planting program approved by the local government.</li> <li>3. Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 m or such greater distance as the local government may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.</li> <li>4. No dwelling house within this zone and more than 1km from a water point shall be occupied unless a supply of water to the satisfaction of the local government is available onsite.</li> <li>5. All stormwater and sewerage shall be disposed of onsite and septic tanks shall not be constructed closer than 100 m to any river, stream or other surface water body.</li> </ol>
SR4	Lot 1 of Nelson Locations 2665 and 9264 Helyar Road	<ol style="list-style-type: none"> <li>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</li> <li>2. Every lot shall contain a minimum ten per cent of its area devoted to maintaining existing tree cover, or to a tree planting program approved by the local government.</li> <li>3. Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 m or such greater distance as the local government may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.</li> <li>4. Strategic firebreaks will be constructed and maintained to the satisfaction of the local government along all boundaries of the zone.</li> </ol>

NO.	DESCRIPTION OF LAND	CONDITIONS
SR5	Sussex Locations 1085, 1086, 1355 and 3917 Johnston Road	<ol style="list-style-type: none"> <li>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</li> <li>2. A person shall not construct or erect, or commence to construct or erect—               <ol style="list-style-type: none"> <li>(i) a building on any land with a gradient greater than one in four; and</li> <li>(ii) a building such that the design, site or materials used would, in the opinion of the local government, create an unacceptably high fire risk.</li> </ol> </li> <li>3. Every lot shall contain a minimum ten per cent of its area devoted to maintaining existing tree cover, or to a tree planting program approved by the local government.</li> <li>4. Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 m or such greater distance as the local government may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.</li> </ol>
SR6	Nelson Location 6131 Barrabup Road	<ol style="list-style-type: none"> <li>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</li> <li>2. A well licence must be obtained from the Water and Rivers Commission prior to construction of a well or bore to draw groundwater.</li> <li>3. Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 m or such greater distance as the local government may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.</li> <li>4. No buildings are to be established within 100 m of State Forest, where achievable.</li> <li>5. On lots substantially denuded of natural vegetation by previous agricultural clearing, the local government will require as a condition of planning approval for development of a single dwelling, the planting and maintenance of 50 trees and shrubs capable of growing to not less than 3 m in height. These trees are to be sited around the perimeter of the lot and around the proposed buildings on-site.</li> <li>6. No pigs are to be kept on lots within this zone.</li> </ol>
SR7	Portion Nelson Location 6129 Dean Road	<ol style="list-style-type: none"> <li>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</li> <li>2. A well licence must be obtained from the Water and Rivers Commission prior to construction of a well or bore to draw ground water.</li> <li>3. Fuel reduction areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a distance of 20 m or such greater distance as the local government may consider reasonable having regard for the slope of the land and the general vegetation cover of the surrounding land.</li> <li>4. On lots substantially denuded of natural vegetation by previous agricultural clearing, the local government will require as a condition of planning approval for development of a single dwelling, the planting and maintenance of 50 trees and shrubs capable of growing to not less than 3 m in height. These trees are to be sited around the perimeter of the lot and around the proposed buildings on-site.</li> <li>5. Prospective purchasers of the lots within this zone shall be made aware of the proximity and associated operations of the timber mill, located on the eastern side of the Blackwood River, opposite this zone</li> </ol>
SR8	Nelson Location 11876 Brockman Highway	<ol style="list-style-type: none"> <li>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</li> </ol>

NO.	DESCRIPTION OF LAND	CONDITIONS
		<p>2. All access to the site shall be taken from the internal access road shown on the approved subdivision plan and no direct access to lots is to be used or made available from Brockman Highway.</p> <p>3. A person shall not construct or erect—</p> <ul style="list-style-type: none"> <li>• A building on any land with a gradient greater than one in four; and</li> <li>• A building such that the design, site or materials used would, in the opinion of the local government, create an unacceptably high fire risk.</li> </ul> <p>4. Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 m or such distance as the local government may consider reasonable having regard for the slope of the land, adjacent land use and the general vegetation cover of the surrounding land.</p> <p>5. Notwithstanding clause 5.8.3 of the Scheme, no dwelling house shall be occupied unless it is connected to a water storage tank of a minimum capacity of 135,000 litres, or to an alternative source of water approved by the local government.</p> <p>6. All storm water shall be disposed of on-site.</p> <p>7. A minimum horizontal separation of 30 m is to be retained between bores and waste water disposal sites.</p> <p>8. Light vegetation cover of pasture grasses is to be maintained at all times on ground where stock is kept.</p> <p>9. All buildings are to be constructed in compliance with Standards Australia AS3959-1991 "Construction in Bush Fire Prone Areas" and guidelines contained in CSIRO/Standards of Australia information and advice booklet SAA HB 36-1993 "Building in Bush Fire Prone Areas".</p> <p>10. Notwithstanding the setbacks stipulated for the Special Rural Zone under the Scheme, the following additional criteria shall apply to the siting of building envelopes within this zone—</p> <ul style="list-style-type: none"> <li>(i) The building envelope location shall be subject to the approval of the local government with land owners defining the proposed envelope as part of any initial development application for construction of a building on the land.</li> <li>(ii) No building envelope is to be within 50 m of State Forest.</li> <li>(iii) Within the approved building envelope a maximum of 2000m<sup>2</sup> shall be identified and cleared for development.</li> </ul>
SR9	Portion Nelson Location 12066 Barrabup Road	<p>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</p> <p>2. All buildings and structures shall be contained within the prescribed building envelope. Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of the site dictate, the local government may set an alternative building envelope provided it is not located—</p> <ul style="list-style-type: none"> <li>(a) Closer than 20 m from lot boundaries</li> <li>(b) Within 100 m of the State Forest</li> <li>(c) Within 1 in 100 year flood fringe area</li> <li>(d) Where any building will visually intrude on this landscape and rural character of the area.</li> </ul> <p>2. Where achievable, septic tanks and leach drain systems shall be set back a minimum 100 m from any well, stream or water body.</p> <p>3. A well licence must be obtained from the Water and Rivers Commission prior to the construction of a well or bore to draw ground water.</p> <p>4. Fuel reduction areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a distance of 20 m and within the 100 m setback</p>

NO.	DESCRIPTION OF LAND	CONDITIONS
		<p>from State Forest or as the local government may consider reasonable having regard to the slope of the land and the general vegetation.</p> <p>5. On lots substantially denuded of natural vegetation by previous agricultural clearing, the local government will require as a condition of Planning Approval for construction of a single dwelling, the planting and maintenance of 50 trees and shrubs capable of growing to a height of minimum 3 m. These trees are to be maintained by the owner of the land and their planting is to be concentrated around the proposed buildings on the subject land.</p>
SR10	Portion TAA Lot 66, Lot 23 & Pt Lot 1 Brockman Highway, Nannup	<p>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</p> <p>2. All buildings and structures shall be contained within the prescribed building envelope. Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of the site dictate, the Local Government may set an alternative building envelope provided it is not located—</p> <ul style="list-style-type: none"> <li>(a) Closer than 20 m from lot boundaries</li> <li>(b) Within 100 m of the State Forest</li> <li>(c) Within 1 in 100 year flood fringe area</li> <li>(d) Where any building will visually intrude on this landscape and rural character of the area.</li> </ul> <p>3. Council may, at the time of subdivision stage, request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare a plan showing building envelopes to the satisfaction of Council for adoption.</p> <p>4. The subdivider shall prepare a Landscape Management Plan for the subject land to the satisfaction of the local government. This plan is to describe fully the landscaping requirements for the revegetation buffer; the public open space and the streetscape.</p> <p>5. At the time of subdivision the local government will request the Western Australian Planning Commission to impose a condition requiring the subdivider to re-vegetate the buffer areas in accordance with the Subdivision Guide Plan.</p> <p>6. Lot boundary fencing shall be post and rail or post and wire unless otherwise approved by the local government and the subdivider shall provide suitable strainer posts at each corner boundary peg and change of direction of boundary to the satisfaction of the local government.</p> <p>7. The local government and Fire and Emergency Services Authority of Western Australia (and the Department of Conservation and Land Management if applicable) may, at the subdivision stage, request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Fire Management Plan to provide for adequate ongoing fire protection</p> <p>8. All lots within the Special Rural Zone, are to be serviced by the Town Water Scheme.</p> <p>9. The Council shall approve no dwelling, unless it is connected to either reticulated sewerage or a domestic wastewater treatment system, with an adequate phosphorous retention capacity, as determined by the Department of Health and Council. The base of the system or the modified irrigation area being above the highest known water table.</p> <p>10. A person shall not use any land for intensive rural pursuits for commercial gain without the approval of the Council. The zoning table provisions do not apply in this instance.</p>
SR11	Nelson Location 6147 Chalwell Road	<p>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</p> <p>2. Every lot shall contain a minimum of 10% of its area devoted to maintaining existing tree cover, or to a tree planting program approved by the local government.</p>

NO.	DESCRIPTION OF LAND	CONDITIONS
		<p>3. A person shall not erect any building within 20 m of any boundary unless approval is otherwise granted by the local government.</p> <p>4. A person shall not erect any building on land with a gradient of 1 in 4 or greater.</p> <p>5. A person shall not erect a building such that the design, site or materials used would, in the opinion of the local government, create an unacceptably high fire risk.</p> <p>6. The approved Subdivision Guide Plan shows a Stream Protection Area. Within this area the following conditions will apply—</p> <ul style="list-style-type: none"> <li>(b) Dams may not be constructed, nor the flow of water artificially retarded unless with the prior approval of the local government. Existing dams are to be maintained in a safe condition to the satisfaction of the local government.</li> <li>(c) Pumping or diversion of water from the Stream Protection Area is not permitted unless with the prior approval of the local government.</li> <li>(d) Modification to a stream course, bed or banks is not permitted unless with the prior approval of the local government.</li> <li>(e) If in the opinion of the local government the activities of livestock within the Stream Protection Area are contributing to erosion, pollution of the stream or the degradation of vegetation, the land owner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom.</li> <li>(f) Cultivation of land or spraying of pesticides or herbicides, or the application of non-nitrogenous fertiliser is not permitted unless with the prior approval of the local government but the provision does not preclude the carrying out of control for weeds and pests in accordance with the requirements of the Department of Agriculture.</li> </ul>
SR12	Nelson Location 8270 Thomas Road, Nannup	<p>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</p> <p>2. All buildings shall be constructed of non-reflective material (excluding glazed areas) and shall be contained within an area not being greater than 1600 m<sup>2</sup> and referred to as the "Building Envelope" as identified on the Subdivision Guide Plan referred to in Special Provision (1) relating to this land. The local government at its discretion vary the building envelope size or location provided that—</p> <ul style="list-style-type: none"> <li>(a) the local government is satisfied that the location of the new building envelope will not be intrusive or impact on the overall development and surrounding environs.</li> <li>(b) It is demonstrated to the local government's satisfaction that there are sound reasons for relocating the building envelope.</li> <li>(c) The building envelope being no closer than 20 m from the rear and side boundaries and 10 m from the front boundary.</li> <li>(d) No building envelope is to be located within the 1 in 100 year flood level as indicated on the endorsed Subdivision Guide Plan.</li> </ul> <p>3. No dams shall be permitted unless approved by the local government.</p>
SR13	Nelson Location 11869 Brockman Highway	<p>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</p> <p>2. No further subdivision of lots shall be recommended by the Council.</p> <p>3. All access to the site shall be taken from the internal public road shown on the approved subdivision plan and no direct</p>



NO.	DESCRIPTION OF LAND	CONDITIONS
		<p>access to lots is to be used or made available from Brockman Highway.</p> <p>4. A person shall not construct or erect a building such that the design, site or materials used would, in the opinion of the local government, create an unacceptably high fire risk.</p> <p>5. Low fuel areas (areas clear of all flammable material with the exception of live trees) shall be maintained around all buildings for a minimum distance of 20 m or such distance as the local government may consider reasonable having regard for the slope of the land, adjacent land use and the general vegetation cover of the surrounding land.</p> <p>6. No dwelling house shall be occupied unless it is connected to a water storage tank of a minimum capacity of 135,000 litres, or to an alternative source of water approved by the local government.</p> <p>7. All storm water shall be disposed of on-site.</p> <p>8. A minimum horizontal separation of 30 m is to be retained between bores and waste water disposal sites.</p> <p>9. The subdivider shall prepare and implement a revegetation and landscaping plan to the satisfaction of the local government.</p> <p>10. No clearing of vegetation shall be undertaken outside of any building envelope except for the purposes of fire management or access.</p> <p>11. Light vegetation cover of pasture grasses is to be maintained at all times on ground where stock is kept.</p> <p>12. Building envelopes are to be identified in the application for subdivision of the land. All building development shall be contained within building envelopes nominated on the Subdivision Guide Plan. Building envelopes may be modified by planning approval but in no instance shall be located closer than 75 m to the State Forest and Reserve 42287 to the east of Location 11869.</p> <p>13. All buildings to comply with Standards Australia AS3959-1991 'Construction in Bush Fire Prone Areas' and guidelines contained in CSIRO/Standards of Australia information and advice booklet SAA HB 36-1993 'Building in Bush Fire Prone Areas'.</p> <p>14. A Fire Management Plan shall be prepared for the land and approved by the local government and the Fire and Emergency Services Authority prior to subdivision.</p> <p>15. At the time of subdivision a notification under Section 70A of the <i>Transfer of Land Act 1893</i>, shall be placed on created titles advising prospective purchasers of the potential management practices in the adjoining State Forest.</p>

**SCHEDULE 13—SPECIAL RESIDENTIAL ZONES**

NO.	DESCRIPTION OF LAND	CONDITIONS
SRes1	Portion Lot 23 Brockman Highway, Nannup	<p>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by Council for the zone under Town Planning Scheme No. 1.</p> <p>2. The subdivider shall prepare a Landscape Management Plan for the subject land to the satisfaction of the local government. This plan is to describe fully the landscaping requirements for the revegetation buffer; the public open space and the streetscape.</p> <p>3. At the time of subdivision the local government will request the Western Australian Planning Commission to impose a condition requiring the subdivider to re-vegetate the buffer areas in accordance with the Subdivision Guide Plan.</p> <p>4. Lot boundary fencing shall be post and rail or post and wire unless otherwise approved by the local government and the subdivider shall provide suitable strainer posts at each corner boundary peg and change of direction of boundary to the satisfaction of the local government.</p> <p>5. The local government and Fire and Emergency Services Authority of Western Australia (and the Department of</p>

		Conservation and Land Management if applicable) may, at the subdivision stage, request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Fire Management Plan to provide for adequate ongoing fire protection.
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## SCHEDULE 14—PROCESS FOR DEALING WITH SUBDIVISION AND DEVELOPMENT GUIDE PLANS

### 1. Background

A key component of the town planning scheme amendment documentation for the rezoning of land for further subdivision or intensive development is the preparation of a development guide plan. The local government or Commission may require the preparation of a Development Guide Plan as a precursor to subdivision or development of land in other zones, where the characteristics of the land, or the type of subdivision proposed, raise issues that require preparation of an overall plan to guide the subdivision.

### 2. Information Required for Development Guide Plans

In addition to any other requirements in the Scheme, the Development Guide Plan shall detail and make recommendations on the following—

- (a) The physical, topographical, water resources and environmental characteristics of the land including its slope, soil type, vegetation, drainage characteristics and visually prominent areas, clearly indicating those features it is intended to preserve and the methods by which preservation will be achieved;
- (b) The ultimate subdivision including, lot yields, lot sizes and the location, width and standard of proposed roads, pedestrian access and other movement systems within the area the subject of the subdivision and their connection with the road and public recreation network in the locality;
- (c) Natural vegetation within the Plan Area and the extent of clearing and earthworks required to implement the Development Guide Plan;
- (d) Areas that should be retained for conservation, active and passive recreation, community facilities and other facilities, as required;
- (e) Details of drainage and other services necessary to implement the Development Guide Plan, including provisions to ensure that run-off entering any water system within the locality is sufficiently filtered to avoid any adverse environmental impact;
- (f) The need for adequate provision of community and physical infrastructure;
- (g) Mechanisms for the control of land uses and development to ensure that the purpose of the zone, scenic quality and rural or residential amenity are not impaired;
- (h) Preparation and implementation of a foreshore management plan where land abuts the coast or stream, such foreshore management plan to include access linkages, open space improvements, ecological links and conservation strategies to nearby vegetation where required;
- (i) An analysis of heritage significance of building or places within the subject land, where required by the local government;
- (j) the management of environmental sensitive locations, including identification of buffers, vegetation and habitat corridors;
- (k) the proposed provision of community and service facilities;
- (l) proposals for the provision of public utilities and services;
- (m) adequate data identifying the physical and environmental characteristics of the land;
- (n) where required under the intended zoning of the land, building envelopes are to be identified for each proposed lot;
- (o) The proposed staging of the subdivision, where relevant; and
- (p) Any special provisions required by the local government that are appropriate to secure the objectives of the zone or any Local Planning Policy adopted in accordance with the Scheme.

### 3. Adoption and Approval of Development Guide Plans Not a Component of an Amendment to Town Planning Scheme

3.1 A Development Guide Plan may be prepared by a Proponent or the local government. Where prepared by a Proponent, the proposed Development Guide Plan shall be submitted to the local government.

3.2 Upon receiving a proposed Development Guide Plan, the local government shall either—

- (a) determine that the Development Guide Plan is satisfactory for advertising;
- (b) determine that the Development Guide Plan should not be advertised until further details have been provided or modifications undertaken; or
- (c) the Development Guide Plan is not satisfactory for advertising, giving reasons to the Proponent

3.3 If within 60 days of receiving a proposed Development Guide Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the local government, the local government has not made one of the determinations referred to in clause 3.2, the local

government is deemed to have determined that the Development Guide Plan is not satisfactory for advertising.

3.4 (a) Where the Proponent is aggrieved by a determination of the local government made or deemed to have been made under clauses 3.2 or 3.3, the Proponent may request the local government, by notice in writing, to forward the proposed Development Guide Plan to the Commission.

(b) Within 21 days of receiving notice from the Proponent under clause 3.4(a), the local government shall forward to the Commission—

(i) a copy of the proposed Development Guide Plan;

(ii) details of the local government's determination including any modifications to the proposed Development Guide Plan required by the local government; and

(iii) any other information the local government considers relevant to the Commission's consideration of the proposed Development Guide Plan for advertising.

(c) Upon receiving a Proposed Development Guide Plan in accordance with clause 3.4(b), the Commission is to make one of the determinations referred to in clause 3.2 and advise the local government and the Proponent accordingly.

(d) If the Commission requires modifications to the proposed Development Guide Plan, the Commission shall consult with the local government prior to making its determination under sub-clause 3.4(c);

(e) If within 60 days of receiving a proposed Development Guide Plan under clause 3.4(b), or such longer period as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations referred to in clause 3.2, the Commission shall be deemed to have determined that the proposed Development Guide Plan is not satisfactory for advertising.

3.5 Where the local government, or the Commission, has determined that the proposed Development Guide Plan may be advertised, the local government shall—

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

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

(i) all landowners affected by the proposed Development Guide Plan; and

(ii) such public authorities and other persons as the local government nominates, with advertisements and notices explaining the scope and purpose of the proposed Development Guide Plan, when and where it may be inspected, and inviting submissions to the local government by a specified date not being less than 21 days from the date of the notice and advertisement with advertising costs to be borne by the Proponent.

3.6 Within 14 days of determining that a proposed Development Guide Plan is satisfactory for advertising, the local government shall forward a copy of the proposed Development Guide Plan to the Commission for its information.

3.7 The local government shall consider all submissions received and within 60 days of the latest date specified in the notice under clause 3.5 shall either—

(a) adopt the proposed Development Guide Plan with or without modifications; or

(b) refuse to adopt the proposed Development Guide Plan, giving reasons to the Proponent.

3.8 If within the 60-day period, or such further time as may be agreed in writing between the Proponent and the local government, one of the determinations referred to in clause 3.7 has not been made, the local government is deemed to have refused to adopt the proposed Development Guide Plan.

3.9 Within 21 days of a determination made, or deemed to have been made under Clauses 3.7 or 3.8, the local government shall forward to the Commission—

(a) a summary of all submissions and comments received within the advertised period in respect of the proposed Development Guide Plan, and the local government's decisions or comments in relation to the submissions;

(b) the local government's recommendation to the Commission that the proposed Development Guide Plan either be approved, approved with modifications or refused; and

(c) any other information the local government considers relevant to the Commission's consideration of the proposed Development Guide Plan.

3.10 On receipt of the information described in clause 3.9, the Commission shall either—

(a) approve the proposed Development Guide Plan with or without modifications; or

(b) refuse to approve the proposed Development Guide Plan and give reasons for its decision to the Proponent and the local government.

3.11 If within 60 days of receiving the information referred to in clause 3.9 or such further time as may be agreed in writing between the Proponent and the Commission, the Commission has not made one of the determinations under clause 3.10, the Commission is deemed to have refused to approve the proposed Development Guide Plan.

3.12 If the Commission approves the proposed Development Guide Plan, it is to notify the local government and the Proponent of its decision within 14 days of the date of the Commission's decision.

3.13 If the Commission requires modifications of the proposed Development Guide Plan, the Commission shall consult the local government prior to approval of the proposed Development Guide Plan under clause 3.10.

3.14 If, following consultation with the Commission, the local government forms the opinion that any modification to the proposed Development Guide Plan is substantial, it may—

- (a) re-advertise the proposed Development Guide Plan; or
  - (b) require the Proponent to re-advertise the proposed Development Guide Plan,
- and, thereafter, the procedures set out in clause 3.5 onwards apply.

3.15 As soon as practicable after receiving notice of the approval of the proposed Development Guide Plan by the Commission, the local government shall adopt the proposed Development Guide Plan and forward a copy of the adopted Development Guide Plan to—

- (a) the Proponent;
- (b) the Commission; and
- (c) any other appropriate person or public authority likely to be affected or have an interest.

3.16 An adopted Development Guide Plan shall be kept at the local government's administrative offices, and shall be made available for inspection by any member of the public during normal office hours.

#### **4. Change to, or Departure from Development Guide Plans**

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

4.2 (a) The local government shall forward a copy of the minor change or departure to the Commission within 14 days of the date of adopting the minor change or departure.

- (b) If the Commission considers that the change or departure adopted by the local government under clause 4.1 materially alters the intent of the Development Guide Plan, then the Commission—
  - (i) may require the local government to follow the procedures set out in clause 3.5 onwards in relation to the change or departure; and
  - (ii) shall notify the local government of this requirement within 14 days.

4.3 Any change to, or departure from a Development Guide Plan that is not within clause 4.1 is to follow the procedures set out in clause 3.1-3.15 of Schedule 14.

#### **5. Operation of Development Guide Plan**

5.1 A Development Guide Plan commences operation on the date it is adopted by the local government pursuant to clause 3.15.

5.2 If a Development Guide Plan imposes a classification on the land included in it by reference to reserve, zones or Residential Design Codes, then—

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

5.3 Without limiting the generality of clause 5.2, under a Development Guide Plan—

- (a) in the areas designated as zones, the permissibility of uses is to be the same as set out in the Zoning Table as if those areas were zones under the Scheme having the same designations;
- (b) the standards and requirements applicable to the zones and Residential Design Codings under the Scheme apply to the areas having corresponding designations under the Development Guide Plan;
- (c) the planning approval procedures including the procedures for the approval of uses and developments under the Scheme are to apply as if the land were correspondingly zoned or reserved under the Scheme; and
- (d) any other provision, standard or requirement in the Development Guide Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.

5.4 A Development Guide Plan, adopted and approved under the Scheme, will be used by the local government as a guide for the assessment of Applications for Planning Approval under the Scheme and of Applications for Approval to Subdivide Land under and by the Commission as a guide for the assessment of Applications for Approval to Subdivide Land under provisions of Part 10 of the Planning and Development Act.

#### **6. Right of Review**

6.1 The Proponent may seek a review, in accordance with Part 14 of the Planning and Development Act, any—

- (a) determination or decision made by the Commission;
- (b) requirement imposed by or modification sought by the Commission; or
- (c) determinations deemed to have been made by the Commission under clause 3.4(e) or 3.11.

6.2 The Proponent may seek a review, in accordance with Part V of the Town Planning Act, any decision made by the local government under clause 3.5 and 3.6.

**SCHEDULE 15—CLUSTER FARMING ZONES**

NO.	DESCRIPTION OF LAND	CONDITIONS

**ADOPTION**

Adopted by Resolution of Council of the Nannup at the Ordinary Meeting of Council held on the 23rd day of June 2005.

B. DUNNET, President.  
S. A. COLLIE, Chief Executive Officer.

**FINAL APPROVAL**

Adopted for final approval by resolution of the Shire of Nannup at the Ordinary Meeting of Council held on the 4th day of May 2006.

The Common Seal of the Shire of Nannup was here unto affixed by the authority of a resolution of the Council in the presence of—

B. DUNNET, President.  
S. A. COLLIE, Chief Executive Officer.

Recommended/Submitted for final approval.

N. FRASER, delegated under Section S.16 of  
the *Planning and Development Act 2005*.

Dated: 12 October 2007.

ALANNAH MacTIERNAN, Minister for Planning  
and Infrastructure.

Dated: 13 November 2007.