

# SHIRE OF DARDANUP

## Local Planning Scheme No. 3

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Updated to include AMD 205 GG 25/08/2023

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage  
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Please advise the Department of Planning, Lands and Heritage of any errors or omissions in this document.

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## SHIRE OF DARDANUP TPS 3 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
52	17/6/94	24/6/94	CS	Various amendments
54	17/6/94	24/6/94	CS	Appendix 4 - Henty Brook Road, Lot 2 Leschenault Location 9
57	05/7/94	28/7/94	CS	Appendix 4 - Richards Road
59	05/7/94	28/7/94	CS	Appendix 4 - Lennard Road
51	23/8/94	09/9/94	CS	Add 4.9 - Restrictive Covenants
64	06/09/95	09/02/96	RA	Appendix 1 - Zoning Table Commercial Trees - Part 1 add - Commercial Trees, Shelter Belts, Compartment.
69	31/10/95	09/02/96	RA	Appendix 4 - Adding Panizza Road.
70	15/03/96	16/05/96	RA	Appendix 9 - Insertion of Ferguson Road. Appendix 4 - Insertion of Ferguson Road.
71	/96	16/9/96	EB	App 9 - Joshua Brook Road.
62	/96	27/9/96	EB	Adding to App 8, Adding clause 3.14.3, Adding to App 5
76	31/1/97	6/2/97	DH	Part 5 - adding 4.12 Outbuildings in Residential Zones
67	21/3/97	1/4/97	DH	Appendix 4 - adding to Additional Use Zone Recreation Drive, Eaton.
84	10/10/97	15/10/97	DH	Part 1 - Add new use-class "Cellar Door Sales" to Section 1.8.1. Appendix 1 - adding "Cellar Door Sales" as an "IP" use in General Farming & Intensive Farming zones and as an "AP" use in Small Holdings zone.
81	17/10/97	22/10/97	DH	Appendix 9 - adding Lot 2 of Leschenault Location 9 Henty Brook Road
86	21/4/98	28/4/98	DH	Appendix 4 - adding Additional Use Zones No. 11 & 12.
90	21/4/98	28/4/98	DH	Appendix 5 - adding Lot 12 on Diagram 7695 and permitted uses.
77	29/5/98	9/6/98	DH	Part 1 - adding "Drive-In Take Away Food", "Delicatessen/Corner Store", "Health Studio" and "Laundromat" to Section 1.8 Interpretations. Part 2 - deleting 3(E) Other Commercial Zone and 3(F) Service Commercial zone from 3. BUSINESS in Section 2.1.1 and replacing these with "(3E) Commercial A Zone". Appendix 1 - deleting existing zones "Other Commercial" and "Service Commercial" from ZONING TABLE and replacing these with "Commercial A Zone" with appropriate uses.
80	5/6/98	9/6/98	DH	Part 3 - adding sub-clause 3.3.9 to Clause 3.3. Appendix 4 - adding "Lot 13 Wellington Location 40 zoned "recreation". Appendix 4 - adding "Lot 13 Wellington Location 49 zoned "school". Part 3 - amending clause 3.18.1. Appendix 5 - adding "Lot 14 Wellington Location 49".
97	12/3/99	15/3/99	DH	Appendix 1 - inserting letters "AP" in Residential Zone column against the Use Classes of Community: Pre School Centres, Primary School, High School, Technical and Tertiary Education, Educational Establishment - other & Public Library. Appendix 1 - inserting letters "AP" in Residential Zone column against the use Classes of Recreation: Playing Fields Used at Night & Buildings Used In Conjunction with and for the purpose of Playing Fields, Recreation Grounds and Sporting Clubs. Appendix 1 - inserting letters "PS" in the Business: Commercial column against the Use Classes of Community: Pre School Centres, Primary School, High School, Technical and Tertiary Education & Educational Establishment - Other. Appendix 1 - inserting letters "PS" in the Business: Commercial column against the use Classes of Recreation: Playing Fields used at Night & Buildings Used In Conjunction With and for the Purpose of Playing Fields, Recreation Grounds and Sporting Clubs. Appendix 1 - inserting letters "PS" in the Business: Commercial A column against the Use Classes of Community: Pre School Centres, Primary School, High School, Technical and Tertiary Education, Educational Establishment - other & Public Library. Appendix 1 - inserting letters "PS" in the Community Uses: School Zone column against the use Class of Community: Public Library. Appendix 1 - inserting letters "PS" in Community Uses: School Zone column against the Use Classes of Recreation: Playing Fields Used at Night & Buildings Used In Conjunction with and for the purpose of Playing Fields, Recreation Grounds and Sporting Clubs. Appendix 1 - inserting letters "AP" in Community Uses: Other Community Use column against the use Classes of Community: Primary School, High School, Technical and Tertiary Education & Establishment - Other. Appendix 1 - Delete letter "P" and insert "AP" in the Community Uses: Other Community Use Column against the use Class of Recreation: buildings Used in Conjunction With and For the Purpose of Playing Fields, Recreation Grounds and Sporting Clubs. Part 3 - amending Clause 3.14.1(b).

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				Part 3 - amending Clause 3.4.3. Part 3 - amending clause 3.14.1(j). Appendix 8 (Area 2 - Padbury 1) - amending Clause (f). Appendix 8 (Area 4 - Henty Brook Estate) - amending Clause (g).
73	9/4/99	14/4/99	DH	Appendix 8 - adding "Area 9" Part Boyanup Agricultural Area Lot 305.
100	6/7/99	5/7/99	DH	Appendix 1 - inserting the letter 'P' in the Recreation Zone column against use class "Recreation: Buildings used in conjunction with and for the purpose of playing fields, recreation grounds and sporting clubs". Appendix 1 - inserting the letters "PS" in the Business - Commercial zone column against the use class of Community: Infant Health Clinic. Appendix 1 - amending use class - Recreation 7.3 to read "Buildings used in conjunction with and for the purpose of playing fields, recreation grounds, sporting clubs and community facilities". Part 7 - amending clause 73 - Council Decisions by adding sub clause "7.3.4 Deemed Refusal". Part 7 - amend clause 7.3.1. Adding Appendix 7" - Decision on Application for Planning Approval". Part 2 - amending clause 2.2.4. Part 2 - deleting clauses 2.2.5 and 2.2.6. Part 7 - amending clause 7.2.2.
101	30/7/99	3/8/99	DH	Appendix 1 - inserting the letters 'PS' in the Business - Commercial zone column against the use classes of Drive-In-Take Away Food. Appendix 2 Development Table Part B - delete the land use and development standards for "Take Away Food Outlet". Insert the landuse "Drive-In Take Away Food" in the Business column and adding development standards.
99	2/11/99	1/11/99	DH	Appendix 8 - amending schedule by deleting clauses (3c) and 3(f) and inserting new clause (3c). Part 1 - replacing interpretation of "Rural Pursuit" in Section 1.8.1, between Rural Industry and Service Industry.
98	22/10/99	1/11/99	DH	Part 3 - Modifying clause 3.16.7 relating to "Bushland Development Area". Part 3 - inserting new sub clauses in clause 3.16.8. Part 5 - adding new clause "3.4.6". Adding new appendix "Appendix 10 - Density Bonus Scheme Exclusion Areas".
88	11/2/00	21/2/00	DH	Appendix 5 - adding "No. 4 Lusitano Avenue, Eaton" with relevant particulars of land and permitted uses. Part 4 - adding additional Clause "4.13 Collie River Flood Way Subdivision and Development Control".
102	23/1/01	23/1/01	DH	Appendix 8 - adding "Area 8. Lots 21 - 34 inclusive Pt Wellington Loc. 4059 Wellington Mill Road, Wellington Mill" Appendix 4 - adding "No. 15 - Lot 21 of Wellington Location 4059" with additional permitted uses and conditions.
113	20/7/01		DH	Adding "Part 8 - Local Planning Policy Framework" with subsequent clauses 8.1 - Local Planning Policies, 8.2 - Relationship of Local Planning Policies to Scheme, 8.3 - Procedure for Making or Amending a Local Planning Policy and 8.4 - Revocation of Local Planning Policy. Part 7 - Deleting section 7.6 "Relaxation of provisions" (including clauses 7.6.1 and 7.6.2) and replacing with "Variations to Site and Development Standards and Requirements" and following clauses 7.6.1, 7.6.2 and 7.6.3. Part 7 - adding clause "7.10 Unauthorised Existing Developments" and following clauses 7.10.1 and 7.10.2 and adding 7.11 - Permitted Development. <i>(Note this was gazetted as "8.2 Permitted Development however shire was contacted by Helen Aitken and they advised of the error).</i> Part 4 - modifying clause 4.9.1 by inserting between the words "permitted by the scheme: and "is hereby extinguished" the words "or is at variance to any Council approval or development standard within the Scheme". Part 1 - adding into Section 1.8.1 interpretations for "Home Office", "Industry - Cottage", "Industry - Rural", "Museum" and "restaurant". Part 1 - deleting in Section 1.8.1. the interpretation "Rural Industry". Appendix 1 - Zoning Table - including the use 4.23 "Industry - Cottage" as an 'AP' use within the Residential and Small Holding zones; a 'PS' use within the General Farming zone and a 'P' use within the Light Industry" zone. Appendix 1 - Zoning Table - replacing the use class 8.6 "Rural Industry" with "Industry - Rural". Appendix 1 - Zoning Table - adding use class 6.8 "Museum" as a 'PS' use in the Commercial, Showroom/Warehouse, Commercial A, General Farming and Tourist Uses zones and an 'AP' use within the Small Holding zone.

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				Appendix 1 - Zoning Table - replacing the use class 2.4 "Licensed Restaurant" with "Restaurant" and include the use as an 'AP' use in the General Farming and Small Holding zones in addition to the other zones already listed within. Appendix 1 - Zoning Table - replacing the letter 'P' in the General Farming zone column with the letters 'AP' against the use class 8.12 "Dog Kennels - more than two dogs". Part 3 - amending clause 3.14.1.
11	11/1/02	11/1/02	DH	Appendix 3 - Adding Area 10 - Garvey Road, Portion of Boyanup Agricultural Area Lot 309 Garvey road, Padbury Fields.
107	22/3/02	22/3/02	DH	Appendix 5 - adding restricted use area 5 being "Portion of Lot 13 Boyanup Agricultural Area Twomey Road. Dardanup" and permitted uses. Appendix 5 - adding restricted use area 6 being "Portion of Lot 13 Boyanup Agricultural Area Crooked Brook Road, Dardanup" and permitted uses. Part 1 - add interpretations in Clauses 1.8.1 for "Boating Sales Premises", "Caravan Sales Premises", "Depot for the Storage of Cargo in Transit", "Dry Cleaning Agency", "Dry Industry", "Fuel Depot", "Funeral Parlour", "Plant Nursery", "Radio and TV Studio and Installation" and "Trade Display". Part 3 - inserting new clause "3.19 Dry Industry Use:
115	15/10/02	17/10/02	DH	Appendix 1 - inserting use class 4.23 for "Dry Industry" with a reference in Special Use A & B column stating that "Dry Industry" is not permitted in all zones unless specified in either the Additional Use or Restricted Use Zones schedules as listed in Appendix 4 and 5. <i>Note: Already have a use class 4.23. LA has advised an "# should be placed in Special Use A &amp; B column.</i> Appendix 2 - Inserting "Dry Industry" within the Industry zone. Appendix 5 - inserting Restricted Use 5, for Pt Lot 102 Harris Rd with relevant permitted uses. <i>Note: An anomaly occurs as there is already an R5 restricted use zone.</i>
110	18/2/03	27/2/03	DH	Appendix 8 - adding Additional Use Area No. 11 for "Portion of Pt Leschenault Location 9 Pile Road, Ferguson Valley". Part 1 - adding definition for "Intensive Agriculture", "Art and Craft Studio" and "Stables".
112	21/3/03	24/3/03	DH	Part 1 - adding definition in Clause 1.8.1 for "Petrol Filling Station". Appendix 4 - adding Additional use Zone No. 16 for "Portion of Lot 7 Eaton Drive, Eaton" with an additional permitted use of Petrol Filling Station.
122	12/12/03	10/12/03	DH	Adding Restricted Use Zone area "No. 8. Portion of Lot 103 Henty Brook Road" with relevant permitted use.
117	23/3/04	23/3/04	DH	Part 2 - deleting existing clauses 2.2.3 and 2.2.4 and replacing with new clauses. Part 2 - deleting sub clauses 2.2.4.1 to 2.2.4.4. Part 7 - adding new clause "7.12 Delegation of Functions". Part 7 - deleting and replacing clause 7.2.2. Part 7 - inserting new clause "7.3.5" into scheme.
120	23/3/04	29/3/04	DH	Part 1 - inserting new interpretation "Timber Related Industry". Appendix 5 - adding new Restricted Use Area "No. 8 Portion of Lot 352 Moore Road" with relevant permitted uses.
124	15/6/04	5/7/04	DH	Appendix 8 - adding new small holding zone "Area 12 - Greenwood Heights".
109	11/3/05	16/3/05	DH	Appendix 4 - adding Additional Use Zone A 17. Lot 7000 Eaton Drive, Eaton together with additional uses Permitted and relevant Development Conditions. Appendix 1 - including the uses 6.12 "Nursing Home" and 6.14 "Aged or Dependent Person's Dwelling" as "PS" uses within the Residential zone.
121	10/6/05	22/6/05	DH	Part 3 - delete Clause 3.4.2. Part 3 - amending Clause 3.4.1. Appendix 10 - Density Bonus Scheme Exclusion Areas amend by adding locality "Eaton" and associated lots. Appendix 1 - amending to show 'Two Grouped Dwellings' and 'More than Two Grouped Dwellings' as PS uses within the "Residential" zone and delete clause 3.4.4 which refers to advertising accordingly, Part 3 - renumber clauses under clause 3.4 'Grouped Dwelling Requirements'. Part 3 - modify current subclause 3.4.6. <i>Note: Now Clause 3.4.4 due to renumbering.</i> Part 3 - delete Clause 3.4.4 which refers to advertising.

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134	13/12/05	13/12/05	DH	Appendix 5 – adding Restricted Use Area “Lots 104 and 105 on Diagram 96576 Columbas Drive” together with relevant permitted uses.
126	23/12/05	9/12/05	DH	Appendix 4 – adding Additional Use Area No. 11 “Portion of Lot 4579 Panizza Road, Crooked Brook” together with relevant permitted uses and conditions.
127	23/12/05	11/1/06	DH	Part 3 – adding new subclause 3.3.9 within Section 3.3.
140	15/6/07	20/6/07	DH	Appendix 5 - adding Restricted Use Area 9 being Lot 1 Eaton on Diagram 78828 Recreation Drive together with relevant permitted uses.
144	10/7/07	18/7/07	DH	Part 2 - inserting "9C Development Zone" below "9B Restricted Use Zone" in the list of zones at Clause 2.1.1. Appendix 1 - adding new zone to the Key of columns and including "C Development Zone" under the heading "Special Use". Appendix 1 - including the new zone as "C" in the Table under the column headed "Special Use" and placing the symbol "#" against every use class listed in the Table under the new column headed "C". Appendix 1 - deleting the advice note "#Permitted Uses as marked on Scheme Plans or as stated on Schedules 1 and 2" in the "Key to columns" and replace with "# Permitted uses as marked on Scheme Plans or Structure Plans or as stated on Schedules 1 and 2". Part 3 - adding clauses 3.15.7.1 to 3.15.7.36 under a new heading "Development Zone" inserted beneath sub-clause 3.15.6.2. Appendix 4 - deleting Additional Use Zone 13. Appendix 5 - deleting Restricted use 3. Part 3 - replacing Clause 3.3.1. Part 3 - deleting "and 49" from Clause 3.3.6 as well as deleting the comma between the numbers "part 41" and "19" and replacing it with the word "and". Part 4 - replacing clause 4.1.1.
137	11/1/08	22/1/08	DH	Appendix 8 - amending Additional Requirement Area 9 by adding "INNISFAIL" after AREA 9: and deleting clause 1(a) and replacing with new clause 1(a).
141	25/1/08	6/2/08	DH	Appendix 5 - inserting Restricted Use "10. Harris Road" together with relevant conditions.
128	2/12/08	12/1/09	DH	Schedule 1 and Part 2.2- deleting Showroom Warehouse, Hotel, Tavern and Service Station zones. Schedule 1 and Part 2.2- renaming existing "Commercial A" zone to "Mixed Business" zone.
156	2/12/08	12/1/09	DH	Part 3 - amending Clause 3.16.8 (b).
125	26/5/09	3/6/09	DH	Appendix 8 - adding Smallholding Area 13 "Lot 101 of Wellington Location 1324, and Part Locations 4356 & 4980 Wellington Mill road, Wellington Mill".
129	30/6/09	7/7/09	DH	Appendix 8 - adding Small Holding Area 13 "Kingtree Road Lot 3 and part of Lot 4 Kingtree Road Wellington Mill".
136	30/6/09	8/7/09	DH	Appendix 8 - adding Small Holding Area No. 13 "Portion of Lot 1393 Wellington Mill road, Wellington Mill".
152	18/9/09	5/10/09	DH	Part 3 - modifying clause 3.4.1. Part 3 - inserting Clause 3.4.5. Appendix 10 - including Lots 1, 226, 225, 126 and 127 Bobin Street, Eaton.
149	4/12/09	15/12/09	DH	Appendix 8 - inserting "Area No. 14 - Dardanup West/Crooked Brook Structure Plan - Lot 6 corner Garvey Road and Dardanup Road West" together with relevant Additional Requirements.
155	6/11/09	16/11/09	DH	Inserting under 'Area 14—Dardanup West / Crooked Brook Structure Plan' the subject property details as follows— <i>'Lots 501, 502 and 503 Garvey Road and Lot 504 Dardanup West Road'.</i>
159	16/2/10	8/3/10	NM	Inserted No. 18, Edith Cowan Avenue, into Appendix IV - Additional Use Zones
145	16/3/10	18/3/10	NM	Inserted Lot 1 Railway Road, portion of Lot 25 Railway Road, Lots 3 and 4 Waterloo Road and portion of Lot 26 Waterloo Road in to "Appendix V – Restricted Use Zones".
166	16/3/10	19/3/10	NM	Deleted Additional Uses 1 and 3 from Appendix IV – Additional Use Zones. Deleted Restricted use 2 from Appendix V – Restricted Use Zones.
160	14/5/10	20/5/10	NM	Inserted "Lots 1 and 236 Killarney Road and Lots 2 and 200 Padbury Road, Dardanup West" into Appendix VIII – Additional Requirements – Small Holding Zones.
161	14/5/10	20/5/10	NM	Inserted "Lots 3 and 4 Padbury Road Dardanup West." Into Appendix VIII – Additional Requirements – Small Holding Zones.

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167	12/07/10	19/07/10	NM	Replaced Clause 1.8 'Interpretations'. Amended Clause 1.9. Inserted 'Part IA – Reserved Land'. Replaced 'Part II – Zones and the Use of Land'. Replaced 'Appendix I – Zoning Table'. Replaced 'Appendix II'. Deleted Clause 3.3.1 and renumbered clauses 3.3.2 to 3.3.9. Replaced Clause 3.9 'Landscaping and Use of Land Between the Setback Line and Street Alignment'. Replaced Clause 7.3.5. Inserted Clause 7.13. Inserted Appendix 7B. Renumbered Appendix V 'R2' – Lots 104 and 105 Columbus Drive to 'R3'. Renumbered Appendix 5 'R8' – Lot 352 Moore Road to 'R11' Renumbered Appendix VIII 'Area 5' - Lots 300, 314 and 373 Harold Douglas Drive and Killarney Road to 'Area 6'. Renumbered 'Area 13' – Portion of Lot 1393 Wellington Mill Road within Appendix VIII to 'Area 15'. Renumbered 'Area 13' – Lot and part of Lot 4 Kingtree Road Wellington Mill to 'Area 16'.
169	27/07/10	30/07/10	NM	Inserted "Lot 27 Venn Road" under the heading "AREA" into Appendix VIII – Additional Requirements – Small Holding Zones.
175	07/01/11	24/01/11	NM	Added "AREA NO. 17" into Appendix VIII – Additional Requirements – Small Holding Zones.
168	24/06/11	11/07/11	NM	Deleted Additional uses 11, 12 and 16 from Appendix IV – Additional Uses.
183	25/1/13	19/2/13	NM	Modified the definitions of 'Restaurant' and 'Transport Depot' within Clause 1.8.2. Amended clauses 1.9, 1.13.2(a), 7.2.1 and 7.3.5.2. Made minor changes within Appendix 1 – Zoning Table. Replaced clause 3.14.1(r) and clause 7.11. Deleted clauses 3.16.11 and 3.16.12 and renumbered the following clauses.
177	25/1/13	26/2/13	NM	Inserted Part IX – Special Control Areas. Inserted Appendix XI – Development Contribution Areas. Inserted Appendix XII – Community Infrastructure Development Contribution Plans.
173	15/04/14	21/05/14	ML	Appendix VIII – insert "Additional Requirements – Small Holding Zones" - Lot 5 Garvey Road, Dardanup West. Appendix VIII - - "Additional Requirements – Small Holding Zones" delete provision 1(b) and replace with new text.
185	23/12/14	6/2/15	LD	Maps Only
187	10/02/2015	5/03/2015	LD	Deleting 'Restricted Use No.4' from 'Appendix V – Restricted Uses' Deleting 'Clause 4.13 Collie River Flood Way Subdivision and Development Control'
189	4/12/15	5/1/16	LD	Modifying Clause 3.18 'Landscape Buffer' by inserting Clause 3.18.2
188	6/5/16	11/5/16	LD	Including Lot 1, Lots 226 to 230 and 271 to 276 Easton Drive and Lots 231 to 232, 248 to 249 and 277 to 278 Hough Place Eaton as 'Additional Use No 19' Including provisions into 'Appendix IV - Additional Use Zones'
184	10/6/16	5/7/16	LD	Adding Clause 9.1.1(b) Adding Clause 9.3 - Vegetation Screen Areas Adding Appendix XIII - Vegetation Screen Areas
193	30/9/16	18/10/16	LD	Appendix 1 - Including landuse of Club Premises as a "D" use within Other Community zone Amending Club Premises definition within Clause 1.8.2
192	16/06/17	21/06/17	AT	Rezoning of part Lot 9000 Edith Cowan Drive, Eaton from residential R30 zone to community/additional uses (lifestyle village) zone. Amending Appendix IV as follows – 18 (Portion Lot 9000) Edith Cowan Avenue.
198	04/05/18	04/05/18	HB	Rezone PI Lt 75 Clarke Street, Burekup from 'General Farming' to 'Residential' with a density coding of R15. Modify the Scheme Map accordingly.
195	21/06/19	26/06/19	GM	Amend Lot 9 Hynes Road, Waterloo from 'Small Holding' zone to 'Small Holding' zone and 'Additional Use' zone. Include in Appendix IV, Additional Use No. 20 – Lot 9 Hynes Road. Amend the scheme maps accordingly. Amend the definition given to 'Funeral Parlour' at Clause 1.8.2 of the Scheme Text to accord with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .

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194	15/06/18	27/06/18	GM	<p>Modifying the Scheme Map Legend to:</p> <ul style="list-style-type: none"> <li>introduce new 'zone' – 'District Centre';</li> <li>introduce new 'zone' – 'Mixed Use';</li> <li>introduce new 'local reserve' – 'Civic and Community';</li> <li>delete 'area' – 'Special Development Area'; and</li> <li>introduce new 'area' – 'Eaton Fair Activity Centre Area';</li> </ul> <p>as depicted on the Scheme Amendment Map.</p> <p>Modifying the Scheme Amendment Map by:</p> <ul style="list-style-type: none"> <li>deleting Special Development Areas 2 and 3;</li> <li>rezoning the Core Precinct as depicted on the Eaton Fair Activity Centre Plan to 'District Centre';</li> <li>rezoning the Frame Precinct as depicted on the Eaton Fair Activity Centre Plan to 'Mixed Use';</li> <li>designating the extent of the Eaton Fair Activity Centre Area;</li> <li>reserving portion of Lot 500 (Reserve 39158) and portion of Lot 507 (Reserve 50881) for 'Civic and Community';</li> <li>reserving portion of Lot 501 (Reserve 50882) for 'Recreation'; and</li> <li>designating a density code of 'R-AC1' for the areas zoned 'District Centre' and 'Mixed Use';</li> </ul> <p>as depicted on the Scheme Amendment Map.</p> <p>Clause 2.2 Objectives of Zones – inserted new zones 'District Centre' and 'Mixed Use' and description of objectives.</p> <p>Part 3 – Control of Development and Use – deleted clauses 3.16.1 – 3.16.6 inclusive and inserted new Clause 3.19 Eaton Fair Activity Centre Area and new subclause 3.19.1.</p> <p>Appendix I – Zoning Table amended by:</p> <ul style="list-style-type: none"> <li>inserting new zones 'District Centre' and 'Mixed Use' and permissibility symbols for land uses;</li> <li>deleting the uses 'Eating House', 'Extensive Retail', and all associated permissibility symbols which are to be replaced by the uses 'Restaurant/Café' and 'Bulky Goods Showroom', respectively;</li> <li>renaming 'Showroom' to 'Bulky Goods Showroom'; 'Restaurant' to 'Restaurant/Café'; 'Retail Nursery' to 'Retail Plant Nursery'; and assign permissibility symbols as set out below;</li> <li>introducing permissibility symbols for the new use class 'Small Bar' as set out below;</li> <li>noting that where no symbol is shown below, where the use classes are to be retained, - no change to the Zoning Table will occur;</li> <li>deleting use permissibility symbols for 'Home Office', and inserting appropriate wording referring to the Deemed Provisions permissibility for 'Home Office', which supersedes this Zoning Table, as set out below; and</li> <li>reordering the use classes in alphabetical order;</li> <li>added new footnote.</li> </ul> <p>Clause 4.1.1 replaced.</p> <p>Appendix IV – Additional Uses – deleted the Development Guide Plan relating to Portion of Lot 7 Eaton Drive, Eaton.</p> <p>Clause 1.8.2 – Land Use Definitions amended by:</p> <ul style="list-style-type: none"> <li>inserting definition for small bar;</li> <li>definition for showroom deleted;</li> <li>inserting definition of bulky good showroom.</li> <li>term veterinary depot replaced with veterinary centre.</li> </ul> <p>All references of "showroom" in the rest of the Scheme Text are replaced with "bulky goods showroom", where required.</p> <p>Replacing all references of 'Veterinary Depot' with 'Veterinary Centre' in the rest of the Scheme Text, where required.</p>
201	31/08/18	05/09/18	MLD	<p>Rezone Lot 23 Recreation Road, Dardanup from 'General Farming' zone to 'Development' zone.</p> <p>Scheme Maps amended accordingly.</p>
200	16/11/18	20/11/18	MLD	<p>Rezoning Lot 500 on Plan 410950 from 'Short Stay Residential' to 'Recreation'.</p> <p>Rezoning part Lot 501 on Plan 410950 from 'Recreation' to 'Short Stay Residential'.</p> <p>Amending the Scheme Map accordingly.</p>

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199	12/4/19	12/4/19	HB	<p>Rezone Lot 383 Padbury Road, Dardanup West from 'General Farming' zone to 'Small Holding' zone and amending the scheme map.</p> <p>Amend "Area No.14 - Dardanup West/Crooked Brook Structure Plan" in Appendix VIII – "Additional Requirements – Small Holding Zones" of the Scheme Text Under the "AREA" insert reference to Lot 383 Padbury Road, Dardanup West.</p> <p>Modify point 1. (a) under the heading "ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT" to state "Subdivision shall be generally in accordance with a detailed Structure Plan approved by the Western Australian Planning Commission."</p> <p>Modify the remainder of points under the heading "ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT" to change reference from "Subdivision Guide Plan" to "Structure Plan".</p> <p>Delete points 1. (c) and (d) under the heading "ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT".</p>
190	24/07/2020	30/07/2020	MLD	<p>Amending Clause 1.8.2 'Land Use Definitions' of the Scheme text to include 'waste disposal facility' and 'waste storage facility'.</p> <p>Amending Clause 2.2 'Objectives of the Zones' of the Scheme text to include Special Use Zone.</p> <p>Amending Clause 3.15 'Division 5 – Special Zones' of the Scheme text to include Special Use Zones.</p> <p>Insert a new 'Appendix XIV – Special Use Zones'.</p> <p>Amending the 'Special Use' zone on the Scheme Map legend as shown on the Amendment map.</p> <p>Rezoning Lot 4580 Panizza Road, Crooked Brook from 'General Farming' to 'Special Use' and include the symbol 'SU1' as shown on the Amendment map.</p> <p>Including Lot 4580 Panizza Road, Crooked Brook as 'SU1' and amending the scheme text.</p> <p>Amending the Scheme Map and text accordingly.</p>
191	15/09/2020	22/09/2020	GM	<p>Rezoning Lot 6 Sandpits Road, Crooked Brook from 'General Farming' zone to 'Small Holding' zone and amending the Scheme map.</p> <p>Amending 'Area No. 14 – Dardanup West/Crooked Brook Structure Plan' in Appendix V11 – 'Additional Requirements – Small Holding Zones' of the Scheme text as follows:</p> <p>i) Under the heading 'Area' insert reference to Lot 6 Sandpits Rd, Crooked Brook.</p>
202	15/01/2021	28/01/2021	GM	<p>Modifying the Scheme Map by rezoning Lot 600 and 601 Council Drive, Eaton and portion of Lot 606, 607 and 1109 Recreation Drive, Eaton, to District Centre with an assigned density code of R-AC1, as shown on the Scheme Amendment Map.</p> <p>Modifying clause 1.8.2 by adding the definition for 'serviced apartment' after 'service station' and before 'shop'.</p> <p>Amending 'Appendix 1 – Zoning Table' by:</p> <ul style="list-style-type: none"> <li>• introducing permissibility symbols for the new use class 'Serviced Apartment';</li> <li>• to amend the permissibility of the following use in the District Centre zone: <ul style="list-style-type: none"> <li>• Motor vehicle repair - from 'X' to 'A'</li> <li>• Motor vehicle, boat or caravan sales - from 'X' to 'A'</li> <li>• Industry-Service-from 'X'to'D'.</li> <li>• Retail plant nursery - from 'X' to 'D'.</li> <li>• Service station - from 'X' to 'A'.</li> </ul> </li> </ul> <p>Amending 'Appendix IV-Additional Use Zones to include Additional Use Zone No. 21 – Pt Lots 1109 and 607 Recreation Drive.</p> <p>Amending the Scheme Map accordingly to depict Additional Use No. 21</p>
196	29/1/2021	14/2/2021	MLD	<p>Rezoning portion of Lot 100 Wellington Mill Road from 'General Farming' to 'Small Holding' and inserting additional requirements under Appendix VIII of the Scheme. – Area 18</p> <p>Amend the scheme map accordingly.</p>
203	15/7/2022	18/7/2022	MLD	<p>Rezone Part Lot 103 Harris Road and Part Lot 436 (No. 96) Martin-Pelusey Road from General Farming to 'Development' zone, as shown on the Scheme Amendment Map;</p> <p>Rezone Lot 110 Harris Road from 'Restricted Use' to 'Development' zone, as shown on the Scheme Amendment Map.</p> <p>Delete Restricted Use No. 10 from Appendix V Restricted Use zone.</p> <p>Updating the Scheme Maps accordingly.</p>



AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
204	17/03/2023	23/03/2023	GL	Amending Appendix IV to include an additional use for Lot 10 Temple Road, Picton East
205	25/08/2023	05/09/2023	GL	Rezone portion Lot 2 Harold Douglas Drive and portion Lot 185 Venn Rd Dardanup from 'General Farming' to 'Small Holding'; Amend Appendix VIII to include Area 19 – Dardanup Park and inserting additional requirements and modifications to the provisions of the Scheme Text. Update the Scheme Maps as shown in the Scheme Amendment Map.

# **SHIRE OF DARDANUP**

## **TOWN PLANNING SCHEME NO. 3**

### **DISTRICT SCHEME**

The Shire of Dardanup under and by virtue of the power conferred on it in that behalf by the *Town Planning and Development Act 1928* (as amended) and all other powers enabling it hereby makes the following Town Planning Scheme.

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# PART I - PRELIMINARY

## 1.1 ARRANGEMENT OF SCHEME TEXT

## 1.2 CITATION

This Town Planning Scheme may be cited as the Shire of Dardanup Town Planning Scheme No 3 District Scheme hereinafter called "the Scheme".

## 1.3 OBJECTS OF THE SCHEME

The general objects of the Scheme are:

- (a) to zone the Scheme Area for the purposes in the Scheme described;
- (b) to secure the amenity, health and convenience of the Scheme Area and the inhabitants thereof;
- (c) to make provisions as to the nature and location of buildings and the size of lots when used for certain purposes;
- (d) the preservation of places of natural beauty, of historic buildings and objects of historical and scientific interest; and
- (e) to make provision for other matters necessary or incidental to town planning and housing.

## 1.4 The particular objects of the Scheme are:

- (a) to consolidate the urban areas of Dardanup, Burekup and Eaton and to control the building on those areas of new structures between or adjacent to existing buildings;
- (b) to provide for the development of that part of the Picton Industrial Complex that lies within the Scheme Area;
- (c) to make provision for the development of small holding areas to meet the needs of the District;
- (d) to plan for the development of a major road and trunk services network generally in accordance with the Bunbury sub-regional plan prepared by the Bunbury Regional Planning Committee; and
- (e) to protect areas of significant agricultural value particularly those in irrigation districts from conflicting land uses.

## 1.5 RESPONSIBLE AUTHORITY

The authority responsible for enforcing the observance of the Scheme is the Shire of Dardanup hereinafter referred to as "the Council".

## 1.6 MAPS

The following maps form part of the Scheme:

Land Use Map  
Scheme Map

## 1.7 SCHEME AREA

The Scheme shall apply to the area of land contained within the inner edge of a broken black line on the Scheme Map (hereinafter called "the Scheme Area"). The Scheme Area comprises the whole of the District of the Shire of Dardanup

## 1.8 INTERPRETATION

### 1.8.1 General Definitions

In the Scheme –

<b>advertisement</b>	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;
<b>amenity</b>	means all those factors which combine to form the character of an area and include the present and likely future amenity;
<b>building envelope</b>	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;
<b>conservation</b>	has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> ;
<b>cultural heritage significance</b>	has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> ;
<b>development</b>	means the development or use of land, including – (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land; (b) the carrying out on the land of any excavation or other works; (c) in the case of a place to which a Conservation Order made under section 59 of the Heritage of Western Australia Act 1990 applies, any act or thing that – (i) is likely to change the character of that place or the external appearance of any buildings; or (ii) would constitute an irreversible alteration of the fabric of any building;
<b>floor area</b>	has the same meaning as in the <i>Building Code of Australia 1996</i> published by the Australian Building Codes Board;
<b>frontage</b>	when used in relation to a building that is used for – (a) residential purposes, has the same meaning as in the Residential Planning Codes; and (b) purposes other than residential purposes, means the road alignment at the front of a lot and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;
<b>gazettal date</b>	in relation to a scheme, means the date on which the Scheme is published in the <i>Gazette</i> under section

	7(3) of the Town Planning Act;
<b>height</b>	when used in relation to a building that is used for – (a) Residential purposes, has the same meaning as in the Residential Planning Codes; and (b) purposes other than residential purposes, means the maximum vertical distance between the ground level and the finished roof height directly above;
<b>incidental use</b>	means a use of premises which is ancillary and subordinate to the predominant use;
<b>local government</b>	means the Shire of Dardanup;
<b>local planning strategy</b>	means the Local Planning Strategy in respect of the Scheme, as endorsed by the Commission under regulation 12B of the <i>Town Planning Regulations 1967</i> and amended from time to time;
<b>lot</b>	has the same meaning as in the Town Planning Act but does not include a strata or survey strata lot;
<b>minerals</b>	has the same meaning as in the <i>Mining Act 1978</i> ;
<b>net lettable area (NLA)</b>	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 building; (d) areas set aside for the provision of facilities or services to the floor building where such facilities are not for the exclusive use of occupiers of the floor or building;
<b>non-conforming use</b>	has the same meaning as it has in section 12(2)(a) of the Town Planning Act;
<b>owner</b>	in a 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 the fee simple in possession; (b) is a person to whom the Crown has lawfully contracted to grant the fee simple of that land; (c) is a lessor or licensee from the Crown; or (d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive, the rents and profits from the land, whether as beneficial owner, trustee, mortgagee in possession or otherwise;
<b>place</b>	in part 7 (heritage Protection) has the same meaning as it as in the <i>Heritage of Western Australia Act 1990</i> ;
<b>plot ratio</b>	in the case of residential dwellings has the same meaning as in the Residential Planning Codes;
<b>precinct</b>	means a definable area where particular planning policies, guidelines or standards apply;
<b>predominant use</b>	means the primary use of premises to which all other uses carried out in the premises are subordinate, incidental or ancillary;
<b>premises</b>	means land or buildings;
<b>region Scheme</b>	means the region scheme for the Greater Bunbury region published in the <i>Gazette</i> of 17 October 2007;

<b>Residential Planning Codes</b>	means the Residential Planning Codes in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No.1, as amended from time to time;
<b>retail</b>	means the sale or hire of goods or services to the public;
<b>substantially commenced</b>	means that work or development the subject of planning approval has been begun by the performance of some substantial part of that work or development;
<b>town planning act</b>	means the <i>Planning and Development Act 2005</i> ;
<b>wholesale</b>	means the sale of goods or materials to be sold by others;
<b>zone</b>	means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching or edging for the purpose of indication the restrictions imposed by the Scheme on the use and development of land, but does not include a reserve or special control area.

### 1.8.2 Land Use Definitions

In the Scheme –

<b>aged or dependent person's dwelling</b>	has the same meaning as in the <i>Residential Design Codes of Western Australia</i> ;
<b>agriculture – extensive</b>	means premises used for the raising of stock or crops but does not include agriculture – intensive or animal husbandry – intensive;
<b>agriculture – intensive</b>	means premises used for trade or commercial purposes, including outbuildings and earthworks, associated with the following – (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); or (d) aquaculture;
<b>agroforestry</b>	means a stand of trees of greater than 1ha but less than 10ha, that has been established by sowing or planting or either native or exotic tree species and managed intensively for their commercial and/or environmental value. Agroforestry includes roads, tracks, firebreaks and small areas of native vegetation surrounding by plantations. Implicit in this definition is the recognition that plantations will be harvested;
<b>amusement parlour</b>	means premises open to the public, where the predominant use is amusement by means of amusement machines and where there are more than 2 amusement machines operating within the premises;
<b>ancillary accommodation</b>	has the same meaning as in the <i>Residential Design Codes of Western Australia</i> ;
<b>animal establishment</b>	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;
<b>animal husbandry – intensive</b>	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;
<b>art &amp; craft studio &amp; sales</b>	means an enterprise which produces, and/or offers for sale by retail, arts and crafts goods which cannot by virtue of the nature of the business be determined to fall within the definitions relating to a “home occupation” or “cottage industry” and that: <ul style="list-style-type: none"> <li>(a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid waste or waste products;</li> <li>(b) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;</li> <li>(c) may also entail the display and offer for sale by retail, arts and craft goods which were not produced on the site.</li> </ul>
<b>bed and breakfast</b>	means a dwelling, used by a resident of the dwelling, to provide accommodation for person away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast;
<b>betting agency</b>	means an office or totalisator agency established under the <i>Totalisator Agency Board Betting Act 1960</i> ;
<b>bulky goods showroom</b> AMD 194 GG 15/06/18	means premises - <ul style="list-style-type: none"> <li>(a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes – <ul style="list-style-type: none"> <li>(i) automotive parts and accessories;</li> <li>(ii) camping, outdoor and recreation goods;</li> <li>(iii) electric light fittings;</li> <li>(iv) animal supplies including equestrian and pet goods;</li> <li>(v) floor and window coverings;</li> <li>(vi) furniture, bedding, furnishings, fabrics, manchester and homewares;</li> <li>(vii) household appliances, electrical goods and home entertainment goods; party supplies;</li> <li>(viii) office equipment and supplies;</li> <li>(ix) babies’ and children’s’ goods, including play equipment and accessories;</li> <li>(x) sporting, cycling, leisure, fitness goods and accessories;</li> <li>(xi) swimming pools;</li> </ul> </li> <li>and -</li> <li>(b) used to sell by wholesale or retail, or hire, goods and accessories if – <ul style="list-style-type: none"> <li>(i) a large area is required for the handling, display or storage of the goods of a bulky nature; and</li> <li>(ii) vehicular access is required to the premises for the purpose of collection</li> </ul> </li> </ul>

	of purchased goods;
<b>caravan park</b>	has the same meaning as in the <i>Caravan Parks and Camping Grounds Act 1995</i> ;
<b>caretaker's dwelling</b>	means a dwelling on the same site as a building, operation, or plant, and occupied by a supervisor of that building, operation or plant;
<b>carpark</b>	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;
<b>cellar door sales</b>	means the sale of beverages such as wine, cider, beer or similar products either alcoholic or non-alcoholic, from grapes or other fruit grown on-site, and made into beverages on-site;
<b>chalet – short stay accommodation</b>	means a development designed for single occupancy (for up to a maximum 3 month stay in any 12 month period) and which comprises detached accommodation units, which may be full 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;
<b>child care premises</b>	has the same meaning as in the <i>Community Services (Child Care) Regulations 1988</i> ;
<b>civic use</b>	means premises used by a government department, an instrumentality of the Crown, or the local government, for administrative, recreational or other purposes;
<b>club premises</b> AMD 193 GG 30/9/16	means premises used by a legally constituted club or association or other body of persons united by a common interest;
<b>communications infrastructure</b>	means land used to accommodate any part of the infrastructure of a communications 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 communications network (such as telecommunications, radio, television);
<b>community purpose</b>	means the use of premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;
<b>consulting rooms</b>	means premises used by no more than 2 health consultants for the investigation or treatment of human injuries or ailments and for general outpatient care;
<b>convenience store</b>	means premises – (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods; (b) operated during hours which include, but may extend beyond, normal trading hours; (c) which provide associated parking; and (d) the floor area of which does not exceed 300 square metres net lettable area;
<b>dry cleaning premises</b>	means premises used for cleaning of garments and other fabrics by chemical processes;
<b>eating house</b>	means premises in which meals are served to the public for gain or reward, but does not include: (a) premises in respect of which a hotel licence,

	<p>a tavern licence, a limited hotel licence, a restaurant licence or a wine house licence has been granted under the <i>Liquor Act 1970</i>;</p> <p>(b) a lodging house; or</p> <p>(c) any building or the structure used temporarily for serving meals to the public at any fair show, military encampment, races or other public sports, games or amusements;</p>
<b>educational establishment</b>	means premises used for the purposes of education and includes a school, tertiary institution, business college, academy or other educational centre;
<b>exhibition centre</b>	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery;
<b>extensive retail</b>	means premises used for retail uses (such as carpet and home furnishing retailers) that require larger than normal floor space areas not otherwise considered by Council as being appropriate within shopping centres;
<b>family day care</b>	means premises used to provide family day care within the meaning of the <i>Community Services (Child Care) Regulations 1988</i> ;
<b>fast food outlet</b>	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 to the premises, but does not include a lunch bar;
<b>fuel depot</b>	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 a vehicle for final use of such fuel from the premises;
<b>funeral parlour</b> AMD 195 GG 21/06/19	means premises used – <p>(a) to prepare and store bodies for burial or cremation;</p> <p>(b) to conduct funeral services;</p>
<b>grouped dwelling</b>	has the same meaning as in the <i>Residential Design Codes of Western Australia</i> ;
<b>home business</b>	means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which – <p>(a) does not employ more than 2 people not members of the occupier’s household;</p> <p>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</p> <p>(c) does not occupy an area greater than 50 square metres;</p> <p>(d) does not involve the retail sale, display or hire of goods of any nature;</p> <p>(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight; and</p> <p>(f) does not involve the use of an essential service of greater capacity than normally required in the zone;</p>
<b>home occupation</b>	means an occupation carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which – <p>(a) does not employ any person not a member of</p>

	<p>the occupier's household;</p> <p>(b) will not cause injury to or adversely affect the amenity of the neighbourhood;</p> <p>(c) does not occupy an area greater than 20 square metres;</p> <p>(d) does not display a sign exceeding 0.2 square metres;</p> <p>(e) does not involve the retail sale, display or hire of goods of any nature;</p> <p>(f) in relation to vehicles and parking, does not result in the requirement for a greater number of parking facilities than normally required for a single dwelling or an increase in traffic volume in the neighbourhood, does not involve the presence, use or calling of a vehicle more than 2 tonnes tare weight, and does not include provision for the fuelling, repair or maintenance of motor vehicles; and</p> <p>(g) does not involve the use of an essential service of greater capacity than normally required in the zone;</p>
<b>home office</b>	<p>means a home occupation limited to a business carried out solely within a dwelling by a resident of the dwelling but which does not –</p> <p>(a) entail clients or customers travelling to and from the dwelling;</p> <p>(b) involve any advertising signs on the premises; or</p> <p>(c) require any external change to the appearance of the dwelling;</p>
<b>home store</b>	<p>means any shop with a net lettable area not exceeding 100 square metres attached to a dwelling and which is operated by a person resident in the dwelling;</p>
<b>hospital</b>	<p>means premises in which persons are admitted and lodged for medical treatment or care and includes a maternity hospital;</p>
<b>hotel</b>	<p>means premises providing accommodation the subject of a hotel licence under the <i>Liquor Licensing Act 1988</i>, and may include a betting agency on those premises, but does not include a tavern or motel;</p>
<b>industry</b>	<p>means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products articles, material or substances and including premises on the same land used for –</p> <p>(a) the storage of goods;</p> <p>(b) the work of administration or accounting;</p> <p>(c) the selling of goods by wholesale or retail; or</p> <p>(d) the provision of amenities for employees, incidental to any of these industrial operations;</p>
<b>industry – cottage</b>	<p>means a trade or light industry producing arts and crafts goods which does not fall within the definition of a home occupation and which –</p> <p>(a) does not cause injury to or adversely affect the amenity of the neighbourhood;</p> <p>(b) where operated in a residential zone, does not employ any person other than a member of occupier's household;</p>

	<p>(c) is conducted in an out-building which is compatible with the principal uses to which land in the zone in which it is located may be put;</p> <p>(d) does not occupy an area in excess of 50 square metres; and</p> <p>(e) does not display a sign exceeding 0.2 square metres in area;</p>
<b>industry – extractive</b>	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;
<b>industry – general</b>	means an industry other than a cottage, extractive, light, mining, rural or service industry;
<b>industry – light</b>	means an industry – <p>(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;</p> <p>(b) the establishment or conducted of which does not, or will, impose an undue load on any existing or proposed service for the supply or provision of essential services;</p>
<b>industry – mining</b>	means land used commercially to extract minerals from the land;
<b>industry – noxious or hazardous</b>	means an industry which, by reason of the processes involved or the method of manufacture or the nature of the material used or produced, requires isolation from adjacent land uses due to its off-site impacts;
<b>industry – rural</b>	means – <p>(a) an industry handling, treating, processing or packing rural products; or</p> <p>(b) a workshop servicing plant or equipment used for rural purposes;</p>
<b>industry – service</b>	means – <p>(a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or</p> <p>(b) premises having a retail shop front and used as a depot for receiving goods to be serviced;</p>
<b>liquor store</b>	means premises in respect of which a store licence has been granted under the <i>Liquor Act, 1970</i> ;
<b>lunch bar</b>	means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas;
<b>medical centre</b>	means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling);
<b>motel</b>	means premises used to accommodate patrons in a manner similar to a hotel but in which specific provision is made for the accommodation of patrons with motor vehicles and may comprise premises

	licensed under the <i>Liquor Licensing Act 1988</i> ;
<b>motor vehicle, boat or caravan sales</b>	means premises used to sell or hire motor vehicles, boats or caravans;
<b>motor vehicle repair</b>	means premises used for or in connection with – (a) electrical and mechanical repairs, or overhauls, to vehicles; or (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
<b>motor vehicle wash</b>	means premises where the primary use is the washing of motor vehicles;
<b>multiple dwellings</b>	has the same meaning as the Residential Design Codes of Western Australia;
<b>night club</b>	means premises – (a) used for entertainment with or without eating facilities; and (b) licensed under the <i>Liquor Licensing Act 1988</i> ;
<b>office</b>	means premises used for administrative, clerical, technical, professional or other like business activities;
<b>place of worship</b>	means premises used for religious activities such as a church, chapel, mosque, synagogue or temple;
<b>plantation</b>	means a stand of trees of 10ha or larger, that has been established by sowing or planting or either native or exotic tree species and managed intensively for their commercial and/or environmental value. A plantation includes roads, tracks, firebreaks and small areas of native vegetation surrounded by plantations. Implicit in this definition is the recognition that plantations will be harvested;
<b>private hotel</b>	means land and a building or buildings the subject of a limited hotel licence granted under the provisions of the <i>Liquor Act 1970</i> ;
<b>public amusement</b>	means the use of land or a building or buildings as a theatre, cinema, dance hall, skating rink, swimming pool, gymnasium or for amusement games;
<b>reception centre</b>	means premises used for functions on formal or ceremonial occasions but not for unhosted use for general entertainment purposes;
<b>recreation – private</b>	means premises used for indoor or outdoor leisure, recreation or sport which are not usually open to the public without charge;
<b>restaurant</b> AMD 183 GG 25/1/13	means premises where the predominant use is the sale of and consumption of food and drinks on the premises and where seating is provided for patrons, and includes a restaurant licensed under the <i>Liquor Licensing Act 1988</i> ;
<b>retail plant nursery</b>	means premises used for the retailing of horticultural goods such as seeds, seedlings, bulbs, shrubs, trees or other nursery stock and may include as an incidental use, the sale of food and drinks, garden ornaments, herbicides, insecticides, gardening implements, plant containers, bagged fertilisers, bagged manures, bagged sand and bagged mulch;
<b>roadhouse</b>	means a land and a building or buildings with a basic use as a service station and a supplementary use as a restaurant providing minor shop facilities;
<b>rural pursuit</b>	means any premises used for – (a) the rearing or agistment of animals; (b) the stabling, agistment or training of horses;

	<p>(c) the growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or industrial gardens; or</p> <p>(d) the sale of produce grown solely on the lot, but does not include agriculture – extensive or agriculture – intensive;</p>
<b>service station</b>	<p>means premises used for –</p> <p>(a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental/convenience retail nature; and</p> <p>(b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles, but does not include premises used for a transport depot, panel beating, spray painting, major repairs or wrecking;</p>
<b>Serviced apartment</b> AMD 202 GG 15/01/2021	<p>means a group of units or apartments providing –</p> <p>(a) self-contained short stay accommodation for guest; and</p> <p>(b) any associated reception or recreational facilities;</p>
<b>shop</b>	<p>means premises used to sell goods by retail, hire goods, or provide services of a personal nature (including a hairdresser or beauty therapist) but does not include a bulky goods showroom or fast food outlet;</p>
<b>showroom</b>	<i>DELETED BY AMD 194 GG 15/06/18;</i>
<b>single dwelling</b>	<p>has the same meaning as the Residential Design Codes of Western Australia;</p>
<b>small bar</b> AMD 194 GG 15/06/18	<p>means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i>;</p>
<b>storage</b>	<p>means premises used for the storage of goods, equipment, plant or materials;</p>
<b>tavern</b>	<p>means premises licensed as a tavern under the <i>Liquor Licensing Act 1988</i> and used to sell liquor for consumption on the premises;</p>
<b>transport depot</b> AMD 183 GG 25/1/13	<p>means land, or a building or buildings used for the parking or garaging of road motor vehicles which are used or intended to be used for the carriage of goods, or land or a building or buildings used for the transfer of goods from one such motor vehicle to another of such motor vehicles and includes the maintenance and repair of such vehicles;</p>
<b>veterinary centre</b> AMD 194 GG 15/06/18	<p>means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;</p>
<b>warehouse</b>	<p>means premises used to store or display goods and may include sale by wholesale;</p>
<b>waste disposal facility</b> AMD 190 GG 24/07/2020	<p>means premises used –</p> <p>(a) for the disposal of waste by landfill, or</p> <p>(b) the incineration of hazardous, clinical or biomedical waste;</p>
<b>waste storage facility</b> AMD 190 GG 24/07/2020	<p>means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale;</p>
<b>winery</b>	<p>means premises used for the production of viticultural produce and may include sale of the produce.</p>

## 1.9 REPEAL

Shire of Dardanup Town Planning Scheme No 1 Zoning Scheme published in the Government Gazette of 1952 is hereby revoked.

Shire of Dardanup Town Planning Scheme No 7 Industrial Development Area (3) Harris Road – Parkland Estate published in the Government Gazette of 1 February 1980 is hereby revoked.

Shire of Dardanup Town Planning Scheme No. 4 Copplestone Development Scheme published in the *Government Gazette* of 25 July 1980 is hereby revoked. *AMD 183 GG 25/1/13*



## PART 1A – RESERVED LAND

### 1.10 RESERVES

Certain lands within the Scheme area are classified as -

- (a) Regional Reserves; or
- (b) Local Reserves

### 1.11 REGIONAL RESERVES

1.11.1 The lands shown as “Regional Reserves” on the Scheme Map are lands reserved under the Greater Bunbury Region Scheme and are shown on the Scheme Map for the purposes of the *Western Australian Planning Commission Act 1985*. These lands are not reserved under the Scheme.

1.11.2 The approval of the local government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.

Note: The provisions of the Greater Bunbury Region Scheme continue to apply to such Reserves and approval is required under the Greater Bunbury Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.

### 1.12 LOCAL RESERVES

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

### 1.13 USE AND DEVELOPMENT OF LOCAL RESERVES

1.13.1 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.

1.13.2 In determining an application for planning approval the local government is to have due regard to -

- a) the matters set out in clause 7.2.4; and *AMD 183 GG 25/1/13*
- b) the ultimate purpose intended for the reserve.

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

## PART 2 - ZONES

### 2.1 ZONES

AMD 167 GG 12/07/10

2.1.1 The Scheme is classified into the zones shown on the Scheme Map.

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

### 2.2 OBJECTIVES OF THE ZONES

AMD 167 GG 12/07/10

The objectives of the zones are:

#### Residential Zone

- To achieve a high standard of residential development in accordance with contemporary planning and development practice for the benefit of the community.
- To enhance the character and amenity of residential areas.
- To provide for residential development at a range of densities with a variety of housing types to meet the needs of the community.
- To provide an opportunity for residents to undertake occupations ancillary to the use of their dwelling that are compatible in character, scale and operation with the residential use and which will not have an adverse affect upon the existing character and amenity of these areas.

#### Short Stay Residential Zone

- To provide for the development of short stay accommodation to meet the accommodation needs of tourists.

#### Business-Commercial Zone

- To ensure that the zone develops and continues to function effectively as the principal place for retail shopping, commercial, civic and administrative activity.
  - To encourage a high standard of development which serves to enhance the character of the zone.
  - To encourage the retention and development of features which enhance the appearance of the zone, give it character and provide a sense of identity.
  - To maintain safety and efficiency of traffic flows and ensure that adequate provision is made for the circulation and parking of vehicles ensuring the welfare and safety of pedestrians.
  - To maintain the compatibility with the general streetscape for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
  - To preclude the storage of bulky and unsightly goods where they may be in public view.
-

### Mixed Business Zone

- To provide for a variety of commercial activities such as warehouses, bulky goods showrooms, service industries, offices, wholesaling, motor repair facilities and extensive retail which by virtue of their scale and character are generally not appropriate to, or cannot conveniently or economically, be accommodated within the Business-Commercial or Industry zones.
- To ensure the design and landscaping of development provides a high standard of safety and amenity and contributes towards a sense of place and community within the service area.

### Light Industry Zone

- To provide for light and service industries and associated uses.

### General Industry Zone

- To provide for a wide range of industrial and associated activities, which can be undertaken without undue constraints on operational performance, so as to meet the needs of the wider community for industrial services and facilities.

### Other Community Zone

- To provide for uses that are of a community nature and/or civic purpose that would ordinarily not be suitable in other zones.

### General Farming Zone

- To provide for a wide variety of productive farming activities, ranging from broadacre grazing to horticulture, which are compatible with the capability of the land and retain the rural character and amenity of the locality.
- To protect areas of significant agricultural value, particularly those in irrigation districts, from conflicting land uses.
- To facilitate low-key tourist development where it is incidental to the use of the land for farming purposes and where land use conflict can be minimised.

### Small holding Zone

- To provide for residential development within a rural settling, where the predominant land use is residential.

### Tourist Zone

- To provide for land uses and development to enable tourist activities.

### Development Zone

- To provide for the orderly planning of large areas of land through a comprehensive Structure Plan which is able to respond to changing circumstances throughout the developmental stages of the area.

### District Centre Zone

*AMD 194 GG 15/06/18*

- To designate land for future development as an activity centre.
- To provide a basis for future detailed planning in accordance with the structure planning or activity centre planning provisions of this Scheme or any relevant Activity Centres State Planning Policy.

### Mixed Use Zone

AMD 194 GG 15/06/18

- To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels.
- To allow for the development of a mix of varied but compatible land uses such as housing, offices, bulky goods showrooms, amusement centres, eating establishments and appropriate industrial activities that are of a scale and nature which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.

### Special Use Zone

AMD 190 GG 24/07/2020

- To facilitate special categories of land uses which do not sit comfortably within any other zone.
- To enable Council to impose specific conditions associated with the special use.

## **2.3 ZONES AND USES**

AMD 167 GG 12/07/10

2.3.1 The Zoning Table contained in Appendix I indicates, subject to the provisions of the Scheme, the uses permitted in the various zones shown on the Zoning Table. The uses permitted are determined by cross reference between the list of Use Classes on the left hand side of the Zoning Table and the list of Zones at the top of the Zoning Table.

2.3.2 the symbols used in the cross references in the Zoning Table have the following meanings:

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;

'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;

'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 7.2.2;

'X' means a use that is not permitted by the Scheme.

2.3.3 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 designed with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all relevant development standards and any requirements of the Scheme;
- c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or
- d) the change is to an incidental use that does not change the predominant use of the land.

Note: 1. The planning approval of the local government is required for the development of land in addition to any approval granted for the use of 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 7.2.4.
4. The local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only be proceed by way of an amendment to the Scheme.

## **2.4 INTERTRPETATION OF THE ZONING TABLE**

*AMD 167 GG 12/07/10*

- 2.4.1 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.
- 2.4.2 If a person proposes to carry out on land any use that is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the type, class or genus of activity of any other use category the local government may -
  - a) determine that the use is consistent with the objectives of the particular zone and is therefore permitted;
  - b) determine that the use may be consistent with the objectives of the particular zone and thereafter follow the advertising procedures of clause 7.2.2 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.

## **PART 3 - CONTROL OF DEVELOPMENT AND USE**

### **3.1 DIVISION I - DEVELOPMENT TABLE**

- 3.1.1 The Development Table contained in Appendix II states the development standards that apply to the various uses specified in the Table.
- 3.1.2 Subject to the provisions of the Scheme, no person shall erect or use any land or any building or structure thereon for a use or purpose specified in the Development Table otherwise than in accordance with the relevant provisions of that Table and unless such building complies with the requirement of the Development table.
- 3.1.3 In the case of a proposed use not specified in the Development Table, the Council may, in granting its planning consent to commence development, impose such conditions as it thinks fit.
- 3.1.4 The Council may relax the requirements of the Development Table in respect of a new development within a Conservation Area.

### **3.2 DIVISION 2 - RESIDENTIAL ZONES**

*AMD 30 GG 17/1/92; AMD 41 GG 23/2/93; AMD 52 GG 17/6/94*

#### **3.2.1 Residential Planning Codes**

For the purpose of this Scheme, Residential Planning Codes (R-Codes) means the Residential Planning Codes set out in Appendix 3 to the Statement of Planning Policy No 1, together with any amendments thereto.

- 3.2.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the office of the Council.
- 3.2.3 In the event of there being any inconsistency between the Residential Planning Codes identified by Clauses 3.2.1 and 3.2.2, the provisions in the document identified in Clause 3.2.1 shall prevail.
- 3.2.4 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those codes.
- 3.2.5 Unless otherwise provided for in the Scheme Text, where a lot is zoned Residential, the Residential Code Density applicable to the land shall be shown on the Scheme Maps.
- 3.2.6 All lots zoned Residential within the Dardanup Townsite shall not be permitted to have more than one dwelling unless connection to a reticulated sewerage disposal system is available.

### **3.3 SPECIAL APPLICATION OF RESIDENTIAL PLANNING CODES**

*AMD 30 GG 17/1/92; AMD 33 GG 25/10/91; AMD 80 GG 5/5/98; AMD 127 GG 23/12/05; AMD 144 GG 10/7/07*

The following variations and exclusions to the Residential Planning Codes shall apply for the purpose of the Scheme.

- 3.3.1 The Council may at its discretion in respect of any lot or lots within the locality of Eaton increase the street setbacks for a single house to not more the nine metres.
  - 3.3.2 The Council may recommend to the State Planning Commission a subdivision application which creates a lot or lots with less than the minimum area of land for buildings as set out in Table 1 of the R-Codes for the Code density applicable to the land.
-

- 3.3.3 Notwithstanding the provisions of Table 1 of the R-Codes, for land which is not serviced by a comprehensive sewerage system and where the responsible authorities recommend to the Council that there are exceptional circumstances which warrants a variation from the sewerage requirements, the requirements for minimum area of land per dwelling shall be increased. The increase is to be determined in accordance with the "Bacteriolytic Treatment of Sewerage and Disposal of Liquid Waste Regulations" made pursuant to the *Health Act 1911* (as amended).
- 3.3.4 Notwithstanding anything appearing elsewhere in the Scheme, on land within the Scheme Area designated with a Code density of R12.5 the Council may consider an application to develop a single house on a lot which does not comply with the requirement of minimum area of land per dwelling and may grant approval with or without conditions, or may refuse the application.
- 3.3.5 The Council may at its discretion allocate any Residential Codes between R5 and R40 (inclusive) to Super Lots 3,6,7,8, part 41 and 19 in the Eaton area subject to adopting a suitable structure plan for those Super Lots. For the present time, these lots shall not be allocated a Residential Code annotation. *AMD 144 GG 10/7/07*
- 3.3.6 Eaton super Lot 8 shall be subdivided and developed in accordance with the R15 standards of the Residential Planning Codes.
- 3.3.7 Special requirements applying to land coded R10 along Millars Creek within Wellington Location 49, Eaton include -
- a) Housing shall generally be orientated towards Millars Creek.
  - b) Existing trees and substantial vegetation shall not be removed unless determined to be dead, diseased or dangerous, and then only with the approval of Council, or for approved site works.
  - c) Uniform rural-styled fencing shall be constructed along the Millars Creek Foreshore Reserve.
- 3.3.8 Prior to subdivision, land coded R15 abutting Old Coast Road within Lot 800 Hamilton Road, Eaton shall be developed with uniform masonry fencing in combination with earth bunding within the Old Coast Road Reserve to ameliorate traffic noise generated from the Old Coast Road.

The subdivider is to plant the Old Coast Road Reserve with dense native vegetation, with the necessary approvals from Main Roads WA and the City of Bunbury, in order to provide an effective visual screen of the proposed residential development to reduce the visual impact of the development from Old Coast Road and to secure the amenity of the residential area. Existing vegetation within the Old Coast Road Reserve should be preserved wherever practicable.

### **3.4 GROUPED DWELLING REQUIREMENTS**

*AMD 52 GG 17/6/94; AMD 97 GG 12/3/99; AMD 121 GG 10/6/05; AMD 152 GG 18/9/09*

- 3.4.1 For development and/or subdivision of grouped dwellings in the "Residential" zone, Council may, in a particular case but only where sewerage is available, modify the development standards to the R20 Code requirements. In assessing proposals Council will have regard to access, servicing, topography, drainage, amenity and any other matters Council considers appropriate.
- 3.4.2 Notwithstanding anything elsewhere contained in the scheme, all group dwellings in the Residential Zone are required to be connected to reticulated sewerage.
- 3.4.3 Council may refuse to issue approval for any particular type of development if in its opinion no sufficient provision is or can be made for the disposal of liquid wastes.

- 3.4.4 The provisions of 3.4.1 will not apply to land identified in Appendix 10 - Density Bonus Scheme Exclusion Areas.
- 3.4.5 a) Where a lot has a split density code, Council may permit the development of grouped dwellings and/or subdivision at the higher density code providing:
- (i) the development site shall have a minimum frontage of 40m; and
  - (ii) the proposed development shall have only one crossover from the public street; and
  - (iii) the proposed development shall have a minimum of two dwellings fronting and overlooking the public street.
- b) Where grouped dwellings are proposed under Clause 3.4.5 a) on a development site with a minimum frontage of 55m, an additional crossover from the public street may be permitted.
- c) Where grouped dwellings are proposed under Clause 3.4.5 a) and the development cannot reasonably meet the required criteria due to exceptional circumstances, the Council may, in a particular instance, vary the provisions under Clause 3.4.5.
- d) Determination of the nature of “exceptional circumstances” under Clause 3.4.5 c), is at the discretion of Council.

### **3.5 PARKING AND REPAIR OF COMMERCIAL VEHICLES**

- 3.5.1 No person shall within a Residential Zone:
- a) park or allow to remain stationary for more than four hours consecutively:
    - (i) more than one commercial vehicle;
    - (ii) a commercial vehicle unless such vehicle so parked is housed in a domestic garage or domestic outbuilding;
    - (iii) any vehicle which due to size or load is not capable of being completely housed within a domestic garage or domestic outbuilding having a maximum floor area of forty five square metres and in which no horizontal dimension is more than fifteen metres;
    - (iv) a vehicle which together with the load thereon exceeds three metres in height.
  - b) repair service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or domestic outbuilding.
  - c) keep or allow to remain or build, repair, paint, service, clean or renovate any boat, launch, yacht, dinghy or other vessel in front of the front setback line for more than eight hours consecutively.

### **3.6 LIFTS IN RESIDENTIAL BUILDINGS**

- 3.6.1 No person shall erect or use a residential building of more than two storeys not fitted with a passenger lift unless the design of the building is such that it is possible to reach the top floor and the bottom floor without ascending or descending stairways of a total height exceeding the height of one storey.

### **3.7 SERVICE PIPING IN RESIDENTIAL BUILDINGS**

- 3.7.1 No person shall erect or use a building of more than two storeys unless it be so



designed and constructed that all sewerage, water supply and gas pipes are concealed within the building.

### **3.8 DIVISION 3 - LICENSED PREMISES ZONES, BUSINESS ZONES AND INDUSTRY ZONES**

- 3.8.1 The provisions of Division 3 shall apply within the Licensed Premises Zones, Business Zones and in Industry Zones but the Council may relax the provisions of clauses 3.9.2 to 3.10.4 within a Conservation Area.

### **3.9 INDUSTRIAL ZONED LAND DEVELOPMENT STANDARDS**

*AMD 167 GG 12/07/10*

- 3.9.1 In areas zoned "Light Industry", the maximum lot size shall be 1ha.
- 3.9.2 On land not exceeding 4000m<sup>2</sup> in area in any of the Industry Zones, the area of land between the setback line and the street alignment may be developed and used in accordance with and for the purposes shown on one or other of the diagrams shown in Appendix III or in such other manner as shall be approved by the Council.
- 3.9.3 Where a comprehensive reticulated sewerage system is not available to a proposed industrial use, the Council may grant planning approval which permits onsite effluent disposal provided such usage does not generate a daily volume of wastewater exceeding 540 litres per 2000m<sup>2</sup> of lot size and site conditions are suitable for onsite wastewater disposal.
- 3.9.4 All new effluent disposal systems should be of a style designed specifically to minimise nutrient discharge to the groundwater and operate successfully where the clearance from highest groundwater to the surface is a minimum of 1m.
- 3.9.5 Council may require the applicant to construct the street façade of any building or office within an Industry Zone of masonry, brick, concrete or other material specified by the Council.
- 3.9.6 The Council may require an applicant (at the applicant's expense) to provide it with scientific and/or technical information or analysis in respect of any industrial use or development.

### **3.10 ACCESS FOR LOADING AND UNLOADING OF VEHICLES**

- 3.10.1 No person shall in any of the said zones use a building for business or industry or for any purpose for which a licence has been granted under the *Liquor Act 1970*, unless there is provided a paved access-way for vehicles from a street to the side or rear of the building for the purpose of loading and unloading and of a nature mentioned hereunder.
- 3.10.2 The access-way shall be so constructed that vehicles using it may return to a street in forward gear.
- 3.10.3 If there exists a right-of-way to the side or rear of the lot, an area shall be paved on the lot so that vehicles when loading or unloading shall not remain in the right-of-way and the area shall be of such a size that if no alternative route exists, vehicles may manoeuvre so as to return to a street in forward gear.
- 3.10.4 Except as hereinafter mentioned, the access-way shall be not less than four and one-half metres in width; if the size of the lot makes the provision of a four and one half metres wide access-way impracticable or unreasonable, the Council may permit an access-way of a narrower width but in no case less than three metres in width.
- 3.10.5 The Council may vary the requirement of Clauses 3.10.1 to 3.10.4 if all buildings are set twenty metres back from the street frontage in accordance with Appendix III.

### **3.11 DRY INDUSTRY USE**

*AMD 167 GG 12/07/10*

3.11.1 The following provisions shall apply to Dry Industry Uses.

- a) Council shall not permit an industrial use unless it can be demonstrated that the use conforms with the Dry Industry definition outlined in Section 1.8.1 of the Scheme Text.
- b) All buildings and structures shall be set back a minimum of 15 metres from the primary street frontage and 10 metres from specified revegetation areas. The 15-metre setback from the primary street frontage can be used for landscaping, carparking or trade display. Council may vary the setback, for any setback other than the primary street requirement, if the landowner can demonstrate that it will not adversely impact upon adjoining landuse, revegetation or access for fire fighting purposes.
- c) The landowner shall be required to maintain all revegetation areas shown on the Subdivision Guide Plan. If no Subdivision Guide Plan is applicable, then Council at its discretion, may as a condition of Planning Approval, request replanting of portions of the site. The choice of species shall be the responsibility of the landowner, however at least 50% of the trees must be capable of growing to a height of 3m within 5 years, with preference given to species endemic to the region.
- d) All crossovers will be required to be sealed to the satisfaction of Council.
- e) Council will require stormwater disposal measures to be undertaken to ensure that maximum retention and infiltration occurs on site through the use of individual soakwells, retention basins or other measures as deemed necessary. Pollutants such as grease, oil, and suspended solids, shall be contained on site to the satisfaction of Council.
- f) On site effluent disposal shall utilise amended soil systems, unless the proponent can demonstrate to Council, that soil conditions are conducive to the operation of septic tanks and leach drains. Council may require the landowner to prepare a geotechnical report before Planning Approval is granted or as a condition of a Planning Approval, to any proposed use.
- g) The landowner shall be responsible for the maintenance of amenity in those areas surrounding individual industries and shall take necessary steps to rectify unsightly displays or unkempt land as directed by Council.
- h) A water supply shall be established that meets the Australian Standards 24-19-1 for fire fighting purposes.

### **3.12 MOTOR VEHICLE WRECKING**

3.12.1 A person shall not in any of the zones to which this Division applies store, or permit to be stored or to remain on any land owned or occupied by him any disused motor vehicles, old motor vehicles, or old machinery or any parts thereof:

- a) over an area of land exceeding one hectare;
- b) in any number exceeding one thousand five hundred per hectare where the vehicles have been reduced by pressure or other process to a volume of two cubic metres or less, or exceeding two hundred per hectare where they have not been so reduced; or

c) unless they are placed in neat rows not exceeding two metres in height.

### **3.13 DIVISION 4 - NON URBAN ZONES**

3.13.1 In considering applications for planning consent to commence development, subdivision and rezoning of land in a Non Urban Zone the Council shall have regard to:

- a) the need to protect the economic viability of the rural land use generally;
- b) the need to preserve the rural character and a rural appearance of the area;
- c) the need to ensure that the existing standard of roads, water and electricity supply and other services is sufficient for the additional demands that the proposed development would create; and
- d) the need to ensure that in general all buildings are at least twenty metres from any lot boundary adjoining a street and the Council may require an additional setback in order to preserve the rural character of the area.

### **3.14 SMALL HOLDING ZONES**

*AMD 15 GG 18/1/85; AMD 18 GG 28/2/86; AMD 30 GG 17/1/92; AND 50 GG 7/9/93; AMD 62 GG 27/9/96; AMD 97 GG 12/3/99; AMD 113 GG 20/7/01*

3.14.1 The following provisions shall apply within Small Holding Zones:

- a) So far as is practicable, the rural character of the area shall be maintained and native trees shall be retained.
- b) Residential development shall in the case of a separate lot of less than 2ha, be limited to a single house only. For a separate lot of 2ha or larger, Council may approve not more than two grouped dwellings.
- c) No dwelling shall be constructed unless it is connected to the water mains but the Council may relax this requirement if it is satisfied that there is a supply of potable water available on the site either in the form of a rain water storage tank of not less than 92,000 litres or a bore from which an adequate quantity of potable water can be obtained.
- d) No dwelling shall be constructed within 20 metres of the front lot boundary provided that where it can be established to the satisfaction of the Council that due to the topography the shape of the lot or the existing vegetation, this requirement is unreasonable or undesirable the Council may at its discretion vary the requirement, provided such variation does not permit a setback of less than 10 metres.
- e) No building shall be constructed within this zone of materials the colour or texture of which, in the opinion of Council, is undesirable for the locality.
- f) Commercial pig farming, commercial poultry farming and feed lot farming shall not be permitted. The keeping of more than one pig for domestic or hobby purposes on a lot within a Small Holding Zone shall not be permitted without the special approval of Council.
- g) After the initial subdivision of the land within the Small Holding Zone, the Council will not recommend further subdivision of the lots created.
- h) No person shall display or permit to be displayed a sign hoarding or billboard other than one not exceeding 0.2m<sup>2</sup> in area advertising the activity conducted on the site.
- i) Where lots below 8,000 square metres in area are to be used for the keeping of a horse or horses, then that use shall be limited to the keeping of horses for the personal use and enjoyment of the lot owner.

- j) If there exists a building envelope for a lot, no person shall construct a dwelling outside the building envelope. Council may approve the location of outbuildings outside the building envelope provided that no loss of trees will result and Council is satisfied that the specific proposal is consistent with the general objectives of the special rural area and a reduction in amenity will not result.
- k) The erection of second hand buildings or the use of used building materials for external walls and roofs shall not be permitted without the special approval of the Council.
- l) No person shall allow derelict outbuildings, car bodies, machinery, boats, caravans or other accumulations of rubbish to remain on a lot.
- m) The use of asbestos, metal sheeting, barbed wire or wooden pickets as boundary fencing materials will not be permitted.
- n) The position of the crossover between the road and the lot and the driveway to the house shall require the approval of the Council.
- o) The entry gate on the road frontage of the lot shall be of a standard approved by the Council.
- p) No person shall keep any mature male goat on any lot unless specific approval has been granted by the Council, with or without conditions.
- q) Where, in the opinion of Council, excessive livestock number of a lot are causing environmental damage or nuisance, it may take appropriate action to eliminate or reduce the effects and recover the costs of such action from the registered proprietor of the lot.
- r) A person shall not without the prior approval of Council damage, fell or remove a tree; except –
  - (i) a tree that is dead or is diseased and likely to die;
  - (ii) for the purpose of clearing of a fire break;
  - (iii) a tree contained within a building envelope or other approved location for a building which in the opinion of the Council would unreasonably obstruct or interfere with the erection of a dwelling, house or on outbuilding.
- s) Council may permit an amendment to the position or size of a building envelope if it is shown to the satisfaction of Council at the time of application for planning approval that a proposed relocation is desirable or necessary and having regard to the criteria set out in clause 7.6.2 and shall not exceed 10% of any lot area.

AMD 183 GG 25/1/13

3.14.2 The additional requirements and modifications to the provisions contained in the preceding clause and to the Zoning and Development Tables are specified in Appendix VIII and apply to the areas set against those requirements and modification in that Appendix.

3.14.3 The provisions of Area 7: West Copplesstone in Appendix VIII to this Scheme are subject to the Agreement (as amended from time to time) ratified by the *Dardanup Pine Log Sawmill Agreement Act, 1992*.

### 3.15 DIVISION 5 - SPECIAL ZONES

#### Additional Use Zones

- 3.15.1 Those portions of the Scheme Area which are specified in the Appendix IV are classified as Additional Use Zones.
- 3.15.2 Notwithstanding that a parcel of land described in Appendix IV is within another zone, the land or any building or structure thereon may be used for the purpose set against that parcel of land in Appendix IV in addition to the other uses permitted in the Zone in which the land is situated. The use of the parcel of land is also subject to any additional conditions stated opposite the parcel in Appendix IV.

#### Restricted Use Zones

- 3.15.3 Those portions of the Scheme Area which are specified in Appendix V are classified as Restricted Use Zones for the uses or purposes set against such lands respectively in Appendix V.
- 3.15.4 No person shall use any land any building or any structure thereon in a Restricted Use Zone except for the use or purpose set against such land in Appendix V.

#### Mixed Business Zone

*AMD 77 GG 29/5/98; AMD 128 GG 2/12/08*

- 3.15.5 The "Mixed Business" zone is intended to accommodate a range of service commercial, wholesaling, bulky goods showroom, trade services, professional services, offices, retail and community uses which by virtue of their scale, character, operational or land requirements are complementary to but generally not appropriate in the "Commercial Zone".

#### Tourist Zones

*AMD 48 GG 26/11/93*

- 3.15.6.1 In considering applications for Planning consent to commence development, subdivision or rezoning of land within the Tourist Zone, Council shall have regard to:
- a) encouraging and maintaining a high standard of development within the zone;
  - b) the need to ensure that the existing standard of roads, water and electricity supply and other services is sufficient for the additional demands that the proposed development would create;
  - c) the need to protect the privacy and amenity of surrounding areas; and
  - d) a Guide Development Plan is to be prepared for Council's endorsement as part of any rezoning to Tourist.
- 3.15.6.2 The detailed requirements and modifications to the provisions contained in the zoning and development table, specified in Appendix IX, apply to the areas set against those requirements and modifications in that appendix.

#### Development Zone

*AMD 144 GG 10/7/07*

- 3.15.7.1 Interpretation

In relation to the provisions of the Development Zone, unless the context otherwise requires -

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

'Proposed Structure Plan' means a Structure Plan, which may apply to either a local area or a district, that has been prepared in accordance with clause 3.15.7.4; and

'Structure Plan' means a Proposed Structure Plan that has been both approved by the Commission and adopted by the Council under clause 3.15.7.18 or any other structure plan endorsed by the Council and Commission prior to the gazettal of Amendment 144.

#### 3.15.7.2 Purpose

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

#### 3.15.7.3 Planning Requirements -

- a) The Council requires a Structure Plan for land included in the Development Zone, or for any particular part or parts of a Development Zone, before recommending subdivision or approving the development of land within the Development Zone.
- b) Where a Structure Plan exists, the subdivision and development of land is to generally be in accordance with the Structure Plan.
- c) The Council or the Commission may, as a condition of adopting or approving a Proposed Structure Plan, require a more detailed Structure Plan in future if the Council or the Commission considers that it will be necessary to provide additional detail to the proposals contained in the Proposed Structure Plan.

#### 3.15.7.4 Preparation, Adoption and Approval of Structure Plans -

- a) a Structure Plan may include plans and other documents;
- b) a Structure Plan may, with the agreement of the Council, be prepared and implemented in stages;
- c) a Structure Plan may relate to only part of a Development Zone;
- d) a Structure Plan is to contain such detail as, in the opinion of the Council, is required to satisfy the planning requirements of the Development Zone, and without limiting the generality of the foregoing, may include the following details -
  - (i) the area to which the Structure Plan applies;
  - (ii) key opportunities and constraints of the Development Zone including landform, topography, hydrology, landscape, vegetation, soils, conservation and heritage values, ownership, land use, roads and public transport, and services;
  - (iii) the planning context for the Development Zone including the regional and neighbourhood structure, relevant strategies, Scheme provisions and policies and where appropriate, indicating how the Proposed Structure Plan is to be integrated into the surrounding area;
  - (iv) proposed major land uses, in particular, residential areas, public open space, school sites, civic and community uses, commercial uses (including the location and hierarchy of commercial centres), mixed use, industrial and mixed business uses;
  - (v) the proposed indicative lot pattern and general location of any major

buildings;

- (vi) estimates of future lots, dwellings, population, employment and retail floor space;
  - (vii) provision for major infrastructure, including main drainage, sewerage, water supply and other key infrastructure services;
  - (viii) the proposed road network and hierarchy, public transport services, and bicycle and pedestrian networks;
  - (ix) the timeframe and staging of subdivision and development, and the method of implementation, including any proposals for funding by development contributions;
  - (x) details as appropriate relating to vehicular access and parking, the location, orientation and design of buildings and the space between building, conservation areas, heritage places, special development control provisions; and
  - (xi) such other information as may be required by the Council.
- e) In considering a Proposed Structure Plan for part of a Development Zone, the Council may require the Proponent to demonstrate how planning for the subject land may be integrated with planning for the balance of the Development Area, including how broad land uses, essential services, main movement systems and major conservation and recreation areas are to be integrated and provide information on the arrangements for implementation.

3.15.7.5 A Proposed Structure Plan may be prepared by a Proponent or the Council. Where prepared by a Proponent, the Proposed Structure Plan is to be submitted to the Council.

3.15.7.6 Upon receiving a Proposed Structure Plan, the Council is to either -

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

3.15.7.7 If within 60 days of receiving a Proposed Structure Plan for approval for advertising, or such longer period as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in clause 3.15.7.6, the Council is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.

3.15.7.8 a) Where the Proponent is aggrieved by a determination of the Council under clause 3.15.7.6 b) or c) or clause 3.15.7.7, the Proponent may request the Council by notice in writing to forward the Proposed Structure Plan to the Commission.

- b) Within 21 days of receiving a notice from the Proponent under clause 3.15.7.8 a), the Council is to forward to the Commission -
  - a copy of the Proposed Structure Plan;
  - details of the Council's determination including any modifications to the Proposed Structure Plan required by the Council; and



- any other information the Council considers may be relevant to the Commission's consideration of approval of the Proposed Structure Plan for advertising.
- c) Upon receiving a Proposed Structure Plan in accordance with clause 3.15.7.8b), the Commission is to make one of the determinations referred to in clause 3.15.7.6 and advise the Council and the Proponent accordingly.
- d) If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the Council prior to making its determination under clause 3.15.7.8 c).
- e) If within 60 days of receiving a Proposed Structure Plan under clause 3.15.7.8 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 3.15.7.6, the Commission is deemed to have determined that the Proposed Structure Plan is not satisfactory for advertising.
- 3.15.7.9 Where the Council, or the Commission under clause 3.15.7.8, has determined that the Proposed Structure Plan is satisfactory for advertising, the Council is to —
- a) advertise, or require the Proponent to advertise, the Proposed Structure Plan for public inspection by one or more of the methods of advertising proposals for development as set out in clause 7.2.2 of the Scheme; and
- b) give notice or require the Proponent to give notice in writing to such public authorities and other persons as the Council nominates,
- and such advertisement and notice are to explain the scope and purpose of the Proposed Structure Plan, when and where it may be inspected, and invite submissions to the Council by a specified date being at least 14 days from the date of the notice and advertisement.
- 3.15.7.10 Within 7 days of determining that a Proposed Structure Plan is satisfactory for advertising, the Council is to forward a copy of the Proposed Structure Plan to the Commission.
- 3.15.7.11 The Council is to consider all submissions received and within 60 days of the latest date specified in the notice under clause 3.15.7.9 is to either -
- a) adopt the Proposed Structure Plan with or without modifications; or
- b) refuse to adopt the Proposed Structure Plan and give reasons for this to the Proponent.
- 3.15.7.12 If within the 60 day period, or such further time as may be agreed in writing between the Proponent and the Council, the Council has not made one of the determinations referred to in clause 3.15.7.11, the Council is deemed to have refused to adopt the Proposed Structure Plan.
- 3.15.7.13 Within 21 days of the Council making its determination under clause 3.15.7.11, or deemed refusal under clause 3.15.7.12, the Council is to forward to the Commission -
- a) a summary of all submissions and comments received by the Council in respect of the Proposed Structure Plan, and the Council's decisions or comments in relation to these;
- b) the Council's recommendation to the Commission to approve, modify or refuse to approve the Proposed Structure Plan; and
- c) any other information the Council considers may be relevant to the Commission's consideration of the Proposed Structure Plan.

- 3.15.7.14 The Commission is to either —
- a) approve the Proposed Structure Plan with or without modifications; or
  - b) refuse to approve the Proposed Structure Plan and give reasons for its decision to the Proponent and the Council.
- 3.15.7.15 If within 60 days of receiving the information referred to in clause 3.15.7.13, 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 referred to in clause 3.15.7.14, the Commission is deemed to have refused to approve the Proposed Structure Plan.
- 3.15.7.16 If the Commission approves the Proposed Structure Plan, it is to notify the Council and Proponent of its decision within 14 days of the date of the Commission's decision.
- 3.15.7.17 If the Commission requires modifications to the Proposed Structure Plan, the Commission is to consult with the Council prior to approving the Proposed Structure Plan under clause 3.15.7.14.
- 3.15.7.18 If the Council, following consultation with the Commission, is of the opinion that any modification to the Proposed Structure Plan is substantial, the Council may -
- a) readvertise the Proposed Structure Plan; or
  - b) require the Proponent to readvertise the Structure Plan
- and thereafter, the procedures set out in clause 3.15.7.9 onwards are to apply.
- 3.15.7.19 As soon as practicable after receiving notice of the approval of the Proposed Structure Plan by the Commission, the Council is to adopt the Proposed Structure Plan and forward a copy of the Structure Plan to -
- a) the Proponent;
  - b) the Commission; and
  - c) any other appropriate person or public authority which the Council thinks fit.
- 3.15.7.20 A Structure Plan is to be kept at the Council's administrative offices, and is to be made available for inspection by any member of the public during office hours.
- 3.15.7.21 The Council may adopt a minor change to or departure from a Structure Plan if, in the opinion of the Council, the change or departure does not materially alter the intent of the Structure Plan.
- 3.15.7.22 a) The Council is to forward a copy of the minor change or departure to the Commission within 10 days from the day of adopting the minor change or departure.
- b) If the Commission considers that the change or departure adopted by the Council under clause 3.15.7.21 materially alters the intent of the Structure Plan, then the Commission -
- (i) may require the Council to follow the procedures set out in clause 3.15.7.5 to 3.15.7.21 inclusive in relation to the change or departure; and
  - (ii) is to notify the Council of this requirement within 10 days.
- 3.15.7.23 Any change to or departure from a Structure Plan that is not within clause 3.15.7.21 is to follow the procedures set out in clauses 3.15.7.5 to 3.15.7.21 inclusive.

3.15.7.24 In addition to and in association with a Structure Plan

- a) (i) The Council or the Commission may, by notice in writing, require a person to prepare and submit to the Council a detailed area plan within the time specified in the notice or
- (ii) A person may prepare and submit to the Council a detailed area plan.
- b) A detailed area plan is to relate to a particular lot or lots and may be prepared and submitted -
  - (i) to enhance, elaborate or expand on the details or provisions contained in a Proposed Structure Plan or a Structure Plan;
  - (ii) in place of a development approval required to comply with clause 2.3.3 of the Residential Design Codes; or
  - (iii) for any other planning purpose.
- c) The Council is to -
  - (i) approve with or without conditions; or
  - (ii) refuse to approvethe detailed area plan.
- d) If within 60 days of receiving a detailed area plan under clause 3.15.7.24 a), or such longer period as may be agreed in writing between the person and the Council, the Council has not made one of the determinations referred to in clause 3.15.7.24 c), the Council is deemed to have refused to approve the detailed area plan.
- e) The Council is to forward a copy of the detailed area plan to the Commission within 10 days of approving the detailed area plan.
- f) The Council's refusal to approve a detailed area plan under clause 3.15.7.24 is not a valid reason for the Council to refuse to adopt or the Commission to refuse to approve a Proposed Structure Plan.

3.15.7.25 Unless clause 3.15.7.24 b)(ii) applies, once approved by the Council, the detailed area plan is to be used as the basis for -

- a) making recommendations to the Commission on subdivision applications; and
  - b) determining development applications
- with respect to the land subject to the detailed area plan.

3.15.7.26 detailed area plan may include details as to -

- a) building envelopes;
- b) distribution of land uses within a lot;
- c) private open space;

- d) services;
  - e) vehicular access, parking, loading and unloading areas, storage yards and rubbish collection enclosures;
  - f) the location, orientation and design of buildings and the space between buildings;
  - g) advertising signs, lighting and fencing;
  - h) landscaping, finished site levels and drainage;
  - i) protection of sites of heritage, conservation or environmental significance;
  - j) special development controls and guidelines; and
  - k) such other information considered relevant by the Council.
- 3.15.7.27 a) An approved detailed area plan may be modified or varied with the approval of the Council, but where there is a related Structured Plan, such modifications or variations are to conform with the intent of any related Structure Plan.
- b) The Council is to forward a copy of the modification or variation to the detailed area plan to the Commission within 10 days of approving the modification or variation.
- 3.15.7.28 Structure Plan commences operation on the date it is adopted by the Council pursuant to clause 3.15.7.19.
- 3.15.7.29 Subject to 3.15.7.32, if a Structure Plan imposes a classification on the land included in it by reference to reserves, zones, or Residential Design Codes then -
- a) the provisions of the Structure Plan apply to the land within the area as if its provisions were incorporated into the Scheme and it is binding and enforceable in the same way as corresponding provisions incorporated in the Scheme; and
  - b) provisions in the Scheme applicable to land in those classifications under the Scheme apply to the Development Area.
- 3.15.7.30 Without limiting the generality of clause 3.15.7.29, under a Structure 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 designation;
  - b) the standards and requirements applicable to the zones and Residential Design Code R-Code designations of the Scheme apply to the areas having corresponding designations under the Structure 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;
  - d) any other provision, standard or requirement in the Structure Plan is to be given the same force and effect as if it were a provision, standard or requirement of the Scheme.
- 3.15.7.31 A Structure Plan may distinguish between the provisions, requirements or standards which are intended to have effect as if included in the Scheme, and any provisions, requirements, or standards which are only for guidance or such other purposes as stipulated in the Structure Plan.

3.15.7.32 If a provision of a Structure Plan which imposes a classification on the land included in it by reference to reserves, zones or Residential Design Codes is inconsistent with a provision of the Scheme, then the provision of the Scheme prevails to the extent of any inconsistency.

3.15.7.33 The Proponent may apply for 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 clauses 3.15.7.8 or 3.15.7.15

in the exercise of the Commission's powers in relation to Structure Plans under the Development Zone.

3.15.7.34 The Proponent may apply for a review, in accordance with Part 14 of the Planning and Development Act, any decision made by the Council under clause 3.15.7.21

3.15.7.35 A person who has submitted a detailed area plan under clause 3.15.7.24 may apply for a review, in accordance with Part 14 of the Planning and Development Act, any decision made by the Council under that clause or clause 3.15.7.27.

### **Special Use Zones**

*AMD 190 GG 24/07/2020*

3.15.8.1 Those portions of the Scheme Area which are shown on the scheme map as SU with a number and included in Appendix XIV are special use zones.

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

## **3.16 DIVISION 6 - DEVELOPMENT AREAS**

### **Mixed Business Zone**

*AMD 77 GG 29/5/98; AMD 128 GG 2/12/08; AMD 194 GG 15/06/18*

The "Mixed Business" zone is intended to accommodate a range of service commercial, wholesaling, bulky goods showroom, trade services, professional services, offices, retail and community uses which by virtue of their scale, character, operational or land requirements are complementary to but generally not appropriate in the "Commercial Zone".

**Special Development Area – DELETED BY AMD 194 GG 15/06/18**

### **Bushland Development Area**

*AMD 98 GG 22/10/99*

3.16.7 It is intended that land in the Bushland Development Area be developed in a way that reflects the natural qualities of the area and where special attention will be given to the retention of vegetation, watercourses and other features to maintain the amenity of an area.

3.16.8 The following provisions shall apply to land within a Bushland Development Area notwithstanding the other development standards of the Scheme:

- a) Minimum lot area of 2,000 square metres.

b) Minimum boundary setbacks for Eaton:

AMD 156 GG 2/12/08

Front	-	9 metres
Sides	-	3 metres
Rear	-	15 metres

Minimum boundary setbacks for Burekup:

Front	-	9 metres
Sides	-	3 metres
Rear	-	3 metres

- c) Where a building envelope has been identified for a lot on the Building Envelope (Scheme Amendment) Map, no building shall be erected outside the building envelope.
- d) No building shall be constructed of an external cladding other than brick, unless approved by Council.
- e) No trees over three metres in height shall be felled, removed or damaged, except:
- (i) trees which are determined to be dead, diseased or dangerous;
  - (ii) if necessary for firebreak purposes; or
  - (iii) if necessary for building works and access-ways as approved by the Council.
- f) Council may adopt a concept plan and/or design guidelines for all or part of the zone and where Council has adopted such a plan or guidelines subdivision and development shall be generally in accordance with the plan.
- g) Council will request that as a condition of subdivision the subdivider be required to ensure all prospective purchasers are advised of the appropriate effluent disposal requirements for the locality.
- h) Where boundary fencing is to be constructed it is to consist of post and 6 strand wire, ringlock, hinge joint or similar product. Post and rail fencing is acceptable. Asbestos, metal sheeting or wooden pickets will not be permitted.
- i) Fencing not in accordance with provision h) may be built within a nominated building envelope or the immediate vicinity of a dwelling for the purpose of attaining privacy. Such fencing shall be subject to approval by Council as part of a building licence application. When considering fencing proposed under this provision Council shall consider the visual impact of the fencing on the amenity and character of adjoining lots and the estate in general.

### **Residential Development Area**

- 3.16.9 It is intended that the land in a Residential Development Area be progressively developed for residential purposes and such other business and public uses as are normally associated with residential development.

### **Industrial Development Area**

AMD 48 GG 26/11/93

- 3.16.10 It is intended that the land in an Industrial Development Area be progressively developed for industrial purposes and such other uses as are normally associated with industrial activity. Residential landuses shall not be permitted within the Industrial

Development Area.

### **Guided Development Town Planning Scheme**

*AMD 7 GG 19/3/82; AMD 30 GG 17//192*

- 3.16.11 The Council may require that before sub division of development of land is permitted within a Residential Development Area, an Industrial Development Area or a Small Holding Development Area, a Guided Development Town Planning Scheme be prepared either by the Council at the cost of the persons desiring to carry out the subdivision or development or enabled so to do by the Scheme or if the Council so agrees by the owners involved. The Scheme shall comprise a Land Use Map, a Scheme Map, a Report and a Scheme Text and such other documents as are appropriate to the Scheme and shall show the proposed uses for the land within the area. The Scheme shall be for the whole of the particular Development Area or for such portion thereof as shall be approved by the Council.
- 3.16.12 In the case of a Town Planning Scheme for a Small Holding Development Area, the Scheme Map shall show the proposed building envelopes and shall, where practicable, be subject to the following requirements:
- a) Each lot shall have at least 50% natural vegetation.
  - b) Lot sizes shall relate to topographic features.
  - c) All waterways, lakes, swamps and hill tops shall be shown as public recreation and shall become vested in the Crown or in the Council.
  - d) The building envelopes shall be so located as not to be on the skyline and such that permitted buildings will at least be partially screened by vegetation when viewed from a road.
- 3.16.13 It is intended that the lot sizes shown on the Scheme Map for a Small Holding Development Area shall be fixed and the Council will endeavour to ensure that no further subdivision is permitted except for boundary adjustments and the provision of public utilities.
- 3.16.14 The Council shall consider the Guided Development Scheme at a meeting held not later than two calendar months after the receipt thereof. If the Council shall approve the proposals in principle, it shall submit the Scheme to the State Planning Commission with its comments.

### **3.17 INTERIM APPROVAL TO DEVELOPMENT**

*AMD 30 GG 17/1/92*

- 3.17.1 The Council may pending the preparation and approval of a Town Planning Scheme in respect of land within a Development Area, permit land to be developed and inform the Town Planning Board of its agreement to a subdivision if:
- a) full details of the proposed subdivision and development are submitted to the Council and the State Planning Commission;
  - b) the Council and the State Planning Commission are satisfied that the subdivision and development is in accord with the intended land use and design for the area and will not prejudice further development or the amenity of the area; and

- c) the subdivider, developer or the owner or all or any of them as required by the Council enters into an agreement with the Council to:
  - (i) subdivide or to develop the land;
  - (ii) abide by such terms and conditions as the Council deems necessary and as are specified in the agreement; and
  - (iii) comply with the provisions of the Town Planning Scheme when it is approved;
- d) the land is if necessary rezoned to the appropriate zone.

### **3.18 LANDSCAPE BUFFER**

*AMD 30 GG 17/1/92; AMD 80 GG 5/5/98; AMD 189 GG 4/12/15*

3.18.1 A landscape buffer of 20 metres average width shall be provided on private land adjoining the Australind Bypass Road, for the extent of Eaton Super Lots 3, 6, part 41 and 19. The exact nature of this buffer will be determined on-site at the detailed subdivision design stage as endorsed by Council. The purpose of the buffer is to protect existing flora and maintain an uncluttered vista along the Australind Bypass Road and Hands Avenue. Within this buffer area:

- a) No buildings or structures whatsoever are to be erected.
- b) All existing trees are to be retained and protected unless otherwise determined by Council.
- c) Fencing shall be open farm-type fencing or otherwise as approved by Council.
- d) Additional tree planting is permitted without Council approval.

3.18.2 A landscape and noise buffer shall be provided on Lot 9106 Illawarra Drive, Eaton, to the satisfaction of the Western Australian Planning Commission, which ameliorates noise and maintains an appropriate visual interface to Forrest Highway, in accordance with State Planning Policy No. 5.4 'Road and Rail Transport Noise and Freight Consideration in Land Use Planning'.

### **3.19 EATON FAIR ACTIVITY CENTRE AREA**

*AMD 194 GG 15/06/18*

3.19.1 The local government shall have due regard to any activity centre plan(s), endorsed by the Western Australian Planning Commission, for applications for development approval, rezoning and subdivision in the area identified on the Scheme Map as 'Eaton Fair Activity Centre'.



## PART 4 - MISCELLANEOUS

### 4.1 CAR PARKING

- 4.1.1 The development of car parking areas are to be consistent with the Tables under Appendix II and IIA of the Scheme, as it relates to the respective proposed land uses and zones. However, the local government will give due regard to variations as required by an activity centre plan or local development plan.  
*AMD 144 GG 10/7/07; AMD 194 GG 15/06/18*
- 4.1.2 The parking space required under the provisions of the Scheme, shall measure not less than the dimensions shown in Appendix VI for the type of parking layout adopted.
- 4.1.3 All car parking spaces, and all necessary access ways shall unless the Council agrees otherwise and except as hereinafter provided be paved.
- 4.1.4 Where the maximum dimension of any open car parking area exceeds twenty metres in length or width, one car parking space in every ten shall be used for garden and tree planting to provide visual relief and so long as the garden and tree planting areas shall be maintained in good order, those car parking spaces shall be included in calculations as car parking and not as landscaping.
- 4.1.5 Where the owner can demonstrate to the satisfaction of the Council that there is not the demand for the number of parking spaces specified in the Development Table landscaping may be provided in lieu of car parking spaces not constructed and the said landscaping shall be included in calculations as car parking but not as landscaping; provided that the Council may from time to time require that the additional parking spaces be provided.
- 4.1.6 In Business Zones where a developer can satisfy the Council that the minimum car parking requirements cannot be provided on the site the Council may accept a cash payment in lieu of the provision of car parking spaces but subject to the requirements of this clause:
- a) A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value, as estimated by a licensed valuer nominated by the President for the time being of the Australian Institute of Valuers (Inc) (WA Division), of that area of his land which would have been occupied by the parking spaces. *AMD 30 GG 17/1/92*
  - b) Before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have already provided a public car park nearby, or must have firm proposals for providing a public car park area nearby within a period of not more than eighteen months from the time of agreeing to accept the cash payment.
  - c) Payments made under this clause shall be paid into a special fund to be used to provide public car parks and the Council may use this fund to provide public car parks.
- 4.1.7 When considering an application to commence development the Council shall have regard to and may impose conditions in respect of the location and design of the required car parking spaces, natural planting and pedestrian spaces on the lot. In particular, the Council shall take into account and may impose conditions concerning:
- a) the proportion of car spaces to be roofed or covered;
  - b) the proportion of car spaces to be below natural ground level;
  - c) the means of access to each car space and the adequacy of any vehicular manoeuvring area;
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- d) the location of the car spaces on the site and their effect on the amenity of adjoining development, including the potential effect if those spaces should later be roofed or covered;
- e) the extent to which car spaces are located within required building set-back areas;
- f) the locations of proposed public footpaths, vehicular crossings, or private footpaths within the lot, and the effect on both pedestrian and vehicular traffic movement and safety;
- g) the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for natural planting and pedestrian space.

## **4.2 LANDSCAPING**

- 4.2.1 The landscaping requirement shown in the Development Table or referred to in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use and at the discretion of the Council it may include natural bushland, swimming pools and areas under covered ways; garbage collection and handling spaces, and other open storage areas shall not be included.
- 4.2.2 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.
- 4.2.3 The Council may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require the planting of lawns, trees or shrubs in lieu thereof.
- 4.2.4 Where a proposed development utilises less than fifty per cent of the allowable plot ratio, the Council may reduce the landscaping requirement, provided that the landscaping requirement shall be required proportionately as subsequent development occurs.
- 4.2.5 A requirement of the landscaping is that one tree capable of growing to a height of three metres or more shall be planted for every ten square metres of landscape area but the Council may relax this requirement in the case of residential land uses.
- 4.2.6 No person shall unless the Council otherwise approves occupy any buildings forming part of an approved development until the required landscaping has been constructed and planted.

## **4.3 BATTLEAXE LOTS**

- 4.3.1 In the application of the Development Table to battleaxe lots and in the creation of battle-axe lots the following standards shall apply:
  - a) The access strip shall be excluded in calculating the area of the lot.
  - b) The width of the access strip serving one battle-axe lot shall not be less than four metres.
  - c) The width of the access strip serving more than one battle-axe lot shall not be less than five metres.
  - d) The requirements of plot ratio and site coverage and other site requirements shall be applied to the area as calculated in paragraph a),
  - e) The set-back requirements shall be applied according to the direction in which the dwelling faces or in such other direction as shall be agreed upon by the

Council and the owner.

AMD 30 GG 17/1/92

- f) All stormwater from the access strip shall be disposed of within the limits of the lot.
- g) The access strip shall be paved to the satisfaction of the Council for a width of not less than three metres.

4.3.2 In considering plans containing proposed battle-axe lots the Council shall have regard to: -

- a) the possibility of alternative forms of subdivision;
- b) the possible effect on approved road patterns;
- c) the proximity of the land to regional or local open space;
- d) the topography contours and vegetation of the area;
- e) the view from the land and to the land;
- f) whether the privacy of adjoining lots will be prejudiced by such subdivision and the subsequent development of the lot.

#### **4.4 SIGNS**

AMD 30 GG 17/1/92

4.4.1 The maximum size of signs, notices and advertising devices is set down in the Development Table for each land use shown therein. The provisions apply in addition to by-laws made by the Council under the Local Government Act relating to signs and hoardings.

#### **4.5 STABLES, DOG KENNELS AND ANIMALS**

4.5.1 No person shall without the permission of the Council in any part of a General Farming Zone that is shown as a Residential Development Area on the scheme Map:

- a) erect a stable or use a building or part thereof as a stable or keep a horse; or
- b) erect dog kennels or use a building or part thereof as dog kennels or keep more than two dogs on a lot of less than four thousand square metres.

4.5.2 No person shall within a Residential Zone:

- a) on land of less than two thousand square metres in area keep a horse, cow, donkey, mule, goat or camel.
- b) on land of two thousand square metres or more in area keep a horse, cow, donkey, mule, goat or camel without the permission of the Council.

4.5.3 Permission may be given pursuant to the preceding Clauses for a limited period and unless renewed shall be deemed have lapsed after the expiration of that period.

#### **4.6 PROTECTION OF SHORES**

AMD 30 GG 17/1/92

4.6.1 Notwithstanding any provisions of the Scheme no person shall carry out any development within one hundred metres of the winter flood line of a lake swamp or of a water course unless with the special approval of the Council in accordance with Clauses 7.2.1 and 7.2.2.

4.6.2 In the event of a dispute as to the position of the winter flood line the decision of the Council acting on the advice of the Water Authority of Western Australia shall be final.



#### **4.7 DEVELOPMENT OF LOTS WITH MORE THAN ONE STREET FRONTAGE**

- 4.7.1 Where development is proposed on a lot which has more than one street frontage the Council shall decide which street, shall be the street frontage for the purposes of the Development Table and the other provisions of the Scheme the minimum set back to the other street frontages shall be four metres.

#### **4.8 GENERAL APPEARANCE OF BUILDINGS**

*AMD 18 GG 28/2/86*

- 4.8.1 No person shall without the written approval of the Council erect a building which by virtue of colour or type of materials, architectural style, height or bulk, ornamental or general appearance, has an exterior design which is out of harmony with existing buildings or the landscape character of the area.
- 4.8.2 No person shall without the written approval of the Council adorn any building with flags, bunting and such devices designed to attract the attention of passersby.
- 4.8.3 Where a vacant site or rural or small holding lot is not being maintained in a manner consistent with the general standard of lots in the area and the appearance of the site is damaging the amenity of the locality, the Council may by written notice require the owner, lessee or occupier of the lot to undertake works to restore or upgrade the condition and appearance of the site to a standard commensurate with the locality.

#### **COLLIE RIVER RELIEF FLOODWAY**

*AMD 19 GG 28/11/86*

Prior to considering development applications within the Collie River Relief Floodway, as defined in the Bunbury Region Plan, Council shall refer the development to the Water Authority of Western Australia. Where necessary, Council shall act on advice from the Water Authority and refuse development applications within the Relief Floodway or give approval subject to such conditions as will ensure the integrity of the Relief Floodway.

#### **4.9 RESTRICTIVE COVENANTS**

*AMD 51 GG 23/8/94; AMD 113 GG 20/7/01*

- 4.9.1 Subject to the provisions of Clause 4.9.2, a restrictive covenant affecting any land in the Scheme Area whereby, or the effect of which is that the number of residential units that may be constructed on the land is limited or restricted to a number less than that permitted by the Scheme, or is at variance to any Council approval or development standard within the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Scheme, as the case requires.
- 4.9.2 Where Clause 4.9.1 operates to extinguish or vary a restrictive covenant the Council shall not grant planning consent to the development of the land (in this Clause referred to as "the subject land") which would but for the operation of Clause 4.9.1 have been prohibited unless:
- a) written notice of the proposed development in a form approved by the Council has been given to:
    - (i) the owners of all lots adjoining the subject land; and
    - (ii) any other person who, in the opinion of the Council, was entitled to the benefit of, or to enforce the restrictive covenant extinguished or varied by that Clause, or who would have been so entitled but for the operation of that Clause and is likely to be affected by the proposed development of the subject land;
  - b) the notice referred to in paragraph a) hereof state that submissions may be made to the Council within the period specified therein (not being less than 21 days after the date of service of the notice);

- c) any submissions received by the Council are considered by it; and
- d) the Council is satisfied that the proposed development of the subject land will not be out of character with or prejudicial to the amenity of the locality by reason of the appearance, design or height of the proposed building or the materials or finish thereof.

#### **4.11 VEGETATION BUFFER STRIP**

*AMD 37 GG 7/9/93*

- 4.11.1 Where land adjacent to the Australian Bypass Road is to be subdivided, Council shall require the subdivider to make provision for a Vegetation Buffer Strip (to an average width of 20 metres) for lots which back onto the road with the exception of Eaton Superlot 3 (see Appendix II).
- 4.11.2 Restrictive Covenants shall be imposed on all lots which include the Vegetation Buffer Strip. The Restrictive Covenants shall include specific controls relating to:
  - a) the prohibition of clearing and development within the buffer area;
  - b) revegetation of areas devoid of significantly denuded of vegetation;
  - d) on-going maintenance; and
  - e) uniform fencing.
- 4.11.3 Council shall require those subdividers affected by Subclause 4.11.1 to prepare a landscape assessment and revegetation plan prior to endorsement of the plan of subdivision.

#### **4.12 OUTBUILDINGS IN RESIDENTIAL ZONES**

*AMD 80 GG 5/5/98*

- 4.12.1 Erection of an outbuilding on an RESIDENTIAL zones lot is not permitted unless a permit has already been issued for the erection of a house on the lot.
- 4.12.2 A building application is not required for an outbuilding of less than 9m<sup>2</sup> (3m x 3m) in floor area, providing it complies with the following:
  - a) it shall be constructed of non-flammable material and be easily dismantled;
  - b) it shall have floors of a temporary nature such as slabs or pavers. Concrete floors are not permitted;
  - c) all outbuildings shall be adequately anchored;
  - d) the outbuilding shall be set-back 750mm from any side or rear boundary.
- 4.12.3 Outbuildings over 9m in floor area require a building application and shall comply with the following:
  - a) maximum height of the outbuilding must not exceed 3m in total or 3.3m at the apex of a pitched roof. Any applications that have a height greater than this shall be referred to Council for determination;
  - b) set-backs from boundaries shall be as required by the R-Codes, unless otherwise approved by Council;
  - c) where it is proposed to site an outbuilding in such a position on any block or of such materials that it may adversely affect the amenity of the area, or of adjoining properties, the application be referred to the Council for determination under Clause 4.8 of the Scheme - General Appearance of Buildings;

- d) where any application is referred to Council for its determination under Clauses a-b above, the applicant shall submit, in writing, the reason(s) why a variation from the above conditions is necessary.
- 4.12.4 Outbuildings up to a maximum total floor area of 80m<sup>2</sup> are allowed where the outbuilding is constructed of brick or colourbond, but subject to an agreement, in writing, from owners of adjoining blocks where the structure is in excess of 45m<sup>2</sup>. In all instances, the open space requirements of the Residential Planning Codes are to be complied with.
- 4.12.5 Where no problems are envisaged following the site inspection, and no objections are received from adjoining block owners, the Building Staff have delegated authority to issue building permits for outbuildings. All instances where problems may occur shall be presented to Council for determination.
- 4.12.6 Applications for planning approval will be required for any outbuilding for grouped dwellings, to ensure maximum site coverage provisions are complied with. All grouped dwellings will be provided with 4m<sup>2</sup> of covered storage space in accordance with the Residential Planning Codes as a condition of development approval for the grouped dwellings in the first instance.

#### **4.12 EATON WASTEWATER TREATMENT BUFFER**

*AMD 76 GG 31/11/97*

Council shall recommend that the Western Australian Planning Commission not approve any residential subdivisions for land on Lot 13 of Wellington Location 49 zoned "Residential", impacted by the Eaton Wastewater Treatment Buffer, until the plant is decommissioned or the proponent suitably addresses that proposed residential dwellings will not be unduly impacted by odour emissions.

## **PART 5 - PRESERVATION AND CONSERVATION OF PLACES OF NATURAL BEAUTY AND HISTORIC BUILDINGS AND OBJECTS OF HISTORICAL OF SCIENTIFIC INTEREST**

### **5.1 DIVISION I - PRESERVATION RESOLUTIONS**

- 5.1.1 The Council may resolve that it will consider whether a place of natural beauty specified in the resolution should be conserved.
- 5.1.2 The Council may resolve that it will consider whether an historic building or an object of historical or scientific interest should be preserved.
- 5.1.3 If the Council shall pass one of the resolutions mentioned in the clauses immediately preceding (hereinafter called 'the preliminary resolution') it shall forthwith give written notice of the resolution to:
- a) the owner of the land on which the object of natural beauty or the historical building or the object of historic or scientific interest is situated;
  - b) the occupier of such land if he is not the owner;
  - c) all other persons whose names appear on the Certificate of Title to the said land as having an interest therein;
  - d) the Environmental Protection Authority;
  - e) the Heritage Council of Western Australia;
  - f) the National Trust of Australia (W.A.);
  - g) such other organisations or persons which or persons who in the opinion of the Council could give to it information which would assist the Council in arriving at a decision on the proposal.
- 5.1.4 The said notice shall inform the person to whom it is directed that the matter will be re-considered by the Council after the expiration of two calendar months from the date of the passing of the said resolution and that any submissions made in writing to the Council before that time will be considered. The notice shall also contain a copy of this Division of Part V of the Scheme.
- 5.1.5 The Council shall cause a copy of the preliminary resolution to be published in a newspaper circulating, in the Scheme Area and in the State of Western Australia asking that submissions from the public on the proposal be made to the Council before a date specified not being earlier than one calendar month after the date of the last advertisement.
- 5.1.6 The Council shall within two calendar months after the date specified in the preceding clause reconsider the preliminary resolution.
- 5.1.7 The Council shall consider all written submissions made to it and may resolve that the place of natural beauty or the historic building or object of historical or scientific interest should be conserved or preserved as the case may be. If the Council shall pass the said resolution (hereinafter called "the preservation resolution") it shall give written notice thereof to all persons mentioned in Clause 5.1.3 hereof.
- 5.1.8 If the Council shall not within a period of six months from the passing of the preliminary resolution pass the preservation resolution the Council shall be deemed to have abandoned the proposal contained in the preliminary resolution and shall not pass a preservation resolution unless and until the procedure mentioned in this Part of the Scheme shall have again been followed.
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- 5.1.9 The Council may purchase or subject to the Act resume the parcel of land on which the place of natural beauty or the historic building or object of historical or scientific interest mentioned in the preservation resolution passed by the Council is situated or so much thereof as is in the opinion of the Council necessary for the preservation of the said object or building.
- 5.1.10 The Council may:
- a) enter into agreements with the owners or occupiers of land on which a place of natural beauty or historic building or object of historical or scientific interest is situated, for the preservation or conservation of such building or object whether a preservation resolution has been passed or not;
  - b) enter into agreements with any of the organisations named in paragraphs d), e) or f) of Clause 5.1.3 hereof or with any other person for the preservation or conservation of any building or object mentioned in a preservation resolution passed by the Council; or if the owner thereof so agrees, notwithstanding that no preservation resolution has been passed;
  - c) enter into agreements relating to the determination and settling of compensation.
- 5.1.11 Any person who is injuriously affected by the passing of a preservation resolution may within six months from the passing of the said resolution claim compensation from the Council.
- 5.1.12 No person shall without the written consent of Council:
- a) within six months from the passing of a preliminary resolution; or
  - b) after the passing of a preservation resolution, make any alteration or addition to, damage, deface, demolish or remove any object of natural beauty, historic building or object of historical or scientific interest referred to in any such resolution.

## **5.2 DIVISION 2 - LANDSCAPE PROTECTION AREAS**

- 5.2.1 Landscape Protection Areas are those lands shown as such on the Scheme Map according to the legend thereon.
- 5.2.2 In a Landscape Protection Area no person shall without the consent of the Council:
- a) carry out any development;
  - b) clear or excavate land;
  - e) erect or construct any building outbuilding farm building or shed.
- 5.2.3 In considering applications for planning consent to commence development on or subdivision or rezoning of any land within a Landscape Protection Area or to do any of the other things mentioned in the preceding clause the Council shall have regard to the following:
- a) The areas included within Landscape Protection Areas are considered to be areas of significant landscape beauty.
  - b) Buildings and associated services should be regarded as being secondary to the natural features of the area and should not usually be permitted in visually exposed areas.

- c) Buildings should be set back at least one hundred metres from public roads except where the natural vegetation is such that buildings sited closer to a road will be screened by natural vegetation or dense planting of native vegetation.
  - d) Farm outbuildings should where possible be clustered with the farm house and other outbuildings.
  - e) Subdivision proposals should reflect the high quality rural landscape of the area and lots less than four hectares in area and with less than a one hundred metre frontage to a road should not be permitted.
  - f) Subdivision necessitating new road construction of a nature that would involve cut and fill earthworks or the removal of trees should not be permitted.
  - g) Small holding subdivision and development should not be permitted.
  - h) Where subdivision is not only a minor boundary adjustment, important landscape features such as watercourses wetlands, hilltops and areas on which tree-lines are situated, and major rock outcrops should be vested in the Crown as a condition of subdivision.
- 5.2.4 Any person who is injuriously affected by a decision of the Council refusing an application for consent to do any of the things mentioned in Clause 5.2.2 or granting its consent subject to conditions not acceptable to the applicant may if such refusal or conditions relate to the protection of the landscape and if the claim is made within six months of the decision of the Council claim compensation from the Council.

### **5.3 DIVISION 3 - CONSERVATION AREAS**

- 5.3.1 Conservation Areas are those lands shown as such on the Scheme Map according to the legend thereon.
- 5.3.2 In a Conservation Area no person shall without the consent of the Council:
- a) carry out any development;
  - b) fell lop or damage any tree;
  - c) clear or excavate land;
  - d) plant any vegetation;
  - e) erect or construct any building outbuilding farm building, shed, object or sign;
  - f) demolish alter or make an addition or remove any building, object or sign.
- 5.3.3 Upon receipt of an application for planning consent to commence development of any land within a Conservation Area or for consent to do any of the things mentioned in the preceding clause the Council shall appoint an Advisory Panel to consider and report on the proposal and shall at the cost of the applicant:
- a) Cause a notice containing a summary of the proposal to be published at one weeks interval for two successive weeks in a newspaper circulating in the Scheme Area and in the State of Western Australia, asking that submissions from the public on the proposal be made to the Council before a date specified by the Council not being earlier than one calendar month after the date of the last advertisement.
  - b) Cause a notice containing details of the proposal to be sent to:
    - (i) Department of Planning and Urban Development;

- (ii) Environmental Protection Authority;
- (iii) The Heritage Council of Western Australia;
- (iv) The National Trust of Australia (W.A.);
- (v) Such other organisations or persons which or who in the opinion of the Council could give information which would assist the Council in arriving at a decision;

requesting that submissions on the proposal to be given to the Council before the date to be specified by the Council pursuant to paragraph a) hereof the Council shall make available to the Advisory Panel all submissions received.

- 5.3.4 The Council shall within two calendar months after the date specified pursuant to paragraph a) of the preceding clause consider the proposal and the submissions received and shall make its decision thereon.
- 5.3.5 In considering applications for planning consent to commence development or for consent to do any of the things mentioned in Clause 5.3.2 the Council shall have regard to the fact that the Conservation Area is considered to contain sites places and buildings of significant historic scenic scientific or ecological value that should be retained in their present state or restored either to an original state or to a state acceptable to Council.
- 5.3.6 In making a decision, the Council may:
  - a) approve or refuse the application; or
  - b) approve the application subject to such conditions it deems necessary to achieve the conservation of the sites or buildings within the area.
- 5.3.7 Any person who is injuriously affected by a decision of the Council refusing an application for consent to do any of the things mentioned in Clause 5.3.2 or granting its consent subject to conditions not acceptable to the applicant may if such refusal or conditions relate to the conservation of the site or of buildings thereon and if the claim is made within six months of the decision of the Council claim compensation from the Council.

## **PART 6 - NON-CONFORMING USES OF LAND**

- 6.1 If at the gazettal date any land building or structure is being lawfully used for a purpose or in a manner not permitted by the Scheme (hereinafter called "a non-conforming use") the non-conforming use may continue subject to the following restrictions:
- (a) The non-conforming use shall not be extended beyond the boundaries of the lot or lots upon which it was carried on at the gazettal date;
  - (b) If the buildings in which the non-conforming use is carried on are wholly within one lot only then such buildings shall not be extended beyond the limits of that lot;
  - (c) If the building or buildings in which the non-conforming use is carried on are constructed on more than one lot such non-conforming use shall be restricted to the land on which the building stands or the buildings stand and such land which is adjacent to the building or buildings and not being used for any other purpose authorised by the Scheme as is reasonably required for the purpose for which the building or buildings is or are being used;
  - (d) No building which is subject to any of the provisions in Part 3 shall be altered or extended unless it conforms to the relevant provisions of Parts 3 and 4 or unless with the approval of the Council.
- 6.2 If a non-conforming use shall after the gazettal date be discontinued or changed no person shall subject to the following clause thereafter use the land or any building or structure thereon on which the non-conforming use was carried on for any purpose not permitted by the Scheme.
- 6.3 The Council may upon such conditions as it thinks fit permit the change of a non-conforming use to another non-conforming use if its opinion the latter use is less prejudicial to the amenity of the area.
- 6.4 The Council may for the purpose of discontinuing any particular non-conforming use acquire the land and buildings (if any) on or in which the use is or is permitted to be carried on or make agreements relating to the payment of compensation or moneys to persons willing to discontinue a non-conforming use.
- 6.5 If a non-conforming use shall be changed to another use all the requirements of the Scheme relating to a new use and to the buildings used in respect thereof shall be complied with by the owner and by the occupier of the land on which the use is carried on.
- 6.6 Any person carrying on a non-conforming use shall when required by the Council give to the Council in writing full information of the nature and extent of the non-conforming use.
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## **PART 7 - ADMINISTRATION**

### **7.1 APPLICATION FOR PLANNING CONSENT TO COMMENCE DEVELOPMENT**

- 7.1.1 Any person who desires to commence development of land for any purpose shall make application to the Council for Planning consent to commence development before applying for a Building Licence. The application shall be in the form and contain the particulars referred to in the form in Appendix VII.
- 7.1.2 The site plan accompanying an application to the Council for planning consent to commence development shall unless specifically exempted by the Council:
- a) indicate the position and describe the type of all existing buildings and improvements on the site and indicate those which are to be removed;
  - b) indicate the position and describe the buildings and improvements proposed to be constructed on the land;
  - c) indicate the position and describe the type and height of all existing trees on the site;
  - d) indicate which of such trees are to be retained and those to be removed;
  - e) indicate the areas to be landscaped;
  - f) indicate the layout and location of areas or pedestrian use and the area to be developed by natural planting;
  - g) indicate the type of shrubs trees and other plants to be planted;
  - h) indicate details of any proposed alterations to the natural contour of the area;
  - i) indicate details of the types of screening to be used to screen from public view areas not surrounded by buildings;
  - j) indicate what car parking areas are to be landscaped and held in reserve until required.

### **7.2 APPLICATIONS FOR SPECIAL APPROVAL**

*AMD 52 GG 17/6/94*

- 7.2.1 The Council shall in the case of a use marked "A" in the Zoning Table, and may in the case of a use marked "D" in the Zoning Table, or in any other cases in which application is made for its special approval, require that notice be given to ratepayers likely to be affected by the granting of such special approval. *AMD 183 GG 25/1/13*
- 7.2.2 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 – *AMD 117 GG 23/3/04*
- 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 14 days from the day the notice is published;
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- 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.
- 7.2.3 After expiration of one calendar month from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.
- 7.2.4 In making its decision on applications for its special approval the Council shall take into consideration the following matters:
- a) The provisions of this Scheme and of any other Town Planning Scheme affecting the land the subject of the application or affecting land in the vicinity.
  - b) The nature of the proposed development in relation to the development of any land within the vicinity of the said land.
  - c) The size, shape and character of the parcel of land to which the application relates and the nature and siting of the proposed building, the view from the building and the interruption of view likely to be caused by the proposed building.
  - d) Any representations which may be made by any statutory authority.
  - e) The submissions received by the Council.
  - f) The existing and likely future amenity of the neighbourhood, including (but without limiting the generality of the foregoing) the question of whether the proposed development is likely to cause injury to such amenity including injury due to the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products.
  - g) The nature of the roads giving access to the said land.
  - h) What parking facilities are available or proposed and the likely requirements for parking.
  - i) Whether the proposed development will cause a traffic hazard.
  - j) Such other matters as the Council considers relevant.
- 7.2.5 The Council may enter into an agreement with the applicant whereby the applicant covenants for himself and his transferees to carry out and observe the conditions (if any) imposed by the Council in granting its special consent as aforesaid.

### **7.3 COUNCIL DECISIONS**

*AMD 100 GG 6/7/99*

- 7.3.1 The Council may grant planning consent to commence development or its special approval with or without conditions or refuse to grant its consent or approval to the application in the form prescribed in Appendix VIIA to the Scheme.
- 7.3.2 If the Council shall have granted its planning consent to commence development or its special approval subject to conditions and any of the conditions shall not be fulfilled or complied with the Council may revoke its consent or approval.
- 7.3.3 The Council may limit the time for which its approval to commence development or its special approval remains valid.

#### **7.3.4 Deemed Refusal**

- 7.3.4.1 Subject to sub clause 7.3.4.2, an application for Planning Approval shall be deemed to have been refused where a decision in respect of that application is not posted, given or otherwise conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed in writing between the applicant and the Council.
- 7.3.4.2 An application for Planning approval which is subject of a notice under clause 7.2 shall be deemed refused where a decision in respect of that application is not posed, given or otherwise conveyed to the applicant by the Council 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 Council.
- 7.3.4.3 Notwithstanding that the application for Planning Approval may be deemed to have been refused, the Council may issue a decision in respect of the application at any time after the expiry of the 60 days or 90 day period specified in those sub clauses, and that the decision shall be effective as from the date of determination.

#### **7.3.5 Terms of planning approval**

- 7.3.5.1 Where the local government grants planning approval for the development of land –
- a) the development approved is to be substantially commenced within 2 years, or such other period as specified in the approval, after the date of the determination; and
  - b) the approval lapses if the development has not substantially commenced before the expiration of that period.
- 7.3.5.2 A written request may be made to the local government for an extension of the term of planning approval at any time prior to the expiry of the approval period in clause 7.3.3 and 7.3.5. *AMD 183 GG 25/1/13*

### **7.4 ADVISORY PANEL**

- 7.4.1 The Council may from time to time appoint Advisory Panels to advise the Council on matters as they arise relating to buildings, to the general appearance of buildings, to the design and appearance of buildings in relation to the amenity of the area, and on other matters as may be referred to an Advisory Panel by the Council.
- 7.4.2 Each panel shall consist of the President or in his absence a Councillor nominated by him and at least three other persons, one of whom shall if practicable be an architect or a town planner, who in the opinion of the Council has the knowledge and experience to give a proper decision on the matters to be considered by the panel. None of the other persons appointed shall be a Councillor or an officer of the Council.
- 7.4.3 The Council may from time to time revoke the appointment of any member of an advisory panel other than the President or his nominee and may appoint a person in the place of the member of a panel whose appointment has been revoked or who resigns or is unable to act. No person who has any direct or indirect pecuniary interest in a matter before an advisory panel shall act as a member of that panel.
- 7.4.4 The Council is not bound by a recommendation of an advisory panel but if it does not accept the recommendation, it should give reasons for its action.

## **7.5 POWERS OF COUNCIL**

7.5.1 The Council in the conduct and management of the Scheme shall in addition to all other powers vested in it have the following powers:

- a) by its officers employees agents or contractors to enter and inspect any land or building within the Scheme Area;
- b) to enter into agreements and arrangements with any of the owners of land within the Scheme Area; and
- c) to acquire land or buildings within the Scheme Area.

7.5.2 One calendar month's written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act. Any expenses incurred by the Council under the said Section may be recovered from the person in default as a simple contract debt in such Court of Civil Jurisdiction as is competent to deal with the amount of the claim.

7.5.3 The Council may at any time exercise the powers conferred by Section 13 of the Act.

## **7.6 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

*AMD 113 GG 20/7/01*

7.6.1 Except for development in respect of which the Residential Planning Codes apply, if a development is the subject of an application for planning approval and does not comply with a standard or requirement 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.

7.6.2 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 the subject of consideration for the variation, the local government is to:

- a) give written notice of the variation in a form approved by the Council to the owners of all lots adjoining the subject land and any other person who, in the opinion of Council would be adversely affected for a period of not less than 14 days from the day the notice is served or published; and
- b) have regard to any expressed views prior to making its determination to grant the variation.

7.6.3 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 7.2.4; and
- b) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

## **7.7 IMPORTANT REGIONAL ROADS**

*AMD 20 GG 25/7/86*

7.7.1 The Council shall be under no financial responsibility for the acquisition of the lands shown as Important Regional Roads on the Scheme Map.



7.7.2 The Council shall in the case of an application for planning consent to commence development and an application for special approval on land which adjoins or is within an area shown as Important Regional Roads on the Scheme Map, refer such an application to the Main Roads Department for comment prior to making a decision in accordance with Clause 7.3. In making its decision on such applications, the Council shall take into consideration any representations made by the Main Roads Department.

## **7.8 PROHIBITION**

7.8.1 No person shall use any land or any building or structure thereon contrary to or otherwise than in accordance with the provisions of the Scheme.

7.8.2 If pursuant to the provisions of the Scheme planning consent to commence development or an approval has been granted by the Council upon conditions no person shall commit a breach of any of those conditions.

7.8.3 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 in the Act.

## **7.9 CLAIMS FOR COMPENSATION AND BETTERMENT**

7.9.1 Except where otherwise provided in the Scheme the time limited for the making of claims for compensation pursuant to Section II of the Act is six months after the date when notice of the approval of the Scheme is published in manner prescribed by the regulations made under the Act.

7.9.2 Claims made by the Council pursuant to Section II (2) of the Act shall be made within eighteen months of the completion of the work or the section of the work by reason of which the land in respect of which the claim is made, is increased in value.

## **7.10 UNAUTHORISED EXISTING DEVELOPMENTS**

*AMD 113 GG 20/7/01*

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

7.10.2 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.

## **7.11 PERMITTED DEVELOPMENT**

*AMD 183 GG 25/1/13*

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

- (a) A home office.
- (b) The erection on a lot of a single house including any extension, ancillary outbuildings and swimming pools, except where –
  - a) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Design Codes; or
  - b) the development will be located in a heritage area designated under the Scheme.

## **7.12 DELEGATION OF FUNCTIONS**

*AMD 117 GG 23/3/04*

- 7.12.1 The local government may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to 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.
- 7.12.2 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 powers or the discharge of any of the CEO's duties under clause 7.12.1.
- 7.12.3 The exercise of the power of delegation under clause 7.12.1 requires a decision of an absolute majority as if the power had been exercised under the *Local Government Act 1995*.
- 7.12.4 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.

## **7.13 AMENDING OR REVOKING A PLANNING APPROVAL**

*AMD 167 GG 12/07/10*

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

## **PART 8 - LOCAL PLANNING POLICY FRAMEWORK**

AMD 113 GG 20/7/01

### **8.1 LOCAL PLANNING POLICIES**

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

- (a) generally or for a particular class or classes of matters; and
  - (b) throughout the Scheme area in or one or more parts of the Scheme area,
- and may amend or add to or rescind the Policy.

### **8.2 RELATIONSHIP OF LOCAL PLANNING POLICIES TO SCHEME**

- 8.2.1 If a provision of a Local Planning Policy is inconsistent with the Scheme, the Scheme prevails.
- 8.2.2 A Local Planning Policy is not part of the Scheme and does not bind the local government in respect of any application for planning approval but the local government is to have due regard to the provisions of the Policy and the objectives which the policy is designed to achieve before making its determination.

### **8.3 PROCEDURE FOR MAKING OR AMENDING A LOCAL PLANNING POLICY**

- 8.3.1 If a local government resolves to prepare a Local Planning Policy, the local government -
    - a) is to publish a notice of the proposed Policy once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area, giving details of -
      - (i) where the draft Policy may be inspected;
      - (ii) the subject and nature of the draft Policy; and
      - (iii) in what form and during what period (being not less than 21 days from the day the notice is published) submissions may be made;
    - b) may publish a notice of the proposed Policy in such a manner and carry out such other consultation as the local government considers appropriate.
  - 8.3.2 After expiry of the period within which submissions may be made, the local government is to -
    - a) review the proposed Policy in the light of any submissions made; and
    - b) resolve to adopt the Policy with or without modification, or not to proceed with the Policy.
  - 8.3.3 If the local government resolves to adopt the Policy, the local government is to -
    - a) publish notice of the Policy once in a newspaper circulating in the Scheme area; and
    - b) if, in the opinion of the local government, the Policy affects the interests of the Commission, forward a copy of the Policy to the Commission.
  - 8.3.4 A Policy has effect on publication of a notice under clause 8.3.3 a).
-

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

8.3.6 Clauses 8.3.1 to 8.3.5, with any necessary changes, apply to the amendment of a Local Planning Policy.

#### **8.4 REVOCATION OF LOCAL PLANNING POLICY**

A Local Planning Policy may be revoked by -

- (a) the adoption by a local government of a new Policy under clause 8.3 is expressed to supersede the existing Local Planning Policy; or
- (b) publication of a notice of revocation by the local government once a week for 2 consecutive weeks in a newspaper circulating in the Scheme area.

## PART 9 – SPECIAL CONTROL AREAS

### 9.1 OPERATION OF SPECIAL CONTROL AREAS

9.1.1 The following special control areas are shown on the scheme map —

- a) Development contribution areas shown on the scheme map as DCA with a number and included in Appendix XI.
- b) Vegetation Screen Area shown on the Scheme Map and included in Appendix XIII. *AMD 184 GG 10/6/16*

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

### 9.2 DEVELOPMENT CONTRIBUTION AREAS

9.2.1 Interpretation

In clause 9.2, unless the context otherwise requires —

‘Administrative costs’ means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

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

‘Cost apportionment schedule’ means a schedule prepared and distributed in accordance with clause 9.2.10.

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

‘Development contribution area’ means shown on the scheme map as DCA with a number and included in Appendix XI.

‘Development contribution plan’ means a development contribution plan prepared in accordance with the provisions of State Planning Policy 3.6 Development Contributions for Infrastructure and the provisions of this clause 9 of the Scheme as incorporated in Appendix XII of this Scheme.

‘Development contribution plan report’ means a report prepared and distributed in accordance with clause 9.2.10.

‘Infrastructure’ means the standard infrastructure items and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of State Planning Policy 3.6 Development Contributions.

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

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

'Owner' means an owner of land that is located within a development contribution area.

#### 9.2.2 Purpose

The purpose of having development contribution areas is to —

- a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- c) coordinate the timely provision of Infrastructure.

#### 9.2.3 Development contribution plan required

9.2.3.1 A development contribution plan is required to be prepared and adopted for each development contribution area.

#### 9.2.4 Development contribution plan part of Scheme

The development contribution plan is incorporated in Appendix XII as part of this Scheme.

#### 9.2.5 Subdivision, strata subdivision and development

9.2.5.1 The local government shall not withhold its support for subdivision, strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owner's and/or subdivider's contribution towards the provision of community infrastructure.

9.2.5.2 The Commission may impose a condition requiring the preparation and implementation of a development contribution plan on subdivision approvals which relate to land included in a development contribution area.

9.2.5.3 The local government may impose a condition for development requiring the owner to make a cost contribution payment in accordance with the cost apportionment schedule prepared as part of the development contribution plan required under clause 9.2.

#### 9.2.6 Guiding principles for development contribution plans

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles —

- a) Need and the nexus

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

- b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

- c) Equity

Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

d) Certainty

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

e) Efficiency

Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

g) Right of consultation and review

Owners and/or subdividers have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.

h) Accountable

There must be accountability in the manner in which development contributions are determined and expended.

9.2.7 Content of development contribution plans

9.2.7.1 The development contribution plan is to specify —

- a) the development contribution area to which the development contribution plan applies;
- b) the infrastructure and administrative items to be funded through the development contribution plan;
- c) the method of determining the cost contribution of each owner and/or subdivider; and
- d) the priority and indicative timing for the provision of infrastructure.

9.2.8 Period of development contribution plan

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

9.2.9 Land excluded

In calculating both the area of an owner's and/or subdivider's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for —

- a) roads designated under the Greater Bunbury Region Scheme as primary regional roads and other regional roads;
- b) existing public open space;

- c) existing government primary and secondary schools; and
- d) such other land as is set out as excluded in the development contribution plan, is to be excluded.

#### 9.2.10 Development contribution plan report and cost apportionment schedule

- 9.2.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners and/or subdividers in the development contribution area.
- 9.2.10.2 The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner and/or subdivider in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.
- 9.2.10.3 The development contribution plan report and the cost apportionment schedule do not form part of the scheme, but once adopted by the local government they are subject to review as provided under clause 9.2.11.

#### 9.2.11 Cost contributions based on estimates

- 9.2.11.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.
- 9.2.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government —
  - a) in the case of land to be acquired, in accordance with clause 9.2.12; and
  - b) in all other cases, in accordance with the best and latest information available to the local government, until the expenditure on the relevant item of infrastructure or administrative costs has occurred.
- 9.2.11.3 The local government may have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner and/or subdivider when requested to do so.
- 9.2.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government —
  - a) is to adjust the cost contribution of any owner and/or subdivider in accordance with the revised estimated costs; and
  - b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner and/or subdivider accordingly.
- 9.2.11.5 Where an owner's and/or subdivider's cost contribution is adjusted under clause 9.2.11.4, the local government, on receiving a request in writing from an owner and/or subdivider, is to provide the owner and/or subdivider with a copy of estimated costs and the calculation of adjustments.
- 9.2.11.6 If an owner and/or subdivider objects to the amount of a cost contribution, the owner and/or subdivider may give notice to the local government requesting a



review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner and/or subdivider at the owner's and/or subdivider's expense, within 28 days after being informed of the cost contribution.

9.2.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner and/or subdivider, the cost contribution is to be determined —

- a) by any method agreed between the local government and the owner and/or subdivider; or
- b) if the local government and the owner and/or subdivider cannot agree on a method pursuant to a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the local government and owner and/or subdivider.

## 9.2.12 Valuation

9.2.12.1 Clause 9.2.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.

9.2.12.2 In clause 9.2.12 —

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

The net land value is to be determined by a static feasibility valuation model, using the working sheet model as detailed in SPP 3.6 (as amended). As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

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

9.2.12.3 If an owner and/or subdivider objects to a valuation made by the valuer, the owner and/or subdivider may give notice to the local government requesting a review of the amount of the value, at the owner's and/or subdivider's expense, within 28 days after being informed of the value.

9.2.12.4 If, following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner and/or subdivider, the value is to be determined —

- a) by any method agreed between the local government and the owner and/or subdivider; or
- b) if the local government and the owner and/or subdivider cannot agree, the owner and/or subdivider may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

## 9.2.13 Liability for cost contributions

9.2.13.1 An owner and/or subdivider must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 9.2.

9.2.13.2 An owner and/or subdivider shall pay the owner's and/or subdivider's cost contribution payment to the local government on the earlier of —

- a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's and/or subdivider's land within the development contribution area;
- b) the commencement of any development on the owner's and/or subdivider's land within the development contribution area;
- c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's and/or subdivider's land within the development contribution area; or
- d) the approval of a change or extension of use by the local government on the owner's and/or subdivider's land within the development contribution area.

The liability to pay the cost contribution payment arises only once upon the earliest of the above listed events.

9.2.13.3 Notwithstanding clause 9.2.13.2, an owner's and/or subdivider's liability to pay the owner's and/or subdivider's cost contribution does not arise if the owner and/or subdivider commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

9.2.13.4 Where a development contribution plan expires in accordance with clause 9.2.8, an owner's and/or subdivider's liability to pay the owner's and/or subdivider's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's and/or subdivider's land, subject to such liability.

#### 9.2.14 Payment of cost contribution

9.2.14.1 The owner and/or subdivider, with the agreement of the local government, is to pay the owner's and/or subdivider's cost contribution by —

- a) cheque or cash;
- b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
- c) the provision of physical infrastructure;
- d) some other method acceptable to the local government; or
- e) any combination of these methods.

9.2.14.2 The owner and/or subdivider, with the agreement of the local government, may pay the owner's and/or subdivider's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.

9.2.14.3 Payment by an owner and/or subdivider of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner's and/or subdivider's liability for the portion of land subject to the contribution under the development contribution plan and the local government shall provide certification in writing to the owner and/or subdivider of such discharge if requested by the owner and/or subdivider.

#### 9.2.15 Charge on land

9.2.15.1 The amount of any cost contribution for which an owner and/or subdivider is liable under clause 9.2.13, but has not paid, is a charge on the owner's and/or subdivider's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's and/or subdivider's expense, against the owner's and/or subdivider's certificate of title to that land.

9.2.15.2 The local government, at the owner's and/or subdivider's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 9.2.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.

9.2.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and/or subdivider and at the expense of the owner and/or subdivider, is to withdraw any caveat lodged under clause 9.2.15.

#### 9.2.16 Administration of funds

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

9.2.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 9.2.16.1 is to be applied in the development contribution area to which the reserve account relates.

9.2.16.3 The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

#### 9.2.17 Shortfall or excess in cost contributions

9.2.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may —

- a) make good the shortfall;
- b) enter into agreements with owners and/or subdividers to fund the shortfall; or
- c) raise loans or borrow from a financial institution, but nothing in paragraph 9.2.17.1 a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

9.2.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular

development contribution area, the local government is to refund the excess funds to contributing owners and/or subdividers for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or subdividers and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

#### 9.2.18 Powers of the local government

The local government in implementing the development contribution plan has the power to —

- a) acquire any land or buildings within the scheme area under the provisions of the *Planning and Development Act 2005*; and
- b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners and/or subdividers as it considers fit.

#### 9.2.19 Arbitration

Subject to clauses 9.2.12.3 and 9.2.12.4, any dispute between an owner and/or subdivider and the local government in connection with the cost contribution required to be made by an owner and/or subdivider is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

### 9.3 VEGETATION SCREEN AREAS

AMD 184 GG 10/6/16

#### 9.3.1 Interpretation

In Clause 9.3, unless the context otherwise requires -

'Council' means the Council of the Shire of Dardanup.

'Maintenance' means to maintain - to keep in existence.

'Management' means to manage - to take care of.

'Subject land' means the land that is the subject of a rezoning amendment that contains a vegetation screen area.

'Vegetation maintenance and management plan' means a plan prepared by a suitably qualified person outlining a programme for the planting of vegetation sufficient to create a visual screen for a particular parcel of land and/or buildings and demonstrating how the screen will be kept in existence and taken care of to ensure its effectiveness.

'Vegetation screen area' means shown on the scheme map as VSA with a number and included in Appendix XIII.

#### 9.3.2 Purpose

The purpose of a vegetation screen area is to screen the subject land and/or buildings in such a way that at all times the land and/or buildings are not visible.

#### 9.3.3 Vegetation Maintenance and Management Plan

The Vegetation Maintenance and Management Plan shall be prepared by the proponent of a Shire of Dardanup Town Planning Scheme amendment that includes a Vegetation

Screen Area. The plan is to be prepared by a suitably qualified person to the satisfaction of Council and submitted with the rezoning amendment for adoption by Council. The adopted Vegetation Maintenance and Management Plan shall be implemented within 6 months of the gazettal of the Shire of Dardanup Town Planning Scheme amendment to which the Vegetation Maintenance and Management Plan applies and implemented and maintained in accordance with the approved Vegetation Maintenance and Management Plan.

9.3.3.1 The Vegetation Maintenance and Management Plan shall address but not be limited to the following.

- a) The lot number(s), location, certificate of title numbers, diagram/plan/deposited plan number of the subject land.
- b) A site plan showing the lot boundaries, adjoining roads, the building layout, driveways, fences, gates and car parking areas where relevant, existing vegetation (location, width and height), proposed vegetation (plant species, site suitability for species, width and height).
- c) The measures to be undertaken to ensure the continued existence of the screen.
- d) The measures to be undertaken to manage the screen to ensure its effectiveness.

9.3.3.2 Section 70A Notification

A Section 70A Notification being registered on the certificate(s) of title of the subject land advising of a Vegetation Maintenance and Management Plan within 6 months of the gazettal of the Town Planning Scheme Amendment to which the Vegetation Maintenance and Management Plan applies.

## APPENDIX I - ZONING TABLE

AMD 109 GG 11/3/05; AMD 121 GG 10/6/05; AMD 144 GG 10/7/07; TABLE REPLACED BY AMD 167 GG 12/07/10; AMD 194 GG 15/06/18

USE CLASS	Additional Use	Business-Commercial	Car Park	Development	District Centre AMD 194 GG 15/06/18	Forestry	General Industry	General Farming	Light Industry	Mixed Business	Mixed Use AMD 194 GG 15/06/18	Noxious & Hazardous	Other Community	Public Utilities	Recreation	Residential	Restricted Use	School	Short Stay Residential	Small Holding	Tourist
Aged or Dependent Person's Dwelling	#	X	X	#	D	X	X	X	X	X	D	X	D	X	X	D	#	X	X	X	X
Agriculture – Extensive	#	X	X	#	X	X	X	P	X	X	X	X	X	X	X	X	#	X	X	X	D
Agriculture – Intensive	#	X	X	#	X	X	X	A	X	X	X	X	X	X	X	X	#	X	X	X	D
Agroforestry	#	X	X	#	X	P	X	D	X	X	X	X	X	X	X	X	#	X	X	X	X
Amusement Parlour	#	A	X	#	P	X	X	X	X	X	P	X	X	X	X	X	#	X	X	X	X
Ancillary Accommodation	#	X	X	#	A	X	X	D	X	X	A	X	X	X	X	D	#	X	X	D	X
Animal Establishment	#	X	X	#	X	X	X	A	X	X	X	X	X	X	X	X	#	X	X	X	X
Animal Husbandry – Intensive	#	X	X	#	X	X	X	A	X	X	X	X	X	X	X	X	#	X	X	X	X
Art & Craft Studio & Sales	#	P	X	#	P	X	P	D	P	P	P	X	X	X	X	X	#	X	X	A	D
Bed & Breakfast	#	X	X	#	X	X	X	D	X	X	X	X	X	X	X	A	#	X	D	A	D
Betting Agency	#	D	X	#	D	X	X	X	X	D	D	X	X	X	X	X	#	X	X	X	X
Bulky Goods Showroom	<i>AMD 194 GG 15/06/18</i>	X	D	X	#	X	X	X	X	P	P	X	X	X	X	X	X	X	X	X	X
Caravan Park	#	X	X	#	X	X	X	D	X	X	X	X	X	X	X	X	#	X	P	X	D
Caretaker's Dwelling	#	D	X	#	X	X	D	D	D	D	X	D	D	X	X	X	#	X	D	X	D
Carpark	#	D	P	#	P	D	D	D	D	D	P	X	D	D	D	D	#	D	D	D	D
Cellar Door Sales	#	X	X	#	X	X	X	D	X	X	X	X	X	X	X	X	#	X	X	A	D
Chalets – Short Stay Accommodation	#	X	X	#	X	D	X	D	X	X	X	X	X	X	X	X	#	X	P	X	D
Child Care Premises	#	D	X	#	D	X	X	X	X	X	D	X	P	X	X	A	#	X	X	X	X
Civic Use	#	P	X	#	P	D	D	D	D	D	P	X	D	D	D	D	#	D	X	A	D
Club premises	#	D	X	#	D	D	D	A	D	A	D	X	D	X	X	X	#	X	X	A	X
Communications Infrastructure	<i>AMD 183 GG 25/1/13</i>	#	D	D	#	A	D	D	D	D	A	X	D	D	D	A	#	D	A	A	D
Community Purpose	#	D	X	#	D	D	D	D	D	D	P	X	P	D	D	X	#	D	X	A	D
Consulting Rooms	#	P	X	#	P	X	X	X	X	P	P	X	X	X	X	X	#	X	X	X	X
Convenience Store	#	D	X	#	P	X	X	X	X	D	X	X	X	X	X	X	#	X	X	X	X
Dry Cleaning Premises	#	X	X	#	P	X	P	X	X	D	P	P	X	X	X	X	#	X	X	X	X
Eating House	<i>DELETED BY AMD 194 GG 15/06/18</i>																				
Educational Establishment	#	D	X	#	D	A	X	A	X	D	D	X	D	X	D	A	#	P	X	X	X

**APPENDIX 1 – ZONING TABLE (Cont’d)**

USE CLASS	Additional Use	Business-Commercial	Car Park	Development	District Centre AMD 194 GG 15/06/18	Forestry	General Industry	General Farming	Light Industry	Mixed Business	Mixed Use AMD 194 GG 15/06/18	Noxious & Hazardous	Other Community	Public Utilities	Recreation	Residential	Restricted Use	School	Short Stay Residential	Small Holding	Tourist	
Exhibition Centre	AMD 183 GG 25/1/13	#	D	X	#	D	X	X	A	X	D	D	X	D	X	X	X	#	X	X	X	A
Extensive Retail	DELETED BY AMD 194 GG 15/06/18																					
Family Day Care	#	X	X	#	D	X	X	D	X	X	D	X	X	X	X	A	#	X	A	D	D	
Fast Food Outlet	#	D	X	#	P	X	X	X	X	A	A <sup>1</sup>	X	X	X	X	X	#	X	X	X	X	
Fuel Depot	#	X	X	#	X	X	D	X	D	X	X	P	X	X	X	X	#	X	X	X	X	
Funeral Parlour	#	D	X	#	D	X	D	X	D	D	D	X	X	X	X	X	#	X	X	X	X	
Grouped Dwellings	#	X	X	#	X	X	X	D	X	X	X	X	X	X	X	D	#	X	X	D	X	
Home Business	#	X	X	#	X	X	X	D	X	X	X	X	X	X	X	D	#	X	D	D	D	
Home Occupation	#	X	X	#	D	X	X	D	X	X	D	X	X	X	X	D	#	X	D	D	D	
Home Office	AMD 194 GG 15/06/18	Refer to clause 61(2)(c) of the Deemed Provisions for permissibility																				
Home Store	#	X	X	#	X	X	X	A	X	X	X	X	X	X	X	A	#	X	A	X	X	
Hospital	#	D	X	#	X	X	X	X	X	D	X	X	P	X	X	X	#	X	X	X	X	
Hotel	#	A	X	#	A	X	X	X	X	A	A	X	X	X	X	X	#	X	X	X	A	
Industry – Cottage	#	D	X	#	X	X	X	D	X	D	X	X	X	X	X	D	#	X	D	D	D	
Industry – Dry	#	X	X	#	X	X	D	X	D	X	X	X	X	X	X	X	#	X	X	X	X	
Industry – Extractive	#	X	X	#	X	X	A	A	X	X	X	P	X	X	X	X	#	X	X	X	X	
Industry – General	#	X	X	#	X	X	P	X	D	X	X	P	X	X	X	X	#	X	X	X	X	
Industry – Light	#	X	X	#	X	X	P	X	P	X	X	X	X	X	X	X	#	X	X	X	X	
Industry – Mining	#	X	X	#	X	X	A	X	X	X	X	X	X	X	X	X	#	X	X	X	X	
Industry – Noxious or Hazardous	#	X	X	#	X	X	X	X	X	X	X	P	X	X	X	X	#	X	X	X	X	
Industry – Rural	#	X	X	#	X	X	X	P	X	X	X	X	X	X	X	X	#	X	X	X	X	
Industry – Service	AMD 202 GG 15/01/2021	#	X	X	#	D	X	P	X	P	D	X	X	X	X	X	#	X	X	X	X	
Liquor Store	#	A	X	#	P	X	X	X	X	A	A <sup>3</sup>	X	X	X	X	X	#	X	X	X	X	
Lunch Bar	#	D	X	#	P	X	D	X	D	D	A <sup>1</sup>	X	X	X	X	X	#	X	X	X	X	
Medical Centre	#	D	X	#	D	X	X	X	X	D	D	X	P	X	X	X	#	X	X	X	X	
Motel	#	X	X	#	A	X	X	X	X	X	A	X	X	X	X	A	#	X	P	X	A	
Motor Vehicle Repair	AMD 202 GG 15/01/2021	#	D	X	#	A	X	D	X	D	X	A	P	X	X	X	#	X	X	X	X	
Motor Vehicle Wash	#	D	X	#	D <sup>2</sup>	X	D	X	D	D	A	P	X	X	X	X	#	X	X	X	X	

**APPENDIX 1 – ZONING TABLE (Cont'd)**

USE CLASS	Additional Use	Business-Commercial	Car Park	Development	District Centre AMD 194 GG 15/06/18	Forestry	General Industry	General Farming	Light Industry	Mixed Business	Mixed Use AMD 194 GG 15/06/18	Noxious & Hazardous	Other Community	Public Utilities	Recreation	Residential	Restricted Use	School	Short Stay Residential	Small Holding	Tourist
Motor Vehicle, Boat or Caravan Sales <i>AMD 202 GG 15/01/2021</i>	#	D	X	#	A	X	D	X	D	X	A	X	X	X	X	X	#	X	X	X	X
Multiple Dwellings	#	X	X	#	P	X	X	X	X	X	P	X	X	X	X	A	#	X	X	X	X
Night Club	#	A	X	#	A	X	X	X	XX	A	A	X	X	X	X	X	#	X	X	X	X
Office	#	P	X	#	P	X	X	X	X	P	P	D	X	X	X	X	#	X	X	X	X
Place of Worship	#	D	X	#	X	X	X	X	A	D	X	X	A	X	X	A	#	X	X	X	X
Private Hotel	#	A	X	#	A	X	X	X	X	A	A	X	X	X	X	X	#	X	X	X	A
Public Amusement	#	D	X	#	P	X	X	X	D	D	P	X	D	X	A	X	#	X	X	X	A
Reception Centre	#	D	X	#	D	X	X	X	X	D	D	X	X	X	X	X	#	X	X	X	D
Recreation – Private	#	D	X	#	D	X	X	A	D	D	D	X	X	X	X	X	#	X	X	X	X
Restaurant/Café <i>15/06/18 AMD 194 GG</i>	#	D	X	#	P	X	X	D	X	P	D <sup>1</sup>	X	X	X	D	X	#	X	D	X	D
Retail Plant Nursery <i>AMD 194 GG 15/06/18; AMD 202 GG 15/01/2021</i>	#	D	X	#	D	X	X	A	D	D	D	X	X	X	X	X	#	X	X	X	A
Roadhouse	#	X	X	#	X	X	D	D	D	D	X	X	X	X	X	X	#	X	X	X	D
Rural Pursuit	#	X	X	#	X	X	X	P	X	X	X	X	X	X	X	X	#	X	X	P	D
Service Station <i>AMD 202 GG 5/01/2021</i>	#	X	X	#	A	X	P	X	P	P	A	X	X	X	X	X	#	X	X	X	X
Serviced Apartment <i>AMD 202 GG 5/01/2021</i>	#	D	X	#	D	X	X	X	X	X	D	X	X	X	X	X	#	X	D	X	D
Shop	#	P	X	#	P	X	X	X	X	X	X	X	D	X	X	X	#	X	X	X	D
Single Dwelling	#	X	X	#	X	P	X	P	X	X	X	X	X	X	X	P	#	X	D	P	D
Small Bar <i>15/06/18 AMD 194 GG</i>	#	A	X	#	P	X	X	X	X	X	D	X	X	X	X	X	#	X	X	X	A
Storage	#	D	X	#	X	X	P	X	P	X	X	X	X	X	X	X	#	X	X	X	X
Tavern	#	A	X	#	P	X	X	X	X	D	D	X	X	X	X	X	#	X	X	X	A
Transport Depot	#	X	X	#	X	X	P	X	D	X	X	P	X	X	X	X	#	X	X	X	X
Veterinary Centre	#	D	X	#	A	X	D	D	D	D	A	X	X	X	X	X	#	X	X	X	X
Warehouse	#	X	X	#	X	X	D	X	D	D	X	X	X	X	X	X	#	X	X	X	X
Winery	#	X	X	#	X	X	X	D	X	X	X	X	X	X	X	X	#	X	X	A	A

'P' means that the use is permitted by the Scheme providing the use complies with the relevant development standards and the requirements of the Scheme;  
'D' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval;  
'A' means that the use is not permitted unless the local government has exercised its discretion by granting planning approval after giving special notice in accordance with clause 7.2;  
'X' means a use that is not permitted by the Scheme.



## APPENDIX 1 – ZONING TABLE (Cont'd)

- # Permitted uses as marked on Scheme Plans or Structure Plans or as stated in Appendix IV or V.
- Footnote: 1. Restaurant/Café, Fast Food Outlet and Lunch Bar in the 'Mixed Use' zone is limited by the size of the individual premises (i.e. shop unit) and total floorspace area according to the requirements of the relevant Activity Centre Plan.
2. Motor Vehicle Wash in the 'District Centre' zone is limited by the scale and type of mechanical appliances and is to be consistent with the amenity standards as required by the relevant Activity Centre Plan.
3. Floorspace is to be limited to no more than 300 m<sup>2</sup> nla as per 'liquor store-small'.

## APPENDIX II - DEVELOPMENT TABLE PART B - NON RESIDENTIAL LAND USES

TABLE REPLACED BY AMD 167 GG 12/07/10

ZONE	SETBACKS (MINIMUM)*			LANDSCAPING (MINIMUM)
	FRONT	REAR	SIDE	
Industry – Light	10m	10m#	5m#	1. 3m wide abutting all streets, except for approved crossovers. 2. Council approved canopy shade trees at the rate of 1 tree for every 4 open air parking bays.
Industry – General	10m	10m#	5m#	
General Farming	20m primary street 20m secondary street	20m	20m	
Small holding	20m primary 20m secondary	10m	10m	
Business-Commercial	As determined by Council			1. 3m wide abutting all streets, except for approved crossovers, or as determined by Council. 2. Council approved canopy shade trees at the rate of 1 tree for every 4 open air parking bays.
Mixed Business	As determined by Council			
Bushland Development Zone	As per Clause 3.16.8			
Residential	As Per the Residential Design Codes			
Carpark	2m	2m	1.5m	Council approved canopy shade trees at the rate of 1 tree for every 4 open air parking bays.
*Where there is the presence of a water course or water body, setback applicable is 30m. #Minimum setbacks are as shown above, unless otherwise determined by Council.				

## APPENDIX IIA – CARPARKING

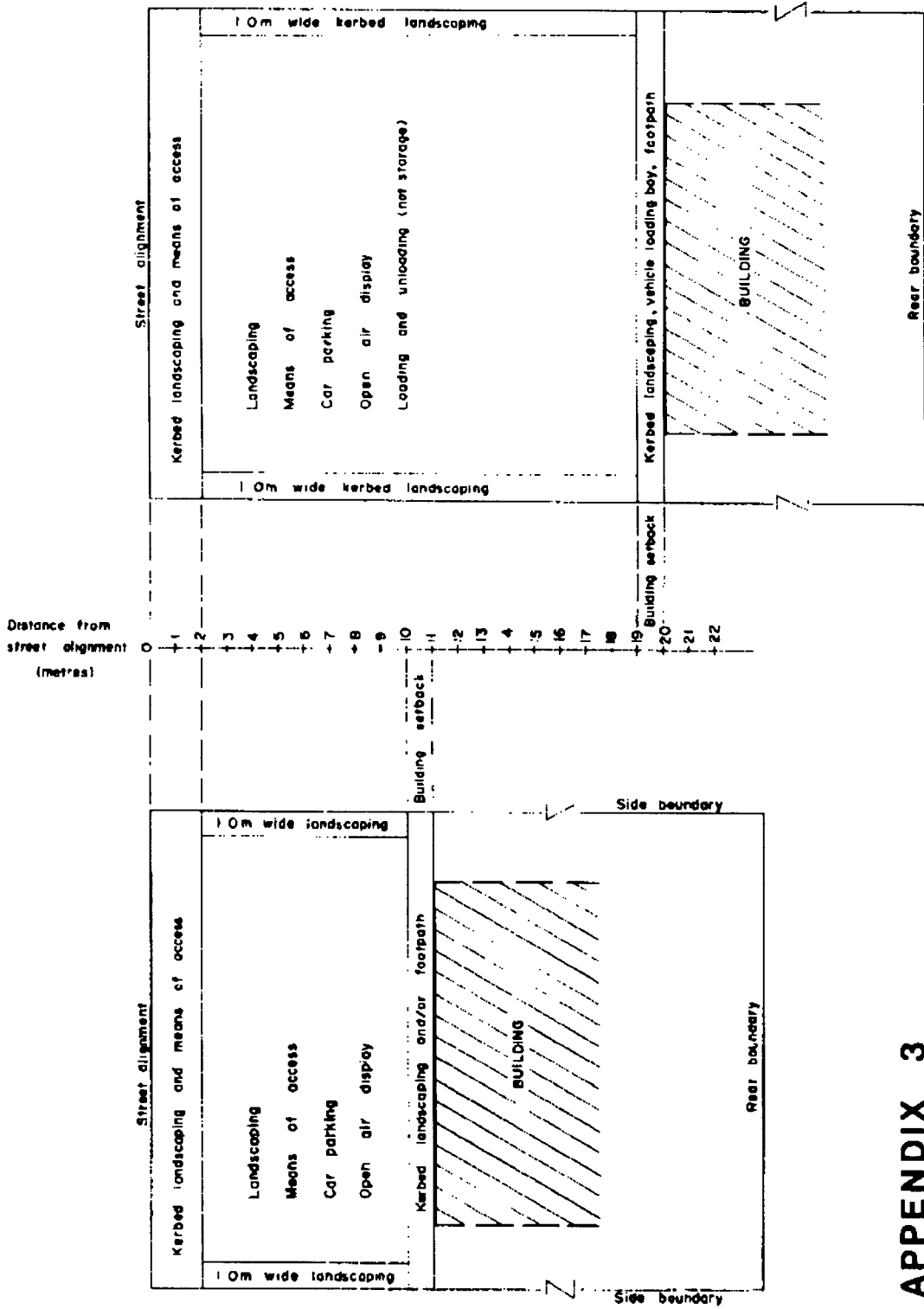
Development/Use	Parking Requirements (Minimum Number of Bays)
Animal Establishment	1 space for every 10 animals the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces
Caravan Park	1 space per caravan or camp site, plus 1 visitor space per 20 caravan or camp site sites with a minimum of 4 visitor spaces
Caretaker's Dwelling	2 spaces (as for Single House under the Residential Design Codes)
Child Care Premises	1 space for every 10 children the facility is designed to accommodate, plus 1 space for every employee Minimum 4 spaces
Civic Use	1 space for every 4 persons the facility is designed to accommodate
Club Premises	1 space for every 4 seats or 1 space for every 4 persons the facility is designed to accommodate, or 1 space for every 4m <sup>2</sup> used for tables and chairs, whichever is the greater
Consulting Rooms	5 spaces for every consulting room
Convenience Store	1 space for every 15m <sup>2</sup> net lettable area, plus Service Station requirements
Educational Establishment	
- Pre-Primary	1 space for every staff member, plus 1 space for every 2 students
- Primary School	1 space for every staff member, plus 14 drop-off spaces for every 100 students (may include on-street spaces)
- Secondary School	1 space for every staff member, plus 7 drop-off spaces for every 100 students (may include on-street spaces)
- Tertiary Institution	1 space for every staff member, plus 1 space for every 5 students
Fast Food Outlet	1 space for every 2.5m <sup>2</sup> queuing area with a minimum of 4 spaces, plus 1 space for every 5m <sup>2</sup> seating area, plus 4 car queuing spaces for any drive through facility
Funeral Parlour	1 space for every 4 persons for which an assembly area is designed, or 1 space for every 2.5m <sup>2</sup> seating area, whichever is greater Minimum 4 spaces
Homestore	1 space for every 15m <sup>2</sup> net lettable area with a minimum of 4 spaces, plus Requirements under the Residential Design Codes for a single house
Hospital	1 space for every 4 patients beds plus 1 space for each staff member on duty at any one time
Hotel, Motel or Tavern	1 space for every 2m <sup>2</sup> of bar area, plus 1 space for every 4m <sup>2</sup> of lounge or beer garden area;  1 space for every 4 seats which an eating area is designed to provide or 1 space for every 4m <sup>2</sup> of eating area, whichever is the greater  1 space for every 4 seats provided in assembly area, or 1 space for every 2.5m <sup>2</sup> of assembly seating area, whichever is the greater  1 space for each bedroom or residential unit

<b>Development/Use</b>	<b>Parking Requirements (Minimum Number of Bays)</b>
Industry – General	1 space for every 100m <sup>2</sup> open space used for such purposes, plus 1 space for every 100m <sup>2</sup> gross floor area Minimum 4 spaces per tenancy or unit
Industry – Light	1 space for every 100m <sup>2</sup> open space used for such purposes, plus 1 space for every 100m <sup>2</sup> gross floor area Minimum 4 spaces per tenancy or unit
Industry – Rural	1 space for every employee not living on the site Minimum 4 spaces
Lunch Bar	1 space for every 15m <sup>2</sup> net lettable area Minimum 4 spaces
Medical Centre	4 spaces for every consulting room, plus 1 space for every employee
Motor Vehicle Repair	4 spaces to each service bay, or 1 space for every 50m <sup>2</sup> gross floor area, whichever is the greater
Motor Vehicle, Boat, or Caravan Sales	1 space for every 100m <sup>2</sup> display Minimum 4 spaces
Night Club	1 space for every 2m <sup>2</sup> of public bar area, plus 1 space for every 4m <sup>2</sup> of lounge/garden area
Office	1 space for every 40m <sup>2</sup> net lettable area
Place of Worship	1 space for 4 seats or 1 space for every 4 persons the facility is designed to accommodate, or 1 space for every 2.5m <sup>2</sup> seating area, whichever is the greater
Public Amusement	1 space for every 5 seats or 1 space for every 5 persons the facility is designed to accommodate, or 1 space for every 2.5m <sup>2</sup> seating area, whichever is the greater
Recreation – Private Gym/Health Studio Other Spectator Seating Staff	1 space for every 10m <sup>2</sup> net floor 1 space for every 20m <sup>2</sup> active area 1 space for every 4 seats provided 1 space for every staff member present during peak operation
Restaurant or Reception Centre	1 space for every 4 seats or 1 space for every 4 persons the building is designed to accommodate or 1 space for every 4m <sup>2</sup> seating area, whichever is the greater
Service Station	4 spaces for every service bay
Shop	1 space for every 15m <sup>2</sup> net lettable area (6.7 spaces per 100m <sup>2</sup> NLA) Minimum 4 spaces
Bulky goods showroom	1 space for every 50m <sup>2</sup> gross leasable floor area Minimum of 4 spaces per tenancy or unit
Transport Depot	1 space for every 100m <sup>2</sup> gross floor area Minimum 4 spaces
Veterinary Centre	4 spaces per veterinary practitioner
Warehouse	1 space for every 100m <sup>2</sup> gross floor area. Minimum 4 spaces for every tenancy or unit.

# APPENDIX III - SETBACK

## 20 METRE SETBACK

## 11 METRE SETBACK



## APPENDIX 3

## APPENDIX IV - ADDITIONAL USE ZONES

Clause 3.15.1

NO	STREET	PARTICULARS OF LAND	ADDITIONAL USE PERMITTED	CONDITIONS
1	Cnr Moore Road and Resta Road Part of Pt 1 of BAA Lot 354 Zoned General Farming		<i>DELETED AS OF AMD 166 GG 16/3/10</i>	
2	Crooked Brook Road <i>AMD 31 GG 21/9/90</i>	Portion of Lot 2 of Pt Location 854	Abattoir: Packing of salted skins and hides; Processing of by-products	
3	Harris Road Lot 100 of Portion Collie Agricultural Area Lot 36		<i>DELETED AS OF AMD 166 GG 16/3/10</i>	
4	Ferguson Road  Dowdells Line	Pt Wellington Location 377 Pt Wellington Location 232 Wellington Location 4577	Depot for composting mill waste	<ol style="list-style-type: none"> <li>1. General Industry Zone Standards in the Development Table shall apply.</li> <li>2. The activity to be screened from any Road Reserve of Homestead to satisfaction of Council.</li> <li>3. A 10.0 metre fire break to be maintained around the area during the prohibited burning season</li> </ol>
5	Henty Brook Road <i>AMD 54 GG 17/6/94</i>	Lot 2 of Leschenault Location 9	Chalets, Swimming Pool (guest use only), tennis court (guest use only), eating/ communal area (guest use only), owner's residence	<ol style="list-style-type: none"> <li>1. Development of the site shall be generally in accordance with the Guide Development Plan (No BY-93-01-04) adopted by Council and endorsed by the Shire Clerk.</li> <li>2. Maximum of 10 chalets permitted.</li> <li>3. All buildings to be screened from Henty Brook Road to the satisfaction of Council.</li> <li>4. 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 Regulation or By-law; or</li> <li>(iii) as otherwise approved by Council.</li> </ol> </li> <li>5. Strategic planting shall occur in a staged manner with a landscaping proposal accompanying each Application for Approval to Commence Development.</li> <li>6. Where required, specifications of the potable water supply and waste disposal systems to be installed are to be submitted to Council with building plans and no building shall be considered fit for human habitation until the systems are installed and operating to the Council's satisfaction.</li> </ol>

### APPENDIX IV - ADDITIONAL USE ZONES (Cont'd)

Clause 3.15.1

NO	STREET	PARTICULARS OF LAND	ADDITIONAL USE PERMITTED	CONDITIONS
5	Henty Brook Road (Cont'd)  <i>AMD 54 GG 17/6/94</i>	Lot 2 of Leschenault Location 9	Chalets, Swimming Pool (guest use only), tennis court (guest use only), eating/ communal area (guest use only), owner's residence	<ol style="list-style-type: none"> <li>7. No installation for the disposal of waste water or septic tank effluent shall be located closer than 100 metres to a definable water course, creek or water body.</li> <li>8. The applicant shall prepare a detailed Fire Control Plan, to be endorsed by Council and the Bush Fires Board of WA prior to the commencement of development.</li> <li>9. To guarantee no contamination to groundwater and Paradise Creek, nutrient removal from effluent, by nutrient stripping in association with Aerobic Treatment Units is required. Installation of these Units must be to Health Department of WA and Council satisfaction. All upkeep and maintenance will be at the developers, or subsequent owners, full expense, to Council's satisfaction.</li> </ol>
6	Richards Road  <i>AMD 57 GG 5/7/94</i>	Lot 2 of Wellington Locations 916 and 1159	Licensed Restaurant	<ol style="list-style-type: none"> <li>1. Development shall be in accordance with the Outline Development Plan as endorsed by Council and shall conform with relevant Scheme provisions.</li> <li>2. The developer shall provide signs on both ends of the access road and passing bays at suitable points along the access road to the specifications and satisfaction of CALM and the Local Authority prior to the development approval being issued.</li> <li>3. The landowner and successors in title to acknowledge in writing to the Local Authority that adjoining land will continue to be utilised for agricultural purposes including all normal practices, such as cattle yards, relating to such use.</li> <li>4. The landowner and successors in title to acknowledge in writing to the Local Authority the proximity of the proposed restaurant to neighbouring cattle yards and accept that Council and/or adjoining neighbours will accept no responsibility for the safety of patrons.</li> <li>5. A fire management plan including the provision of fire breaks to be prepared and implemented to the specifications and satisfaction of Council and the Bush Fires Board.</li> <li>6. Council may require screening by planting and appropriate fencing to stop access to adjacent cattle holding yards to be undertaken and maintained by the landowner.</li> <li>7. Effluent disposal systems to be to the specification and satisfaction of the Health Department of Western Australia and the Local Authority.</li> </ol>

**APPENDIX IV - ADDITIONAL USE ZONES (Cont'd)**

Clause 3.15.1

<b>NO</b>	<b>STREET</b>	<b>PARTICULARS OF LAND</b>	<b>ADDITIONAL USE PERMITTED</b>	<b>CONDITIONS</b>
7	Lennard Road <i>AMD 59 GG 5/7/94</i>	Portion of Lot 89 of Leschenault Location 9	Septage Disposal	<ol style="list-style-type: none"> <li>1. At the time of seeking development approval for the proposed septage disposal facility, Council shall require the applicant to prepare a detailed Development and Management Plan to be approved by Council, the Environmental Protection Authority and the Health Department of Western Australia prior to any development occurring on the land.</li> <li>2. Fencing of the lagoon system to be to the specification and satisfaction of CALM, BFB, Agricultural Protection Board and Council.</li> <li>3. Strategic firebreaks to be established around the site of the proposed lagoons to allow for access for fire fighting vehicles.</li> <li>4. Vegetation Buffers to be 50 metres along Lennard Road and 15 metres along Catalano Road. Revegetation of the buffers by the developer to be to the satisfaction of Council.</li> </ol>
8	Panizza Road <i>AMD 69 GG 31/10/95</i>	Lot 6 of Wellington Location 683	Commercial Kitchen	<ol style="list-style-type: none"> <li>1. Development shall be in accordance with the Outline Development Plan as endorsed by Council and shall conform with relevant Scheme provisions.</li> <li>2. A fire management plan including the provision of fire breaks to be prepared and implemented to the specifications and satisfaction of Council and the Bushfires Board.</li> <li>3. Effluent disposal systems to be to the satisfaction of the Health Dept of WA and the Local Authority.</li> </ol>
9	Ferguson Road <i>AMD 70 GG 15/3/96</i>	Lot 2 of Wellington Locations 2978 and Part 4967	An establishment for cellar door wine sales and meals.	Development shall be in accordance with the Guide Development Plan as endorsed by Council and shall conform with the relevant Scheme provisions.
10	Recreation Drive, Eaton <i>AMD 67 GG 21/3/97</i>	Part Lot 6 of Eaton Lot 6 (Lot 139)	Aged Accommodation facilities including Nursing Home, clubhouse, Amenities building as may be approved by Council.	Compliance with R30 standards of development.
11	Cnr Eaton Drive & Recreation Drive Reserve No. 39158		<i>DELETED BY AMD 168 GG 24/06/11</i>	



### APPENDIX IV - ADDITIONAL USE ZONES (Cont'd)

Clause 3.15.1

NO	STREET	PARTICULARS OF LAND	ADDITIONAL USE PERMITTED	CONDITIONS
11	Panizza Road <i>AMD 126 GG 23/12/05</i>	Portion of Lot 4579, Crooked Brook	Chicken Processing Facility	<ol style="list-style-type: none"> <li>1. Subdivision and Development shall generally be in accordance with the Outline Development Plan No. 04324P-04 dated 12.12.05 attached to the Scheme Amendment No. 126 Report.</li> <li>2. Vegetation buffers to be maintained within 20 metres of all boundaries with the exception of land that is required for access or servicing infrastructure.</li> <li>3. At the subdivision stage, a 70A Notification is to be placed on the title of the proposed abattoir site acknowledging that mining may occur adjacent to the lot boundary.</li> <li>4. The owner of the abattoir site acknowledges that there is significant titanium mineralisation within close proximity to the boundary of the lot and that the owner(s) support mining of this resource in the future.</li> </ol>
12	Cnr Eaton Drive & Recreation Drive Lot 7		<i>DELETED BY AMD 168 GG 24/06/11</i>	
13	Australind By-pass Lot 13 Wellington Location 49 zoned "Recreation"		<i>DELETED BY AMD 144 GG 10/7/07</i>	
14	Australind By-pass <i>AMD 80 GG 5/5/98</i>	Portion of Lot 13 Wellington Location 49 zoned "School"	<ul style="list-style-type: none"> <li>▪ House of Worship</li> <li>▪ Accommodation for boarding students and staff</li> <li>▪ School related Health facilities</li> <li>▪ Community meeting centre</li> </ul>	Subject to Development Approval
15	King Tree Road	Lot 21 of Wellington Location 4059 <i>AMD 102 GG 23/1/01</i>	Maximum of six (6) Accommodation Units (whether they be cabins, apartments, chalets, cottages or holiday flats) and a restaurant or café.	<p>Council shall not grant its approval for Accommodation Units, Restaurant or Café unless it is satisfied in respect in respect to the following:</p> <ul style="list-style-type: none"> <li>▪ Impact on the amenity of the subdivision and in particular adjoining lots.</li> <li>▪ Provision for effluent disposal.</li> <li>▪ Provision of adequate water supply.</li> <li>▪ Environmental Impacts on the adjoining creek systems, drainage lines and downstream properties.</li> <li>▪ Impact on external community infrastructure and roads.</li> </ul>
16	Eaton Drive, Eaton - Portion of Lot 7		<i>DELETED BY AMD 168 GG 24/06/11</i>	

**APPENDIX IV - ADDITIONAL USE ZONES (Cont'd)**

Clause 3.15.1

NO	STREET	PARTICULARS OF LAND	ADDITIONAL USE PERMITTED	CONDITIONS
17	Eaton Drive, Eaton <i>AMD 109 GG 11/3/05</i>	Lot 7000	Aged Persons Accommodation, Nursing Home, Residential Building, Consulting Rooms, Office and Restaurant	<p>a) The intent of the zoning is to promote the development of a high quality aged person's housing development, which includes care facilities and community services and which integrates with the adjoining residential area.</p> <p>b) Development to be generally in accordance with the Master Plan, which forms part of the Amendment (00086P-28) and shall comply with the following development criteria:</p> <p>i) The minimum building setbacks to the external lot boundaries being:</p> <ul style="list-style-type: none"> <li>▪ 3 metres from western boundary</li> <li>▪ 1 metre from northern boundary</li> <li>▪ 1 metre from eastern boundary (excluding 9 metres of land to be ceded for the road)</li> <li>▪ 1.5 metres from southern boundary</li> </ul> <p>ii) No more than 55% of the total site shall be occupied by buildings.</p> <p>iii) All areas not used for buildings, parking, access and drying purposes shall be planted, established, mulched and reticulated at the time of occupancy. These areas are to be maintained as landscaped areas to the satisfaction of Council.</p> <p>iv) The access way(s), parking area and turning area(s) shall be constructed, kerbed, formed, graded, drained and finished with a hard standing surface or equivalent by the developer to an approved design and shall be maintained to a standard satisfactory to Council.</p> <p>(v) Future stormwater treatment for the development shall be in accordance with the principles of Water Sensitive Urban Design.</p> <p>(vi) A suitable buffer between eight to ten metres from the edge of the existing fringing vegetation being established and maintained with natural endemic vegetation to the satisfaction of Council in consultation with the Department of Environment between the development and the</p>

**APPENDIX IV - ADDITIONAL USE ZONES (Cont'd)**

Clause 3.15.1

NO	STREET	PARTICULARS OF LAND	ADDITIONAL USE PERMITTED	CONDITIONS
17	Eaton Drive, Eaton (Cont'd)  <i>AMD 109 GG 11/3/05</i>	Lot 7000	Aged Persons Accommodation, Nursing Home, Residential Building, Consulting Rooms, Office and Restaurant	Conservation Category wetland situated on the adjoining lot to the south (Eaton Community College).  vii) Open style fencing shall be installed along the southern boundary (Eaton Community College) and the northern boundary abutting the Reserve for Recreation to a standard satisfactory to Council.  c) The occupancy of the aged person accommodation (independent living units) on the site is restricted to at least one permanent occupant of the dwelling being an aged person (that is a person who is aged 55 years or over) or the surviving spouse of that person.

**APPENDIX IV - ADDITIONAL USE ZONES (Cont'd)**

Clause 3.15.1

NO	STREET	PARTICULARS OF LAND	ADDITIONAL USE PERMITTED	CONDITIONS
18	Edith Cowan Avenue  <i>AMD 159 GG 16/2/2010; AMD 192 GG 16/06/17</i>	Portion of Lot 9000	Lifestyle Village including Aged or dependent persons accommodation and club premises.	<p>a) The intent of the zoning is to promote the development of a high quality Lifestyle Village which includes residential accommodation, both single and two-storey, and community services, and which Integrates with the adjoining residential area.</p> <p>b) Development is to be in accordance with a Structure Plan endorsed by the Western Australian Planning Commission, and shall comply with the following development criteria.</p> <ul style="list-style-type: none"> <li>i) Development to be generally in accordance with the R40 code.</li> <li>ii) No more than 55% of the total site shall be occupied by buildings.</li> <li>iii) All areas not used for buildings, parking, access and drying purposes shall be planted, established, mulched and reticulated at the time of occupancy. These areas are to be maintained as landscaped areas to the satisfaction of Council.</li> <li>iv) The accessway(s), parking area and turning area(s) shall be constructed, kerbed, formed, graded, drained and finished with a hard-standing surface or equivalent by the developer to an approved design and shall be maintained to a standard satisfactory to Council.</li> <li>v) Drainage outfall from development to be restricted to pre-development flows.</li> <li>vi) Landscape buffer treatment works identified as the landscape buffer area on Lot 9000 and the proposed Landscape Buffer reserve to the south of Lot 9000 is to be undertaken by the owner(s) of Lot 9000 at the standard determined by Main Roads WA and the Shire of Dardanup.</li> </ul> <p>c) The occupancy of the aged person accommodation (independent living units) on the site is restricted to at least one permanent occupant of the dwelling being on aged person (that is a person who is aged 55 years or over) or the surviving spouse of that person.</p>

**APPENDIX IV - ADDITIONAL USE ZONES (Cont'd)**

Clause 3.15.1

NO	STREET	PARTICULARS OF LAND	ADDITIONAL USE PERMITTED	CONDITIONS
19	Easton Drive and Hough Place  <i>AMD 188 GG 6/5/16</i>	Lot 1, Lots 226 to 230 and 271 to 276 Eaton Drive and Lots 231 to 232, 248 to 249 and 277 to 278 Hough Place	Consulting Rooms Medical Centre Office	a) Development shall comply with the provisions of Town Planning Scheme No. 3, including any Local Development Plan required or prepared by the local government.  An additional use for Lot 273 will not be supported until alternative access arrangements can be demonstrated to the satisfaction of the Shire of Dardanup given direct access from this lot to Eaton Drive cannot be supported on traffic management and safety grounds.  b) Additional Use subject to development approval in accordance with Clauses 7.1 and 7.2 of Town Planning Scheme No. 3, as a 'D' use, and conditions imposed by Council at the time of development approval.  c) All car parking associated with the Additional Use shall be located within the development site.  d) All car parking associated with the Additional Use shall be designed and located to ensure vehicles can exit the development site in forward gear.  e) In considering proposals the local government may impose conditions requiring shared crossovers and vehicular access to lots and may require access easements to secure vehicular access rights.

**APPENDIX IV - ADDITIONAL USE ZONES (Cont'd)**

Clause 3.15.1

NO	STREET	PARTICULARS OF LAND	ADDITIONAL USE PERMITTED	CONDITIONS
20	Hynes Road  <i>AMD 195 GG 21/06/19</i>	Lot 9	Funeral Parlour	a) All Additional Uses are subject to obtaining development approval from Council's in accordance with clauses 7.1 and 7.2 if Town Planning Scheme No. 3  b) Prior to a Development Application being considered by Council, the landowner is required to prepare and submit a Local Development Plan for approval to address: <ul style="list-style-type: none"> <li>• Location of all buildings;</li> <li>• Intended use for all buildings;</li> <li>• Size (in m<sup>2</sup>) of all buildings;</li> <li>• Location and number of carparking bays;</li> <li>• Provision for overflow parking;</li> <li>• Access and egress arrangements;</li> <li>• Landscaping; and</li> <li>• Fencing.</li> </ul> c) All development shall be in accordance with the Local Development Plan approved by Council.  d) Any Development Approval granted by Council for the 'Additional Permitted Uses' shall prohibit the embalming and/or cremation of bodies on-site at any time.
21	Recreation Drive  <i>AMD 202 GG 15/01/2021</i>	Pt Lots 1109 and 607	Bulky Goods Showroom	Additional Use subject to development approval in accordance with Town Planning Scheme No. 3 as a 'D' use, and conditions imposed by Council at the time of development approval.

**APPENDIX IV - ADDITIONAL USE ZONES (Cont'd)**

Clause 3.15.1

NO	STREET	PARTICULARS OF LAND	ADDITIONAL USE PERMITTED	CONDITIONS
22	Temple Road  <i>AMD 204 GG 17/03/2023</i>	Lot 10	Storage (D use)  Industry-mobile crushing plant (D use)	<ol style="list-style-type: none"> <li>1. Wherever suitable alternatives exist, development is to be located outside of areas which would require the removal of vegetation.</li> <li>2. Where suitable alternatives do not exist, vegetation and flora and fauna habitat surveys may be required to determine locations where development could occur with the least possible impact. Surveys should be undertaken in accordance with the applicable EPA technical guidance.</li> <li>3. In considering any application the local government shall have due regard to the Guidance for the Assessment of Environmental Factors-Separation Distances between Industrial and Sensitive Land Uses (EPA) and may require the preparation of a management plan to address odour, noise, dust, landscaping and stormwater management</li> <li>4. No further subdivision shall be supported unless it can be demonstrated that it is essential for the on-going effective management of any existing development or for demonstrable environmental benefit and / or protection.</li> <li>5. Stored items must achieve the following setback distances:                         <ul style="list-style-type: none"> <li>• An average of 5m from the Western boundary.</li> <li>• A minimum of 5m from Northern boundary</li> <li>• A minimum of 20m from Eastern and Southern boundaries.</li> </ul> </li> <li>6. In considering any application the local government shall have due regard to any relevant issues raised in the s16(e) <i>Advice on areas of conservation significance in the Preston Industrial Parks</i>, (EPA Bulletin 1282)</li> <li>7. The local government will require the preparation of a local development plan that clearly identifies the spatial extent of the additional use area as shown on the Scheme map.</li> </ol>

## APPENDIX V - RESTRICTED USE ZONES

Clause 3.15.3

	NO	STREET	PARTICULARS OF LAND	ONLY USE PERMITTED
R1	1.	Resta Rd <i>AMD 62 GG 27/9/96</i>	Lot 609: 88 metre wide area along the entire eastern boundary of the Lot.	A vegetated buffer allowing viticulture, market gardening, orcharding, and grazing.
R2	2.	Lot 12 Waterloo on Diagram 7695		<i>DELETED AS OF AMD 166 GG 16/3/10</i>
R3	2.	Columbas Drive <i>AMD 134 GG 13/12/05</i>	Lots 104 and 105 on Diagram 96576	<p>a) Notwithstanding any other provision of the Scheme, the following use classifications and symbols apply to the subject land:</p> <ul style="list-style-type: none"> <li>▪ Dry Industry (P) – development standards as per the Light Industry Zone.</li> </ul> <p>b) The use of asbestos, metal sheeting or wooden pickets as boundary fencing shall not be permitted.</p> <p>c) Applications for Planning Consent are to demonstrate that there will be no adverse impacts in terms of dust, noise or odour, on the residential premises in the immediate locality.</p> <p>d) Notwithstanding the above, the subject land will be required to connect to reticulated services when connection is feasible. Upon connection of sewerage, Council may permit other uses as permitted under the General Industry Zone.</p> <p>e) Further subdivision of Lots 104 &amp; 105 is not permitted until such time as:</p> <ul style="list-style-type: none"> <li>i) Comprehensive structure planning has been undertaken for the Preston Industrial Park; and</li> <li>ii) The subject land can be provided with appropriate services, including reticulated water and sewer.</li> </ul>
R3	3.	Australind By-pass Lot 14 Wellington Location 49		<i>DELETED BY AMD 144 GG 10/7/07</i>
R4	4.	Lusitano Avenue, Eaton Lot 600 (Hough Homestead)		<i>DELETED BY AMD 187 GG 10/2/15</i>
R5	5.	Twomey Road, Dardanup <i>AMD 107 GG 22/3/02</i>	Portion of Lot 13 Boyanup Agricultural Area	Production and exhibition of art and craft goods (including large sculptures) and a single house subject to any development, including the grazing of stock, not being permitted within 30 metres from the Crooked Brook watercourse to protect the riparian land.
R6	6.	Crooked Brook Road, Dardanup <i>AMD 107 GG 22/3/02</i>	Portion of Lot 13 Boyanup Agricultural Area	As per the General Farming Zone, however a grouped dwelling or a second house is not permitted and subject to any development, including the grazing of stock, not being permitted within 30 metres from the Crooked Brook watercourse to protect the riparian land. The construction of a single house will be restricted to the southeast portion of the subject lot as shown on the Subdivision and Development Guide Plan, unless support is obtained from the Department of Mineral and



## APPENDIX V - RESTRICTED USE ZONES

Clause 3.15.3

	NO	STREET	PARTICULARS OF LAND	ONLY USE PERMITTED
				Petroleum Resources for an alternative site.
R7	7.	Harris Rd	Pt Lot 102  <i>AMD 115 GG 15/10/02</i>	<ul style="list-style-type: none"> <li>a) Dry Industry - As per the Light Industry Zone.</li> <li>b) Subdivision shall be generally in accordance with the Subdivision Guide Plan attached to Scheme Amendment No. 115 (dated 18/11/2000 Plan ID: 11070-05-01);</li> <li>c) The use of asbestos, metal sheeting or wooden pickets as boundary fencing shall not be permitted;</li> <li>d) The maximum permitted lot size shall be 3.0 hectares.</li> <li>e) Applications for Planning Consent are to demonstrate that there will be no adverse impacts in terms of dust, noise or odour, on the residential premises in the immediate locality.</li> <li>f) A 30m vegetated buffer to be established on the southern boundary adjacent to Harris Road.</li> <li>g) Access to proposed Lot "B" shall be via Columbas Drive.</li> <li>h) Proposed Lot "B" is located in the Dardanup sub-area of the Bunbury Groundwater Area as proclaimed under the Rights in Water and Irrigation Act 1914. A Groundwater Well Licence is required if groundwater is to be pumped for any purpose. Groundwater resources in the area are near to fully committed and it cannot be guaranteed that a licence would be issued.</li> <li>i) Notwithstanding the above, the subject land will be required to connect to reticulated services when connection is feasible. Upon connection of sewerage and water services, Council may permit other uses as permitted under the General Industry Zone.</li> </ul>
R8	8.	Henty Brook Road	Portion of Lot 103  <i>AMD 122 GG 12/12/03</i>	<ul style="list-style-type: none"> <li>a) Astronomical Observatory is a Permitted Use "P".</li> <li>b) A Single House and Holiday Accommodation (up to three chalets) may be considered as Incidental Uses "IP".</li> <li>c) Development approval for the house or chalets is not to be issued until the astronomical observatory building has been constructed.</li> <li>d) Subdivision and development is to be generally in accordance with the Subdivision and Development Guide Plan (Ref. TURN Dec. '02) signed by the Chief Executive Officer.</li> </ul>

## APPENDIX V - RESTRICTED USE ZONES

Clause 3.15.3

	NO	STREET	PARTICULARS OF LAND	ONLY USE PERMITTED
R8	8.	Henty Brook Road (Cont'd)	Portion of Lot 103  <i>AMD 122 GG 12/12/03</i>	<p>e) In considering applications for development Council shall assess, and where appropriate apply conditions, in respect of the following matters:</p> <ul style="list-style-type: none"> <li>▪ Colour of building materials.</li> <li>▪ Landscape screening.</li> <li>▪ Setbacks from Henty Brook Road and Pile Road.</li> <li>▪ A vegetation buffer between Henty Brook Road and house and chalets for the purpose of reducing any adverse impacts from the possible drift of chemical sprays from adjoining agricultural activities.</li> <li>▪ Potable water supply.</li> <li>▪ Stormwater drainage.</li> <li>▪ On-site effluent disposal systems, including alternative systems. Vehicular access and road upgrading.</li> </ul>
R9	9.	Recreation Drive  <i>AMD 140 GG 15/6/07</i>	Lot 1 Eaton on Diagram 78828	<p>A maximum of 50 aged accommodation dwellings, kitchen and communal dining area and caretaker's residence subject to the following:</p> <p>a) Prior to the subdivision and/or development of the land, a Development Guide Plan shall be prepared for the land to the satisfaction of, and adoption by, Council and such plan shall include details in respect of, but not limited to, building design, height, bulk, siting and finishes, traffic/pedestrian movement and management car parking, landscaping and fencing, pavement treatments and control of advertising.</p> <p>b) All residents (excluding the caretakers) shall be aged 55 years or over.</p> <p>c) Minimum setbacks from external lot boundaries shall be 6 metres (front) and 1.5 metres (sides and rear).</p> <p>d) Upon adoption of a Development Guide Plan for the land, any person undertaking the development of the land shall comply with the standards set out within the Development Guide Plan.</p> <p>e) The Council may, at the time of development assessment, impose additional criteria and conditions in order to protect the amenity of nearby land and residents.</p> <p>f) As a condition of its Planning Consent for the land, Council shall require, to its satisfaction, the preparation of an agreement binding the proposed and future owners of the site, to the ongoing maintenance of the adjoining area of public open space.</p>

## APPENDIX V - RESTRICTED USE ZONES

Clause 3.15.3

	NO	STREET	PARTICULARS OF LAND	ONLY USE PERMITTED
R11	11	Moore Road (Cont'd)  AMD 120 GG 23/3/04	Portion of Lot 352	<p>Timber related Industry subject to development complying with the General Industry Zone Standards in the Development Table.</p> <p>Development shall have regard to the Industry 2030 Study and the Preston Industrial Park Land Use and Port Access Study (WAPC 2000).</p> <p>In the determination of any development application Council's primary consideration will be to provide for development without adversely impacting on the amenity of the nearby properties. Applications for Planning Consent will be required to address the following –</p> <ul style="list-style-type: none"> <li>▪ That there will be no adverse impacts (including the combined impact from other industries in the immediate locality) in terms of dust, noise or odour in the immediate locality in accordance with the limits established by current Environmental Legislation. In order to achieve this all development applications should address dust suppression, noise emissions, odour emission, chemical storage, uncontaminated stormwater management, oily and solvent wastewater treatment measures and waste management from operations.</li> <li>▪ Building bulk, height and appearance to be designed to minimise any adverse impacts on the nearby premises;</li> <li>▪ Traffic movements (amount of and time of) to be managed to minimise any conflicts (especially along the northern section of Moore Road and along the northern section of Picton-Boyanup Road) with the existing industries and nearby non-industrial lots;</li> <li>▪ Management of any risks associated with the proposed development and containment of these on site; and</li> <li>▪ A fire management plan to be completed and implemented to the satisfaction of the Council at the Development Application and Building Licence stage; and</li> <li>▪ Certification from the Water Corporation that arrangements have been made with that body so that measures relating to protection of drainage assets have been undertaken. These measures are to be consistent with the Water Corporation's policy and planning for the locality and may involve the resolution of land matters and the payment of financial contributions to the satisfaction of the Water Corporation.</li> </ul> <p>Development shall be restricted to the type which is predicted to generate wastewater intended for disposal on site at a daily volume not exceeding 540 litres per 2000m<sup>2</sup> lot size.</p>

## APPENDIX V - RESTRICTED USE ZONES

Clause 3.15.3

	NO	STREET	PARTICULARS OF LAND	ONLY USE PERMITTED
R15	15.	Railway Road and Waterloo Road  AMD 145 GG16/3/10	Lot 1 Railway Road, portion of Lot 25 Railway Road, Lots 3 and 4 Waterloo Road and portion of Lot 26 Waterloo Road.	<ol style="list-style-type: none"> <li>1) Brick Manufacturing Plant.</li> <li>2) Development shall generally be in accordance with the Development Guide Plan (Drawing No. 13215-02B) forming part of Scheme Amendment No. 145.</li> <li>3) In the determination of any development application Council's primary consideration will be to provide for development without adversely impacting on the amenity of the nearby properties. Applications for Planning Consent will be required to address the following: — <ul style="list-style-type: none"> <li>• That there will be no adverse impacts in terms of dust, noise or odour in the immediate locality in accordance with the limits established by current Environmental Legislation. In order to achieve this all development applications should address dust suppression, noise emissions, odour emission and stormwater management.</li> <li>• A fire management plan is to be prepared and implemented to the satisfaction of the Shire of Dardanup at the Development Application and Building Licence stage.</li> </ul> </li> <li>4) At the subdivision and/or development stages, the Council shall require the upgrading of the section of Waterloo-Dardanup Road between the southern boundary of the proposed brickworks and South-Western Highway to include the widening of the existing pavement and improvements to the road pavement and surface which reasonably relates to the anticipated additional volume of traffic generated by the brickworks to the satisfaction of the Shire of Dardanup.</li> <li>5) Further to item 4, at the development stage the Council may request that the intersection of Waterloo-Dardanup Road and South-Western Highway be upgraded to the satisfaction of the Shire and Dardanup.</li> <li>6) All land contained within the boundary of the Restricted Use site is to be amalgamated onto the one Title prior to issuance of Building Licence.</li> <li>7) Those portions of Lot 25 Railway Road and Lot 26 Waterloo Road that are not included within the boundary of the Restricted Use Site are to be amalgamated onto the one Title Prior to issuance of Building Licence.</li> <li>8) As a condition of subdivision/ amalgamation approval, the Council shall request that a "Revegetation and Landscape Management Plan' be prepared and implemented by the</li> </ol>

## APPENDIX V - RESTRICTED USE ZONES

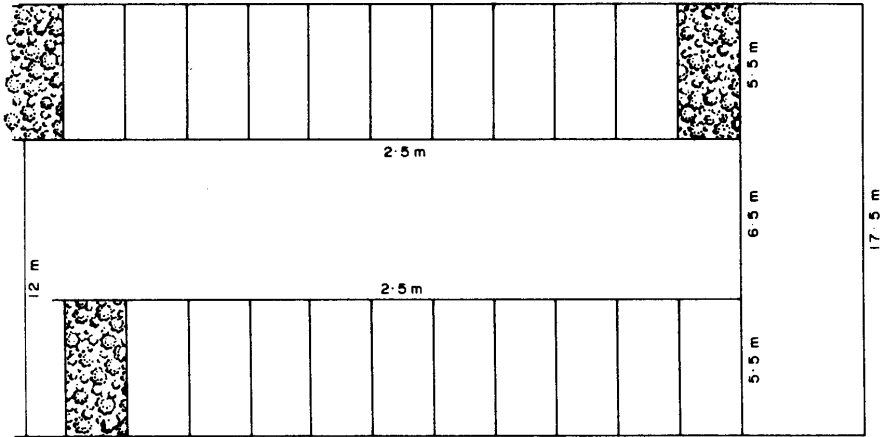
Clause 3.15.3

	<b>NO</b>	<b>STREET</b>	<b>PARTICULARS OF LAND</b>	<b>ONLY USE PERMITTED</b>
R15	15.	<p>Railway Road and Waterloo Road (Cont'd)</p> <p><i>AMD 145 GG16/3/10</i></p>	<p>Lot 1 Railway Road, portion of Lot 25 Railway Road, Lots 3 and 4 Waterloo Road and portion of Lot 26 Waterloo Road.</p>	<p>developer. The Plan is to address -</p> <p>(i) the provision and ongoing maintenance of the proposed 20 metre wide landscape buffer (as shown on the DGP), and/or</p> <p>(ii) any other vegetative measures required by government authorities.</p> <p>9) The Council shall request that a Traffic Management Plan be prepared and approved, for the proposed development. The Plan is to be submitted to the Council at the development application stage.</p> <p>10) A Water Management Plan is to be prepared and implemented at the subdivision and/or development stage, to the satisfaction of the Shire of Dardanup and the Department of Water.</p>

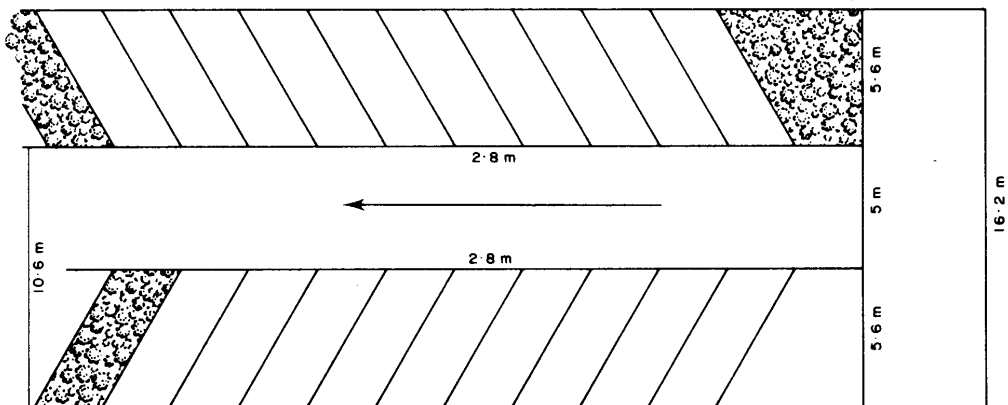
## APPENDIX VI - CAR PARKING LAYOUTS

(Landscaping in accordance with Clause 4.1 of the Scheme Text)

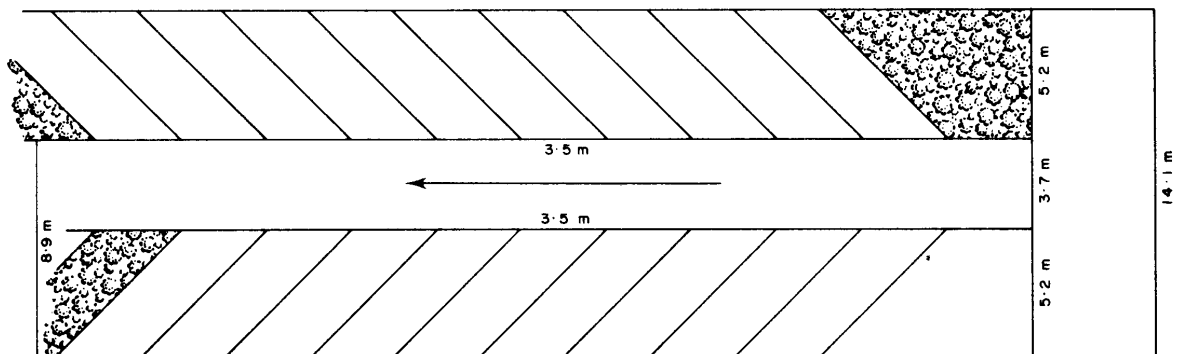
### 90° PARKING



### 60° PARKING



### 45° PARKING



Scale 1 : 250

# APPENDIX VII - APPLICATION FOR COUNCIL PLANNING CONSENT

Office Use Only  
Serial No .....

**SHIRE OF DARDANUP**  
**TOWN PLANNING SCHEME NO**  
**APPLICATION FOR COUNCIL PLANNING CONSENT**  
**TO COMMENCE DEVELOPMENT**

Name of Owner of Land on which Development Proposed:

SURNAME: .....

OTHER NAMES: .....

ADDRESS IN FULL: .....

.....

SUBMITTED BY: .....

ADDRESS FOR CORRESPONDENCE: .....

LOCALITY OF DEVELOPMENT: .....

TITLES OFFICE DESCRIPTION OF LAND: LOT NO: ..... STREET: .....

LOC NO: ..... PLAN/DIAGRAM: ..... CERT OF TITLE VOL: .....

FOL: ..... FRONTAGE: ..... DEPTH: ..... AREA: .....

SERVICES AVAILABLE      STORM WATER  
   WATER  
   SEWERAGE

SITE USE: .....

THE TYPE OF DEVELOPMENT PROPOSED AND THE NATURE OF THE PROPOSED BUILDINGS ARE AS FOLLOWS:

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

THE APPROXIMATE COST OF PROPOSED DEVELOPMENT IS .....

THE ESTIMATED TIME OF COMPLETION IS .....

THE APPROXIMATE NUMBER OF PERSONS TO BE HOUSED/EMPLOYED WHEN THE DEVELOPMENT IS COMPLETED IS: .....

THREE COPIES OF THE SITE PLAN AND OTHER NECESSARY PLANS OF THE PROPOSALS ARE SUBMITTED WITH THIS APPLICATION.

SIGNED BY THE OWNER OF THE LAND .....

**NOTE:** This is not an application for a building licence. Separate application forms are to be submitted for the building licence.  
This form is to be submitted in duplicate, together with copies of the plans to the Council office.

**APPENDIX VIIA - DECISION ON APPLICATION FOR PLANNING APPROVAL**

AMD 100 GG 6/7/99

**NOTICE OF DECISION ON APPLICATION FOR PLANNING APPROVAL**

**TOWN PLANNING SCHEME 1928 (as amended)**

**SHIRE OF DARDANUP**

**DECISION ON APPLICATION FOR PLANNING APPROVAL**

**TOWN PLANNING SCHEME NO.3**

Name and address of Owner and land on which development is proposed:

NAME: .....

ADDRESS: .....

LOCN: ..... LOT: ..... PLAN/DIAGRAM: .....

VOL: ..... FOLIO NO.: .....

APPLICATION DATE: ..... RECEIVED ON: .....

DESCRIPTION OF PROPOSED DEVELOPMENT:

.....  
.....

The application for approval to undertake development in accordance with the plans attached thereto is:

X granted subject to the following conditions:

X refused for the following reasons(s):

CONDITIONS/REASONS FOR REFUSAL:

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

Note 1: This approval is valid for a period of two years provided that the development has substantially commenced within 12 months. If the development has not substantially commenced within 12 months, this approval shall lapse and no further works shall be carried out without Council's further approval.

SIGNED: ..... DATED: .....

for and on behalf of the Shire of Dardanup.



**APPENDIX VIIB - NOTICE OF REVOCATION OR AMENDMENT OF PLANNING APPROVAL**

***PLANNING AND DEVELOPMENT ACT 2005 (AS AMENDED)***

**SHIRE OF DARDANUP**

**NOTICE OF REVOCATION OR AMENDMENT OF PLANNING APPROVAL**

**Location:**

**Type of Development:**

**Submitted by:**

**On behalf of:**

**Application Date:**

**Approval Date:**

The planning approval is:

- Revoked.
- Amended.

**Reasons for Revocation / Amendment:**

**Additional Conditions of Approval:**

**Deleted Conditions of Approval:**

**Revised Conditions of Approval:**

.....

***Manager Planning Services***

***For and on behalf of the Shire of Dardanup***

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES

Clause 3.14.1

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 1 - COPPLESTONE</b></p> <p>Those portions of Wellington Locations 309, 293, 27, 617 and Boyanup Agricultural Area 314 and 315 and Lot 121 of Wellington Location 27 shown on the Scheme Map.</p> <p><i>AMD 42 GG 15/1/93</i></p>	<p><b>1. Subdivision and Development Criteria</b></p> <ul style="list-style-type: none"> <li>(a) Minimum lot size 2.0ha.</li> <li>(b) The established drainage system shall be maintained as constructed with any modifications requiring the written consent of Council.</li> <li>(c) The use of fibrous cement, metal sheeting or wooden pickets as boundary fencing material will not be permitted.</li> <li>(d) Subdivision of land within Area 1 - Copplesstone shall generally be in accordance with an Outline/Guide Subdivision Plan for the land as endorsed by the Shire President and Shire Clerk.</li> <li>(e) The minimum vertical clearance between the bottom of any leach drain and the highest known water table or bedrock shall be 2.0 metres.</li> <li>(e) The minimum vertical clearance between the bottom of any leach drain and the highest known water table or bedrock shall be 2.0 metres.</li> <li>(f) As a condition of planning consent on lots created, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot. The planting shall be concentrated around the proposed buildings and between boundaries and the building setback line unless otherwise stipulated by Council.</li> <li>(g) Notwithstanding those provisions at Clause 3.14.1, no landowner shall cut, remove or otherwise destroy any tree unless consent is obtained from Council.</li> <li>(h) Before the subdivision of land hosting frontage to the Picton-Boyanup Road is recommended, the developer/landowner shall establish, to the satisfaction of the Council, a Vegetation Buffer Strip by the planting of indigenous species of trees capable of growing to a height of at least 3 metres.</li> <li>(i) The developer/landowner shall execute an agreement, to the satisfaction of the Council, for the maintenance of the Vegetation Buffer Strip for a period of 2 years.</li> <li>(j) No person shall cut, remove or otherwise destroy any tree or shrub within the Vegetation Buffer strip unless consent is obtained from Council.</li> </ul> <p><b>2. Land Use Controls</b></p> <p>As for the Zoning Table and the provisions of clause 3.14.1 except that dog kennels will not be permitted.</p>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 2 - PADBURY</b></p> <p>Those portions of Boyanup Agricultural Area Lots 312, 374, 307, 306 and 311 shown on the Scheme Maps.</p> <p><i>AMD 18 GG 28/2/86</i>  <i>AMD 30 GG 17/1/92</i>  <i>AMD 97 GG 12/3/99</i></p>	<p><b>1. Subdivision and Development Criteria</b></p> <p>(a) Minimum lot size of 1ha. Average lot size 2ha.</p> <p>(b) The main Water Authority of Western Australia drainage system through the area should be protected with a reservation and the subdivider should make arrangements with the Public Works Department to provide satisfactory access to and across the drain.</p> <p>(c) The subdivision design should ensure that the maximum number of lots have some native trees included within the boundaries.</p> <p>(d) The established drainage system shall be maintained as constructed with any modification requiring prior approval of Council.</p> <p>(e) All new dwellings in the area shall be constructed of brickwork unless Council gives approval to some other material of acceptable quality and appearance.</p> <p>(f) Council may approve the erection of two grouped dwellings on a lot exceeding 2ha provided Council is satisfied that the specific proposal is consistent with the general objectives of the special rural area and a reduction in amenity will not result.</p> <p>(g) No accessway or crossover from a public road shall be constructed without the prior approval of Council.</p> <p><b>2. Land Use Controls</b></p> <p>As for the Zoning Table and clause 3.14.1, except that dog kennels will not be permitted and stables will only be permitted where the horses are for private hobby purposes; commercial stud or racing stables will not be permitted.</p>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 3 - WELLS</b></p> <p>Wellington Location 4352 shown on the Scheme Map.</p> <p><i>AMD 52 GG 17/6/94</i></p>	<p><b>1. Subdivision and Development Criteria</b></p> <p>(a) No further subdivision will be supported by Council within the land described as Area 3: Wells, being Wellington Location 4352 as shown on the Scheme Map.</p> <p>(b) The use of barbed wire, asbestos, fibro cement or metal sheeting as boundary fencing material will not be permitted.</p> <p>(c) No landowner shall cut down, remove or otherwise destroy any vegetation unless written consent is obtained from Council.</p> <p>(d) The Council may require any landowner within the area to plant, or cause to be planted trees which are native to the locality adjacent to front and side boundaries for the purpose of providing screening to adjoining properties.</p> <p>(e) All dwellings within the area shall have external walls constructed of brick unless in the opinion of the Council the design and materials of the proposed dwelling are of a sufficiently high standard to complement and blend in with the environment of the area.</p> <p>(f) No dwelling house within the area shall be occupied unless a roof water tank having a capacity of not less than 90,000 litres, or some other approved supply of potable water of no less capacity, is provided.</p> <p>(g) Landowners will be responsible for providing and maintaining all firebreaks on the respective properties in accordance with Council's Firebreak Orders.</p> <p><b>2. Land Use Controls</b></p> <p>As for the Zoning Table and Clause 3.14.1.</p>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 4 - HENTY BROOK ESTATE</b></p> <p>Those portions of Leschenault Location 9 and being Lots 1 and 2 corner of Pile Road and Gardincourt Drive, as shown on the Scheme Map.</p> <p><i>AMD 29 GG 23/2/90</i> <i>AMD 97 GG 12/3/99</i></p>	<p><b>1. Subdivision and Development Criteria</b></p> <p>(a) Subdivision generally to be in accordance with the Subdivision Guide Plan which forms part of the Amendment. Minimum lot size 2ha.</p> <p>(b) No further subdivision will be supported by Council within the land the subject of this Amendment.</p> <p>(c) The use of asbestos, metal sheeting or wooden pickets as boundary fencing material will not be permitted.</p> <p>(d) Tree planting as required by the Local Authority, the Water Authority and the Department of Agriculture to be undertaken by the developer to screen development and control erosion. The Authority will require that a minimum of 50 trees which are native to the locality, be located on each lot and where planting is required to achieve this number, this will generally take place in clusters adjacent to front and side boundaries. Where numerous trees are already in existence on any lot, additional tree planting will be provided adjacent to the road reserve as a "buffer".</p> <p>(e) No landowner shall cut, remove or otherwise destroy any tree unless consent is obtained from Council.</p> <p>(f) Not more than one dwelling is permitted on each new lot.</p> <p>(g) No dwelling shall be constructed in this zone that has a gross floor area of less than 100m<sup>2</sup> including a garage under the main roof, but excluding open car ports and/or verandahs.</p> <p>(h) Building envelopes will be included on each lot to the satisfaction of the local authority.</p> <p>(i) External building materials of residential buildings constructed on the land, are to be of brick or stone unless Council specifically approves otherwise.</p> <p>(j) All roads within the estate including Gardincourt Drive to the northernmost lot, or to an alternative point required by Council for an engineering consideration are to be bitumen sealed to the specification and satisfaction of the access road between Lots 20 and 21, to service Lot 335.</p> <p>(k) Electricity and telephone services will be provided to each lot in the subdivision at the developer's expense. All SEC poles will be surrounded with a gravel apron and any future chemical spraying for weed control be only that area that has been gravel sheeted.</p> <p>(l) Prior to any building on the subdivision being undertaken, the developer in consultation with the Department of CALM, Bush Fires Board and the WA Water Authority must prepare a Strategic Firebreak Plan. Furthermore, landowners will be responsible for providing and maintaining all firebreaks on their respective properties in accordance with the approved Strategic Fire Plan.</p>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 4 - HENTY BROOK ESTATE</b></p> <p>Those portions of Leschenault Location 9 and being Lots 1 and 2 corner of Pile Road and Gardincourt Drive, as shown on the Scheme Map. (Cont'd)</p> <p><i>AMD 29 GG 23/2/90</i> <i>AMD 97 GG 12/3/99</i></p>	<p>(m) Any person who keeps an animal or animals or who uses any land in the zone for the exercise of animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council. These measures may include:</p> <ol style="list-style-type: none"> <li>1. Seeding, cultivating, top dressing and/or stocking so as to maintain vegetation cover.</li> <li>2. Constructing feed lot facilities.</li> <li>3. Adopting any other management system that prevents dust arising or soil erosion.</li> </ol> <p>Where in the opinion of the Council, the continued presence of animals on any portion of land in the zone is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owners of the said portion of land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.</p> <p>The Water Authority of WA has the power to remove animals where it is considered that their continued presence in a priority water catchment area, is inappropriate.</p> <p>(n) No dwelling house shall be occupied unless a roof water tank having a capacity not less than 92,000 litres or some other approved supply of domestic water of no less capacity, is provided.</p> <p>(o) The subdivision is a managed septic tank and drain area and as such, all landowners are required to ensure that tanks and drains will be pumped out at no greater intervals than three years. Owners will be required to produce evidence to the Council office that septic tanks and drains have been emptied at least every three (3) years following their installation and failing compliance with this condition Council will carry out the work at the owner's cost.</p> <p>(p) The developer will contribute 50% of the cost of providing a light duty fire unit (up to a maximum of \$10,000) when 76% of all blocks are sold or when there is a 25% occupancy of the total subdivision.</p> <p>(q) The developer will provide an overhead tank of a standard acceptable to the Local Authority, with a minimum capacity of 25,000 litres, gravity fed from a dam and capable of filling fire fighting appliances by gravity feed. The land on which the facility is to be provided will be ceded to the Local Authority free of cost.</p> <p>(r) Only very limited clearing or cultivation may be permitted on land that has been identified by the Department of Agriculture as being too steep; being that area of land contained within blocks 10, 12, 13 and 14 shown on the Concept Plan.</p> <p>(s) No more than one dog shall be kept on any property within the subdivision without the written approval of Council.</p>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 4 - HENTY BROOK ESTATE</b></p> <p>Those portions of Leschenault Location 9 and being Lots 1 and 2 corner of Pile Road and Gardincourt Drive, as shown on the Scheme Map. (Cont'd)</p> <p><i>AMD 29 GG 23/2/90</i> <i>AMD 97 GG 12/3/99</i></p>	<p>(t) Before subdivision of the land is approved, the developer must establish to the satisfaction of the Local Authority, the Department of Planning and Urban development and the Water Authority of WA that adequate quantities of water of suitable quality can be obtained from on-site sources annually to meet the long term likely demands of the permitted land uses and other planning provisions.</p> <p>(i) The location of any dam must be determined by a qualified Engineer, taking into consideration the possible siting of residential buildings.</p> <p>(ii) All dams when provided must be constructed to a design and specifications of a qualified engineer.</p> <p>(u) The owner or subdivider upgrade an existing road between the State Forest and Lot 2 to a standard acceptable to the Department of Conservation and Land Management in lieu of providing a firebreak along the inside boundary of the property.</p> <p>(v) The owner or subdivider of the land is responsible for informing purchasers of land in this zone of these provisions relating to the Small Holding zone and such other provisions of the Scheme that may affect it.</p> <p><b>2. Land Use Control</b></p> <p>(a) As for the Zoning Table and Clause 3.14.1 except that:</p> <p>(i) Dog kennels will not be permitted.</p> <p>(ii) Stables will only be permitted where horses are for hobby purposes; commercial stud or racing stables will not be permitted.</p> <p>(iii) Intensive Horticulture is a permitted use.</p> <p>(b) The keeping of goats is prohibited.</p>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 5 - PALMDALE</b></p> <p>Boyanup Agricultural Area Lot 304</p> <p><i>AMD 50 GG 7/9/93</i></p>	<p><b>1. Subdivision and Development Criteria</b></p> <p>(a) Subdivision of the land shall generally be in accordance with the Proposed Plan of Subdivision No BY 92-41-1 dated October, 1992.</p> <p>(b) Minimum lot size 2.0ha.</p> <p>(c) As a condition of planning consent on lots created, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless otherwise stipulated by Council.</p> <p>(d) No person shall remove any trees or shrubs within the "Tree Preservation Area", identified on the Proposed Plan of Subdivision without having first obtained the written approval of the Council.</p> <p>(e) Notwithstanding provision (r) of Subclause 3.14.1, no landowner shall cut, remove or otherwise destroy any tree unless written consent is obtained from Council.</p> <p>(f) The minimum vertical clearance between the bottom of any leach drain and the highest known water table shall be 2.0 metres.</p> <p>(g) Not more than one dwelling is permitted on each new lot.</p> <p>(h) Electricity and telephone services will be provided to each lot in the subdivision at the developer's expense.</p> <p>(i) The owner or subdivider of the land shall inform prospective purchasers of land in this area of those provisions relating to the Small Holding Zone and such other provisions of the Scheme that may affect it.</p> <p>(j) Where, for the purpose of retaining natural flora, sound environmental reasons or, the physical constraints of a site dictate, Council may set an alternative building envelope.</p> <p>(k) No owner of land in this area shall develop or permit development to occur that, in the opinion of the Council, would obstruct that seasonal water course as depicted on the proposed plan of subdivision.</p>



**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 5 - PALMDALE</b></p> <p>Boyanup Agricultural Area Lot 304 (Cont'd)</p> <p><i>AMD 50 GG 7/9/93</i></p>	<p><b>2. Land Use Controls</b></p> <p>(a) As for the Zoning Table and Subclause 3.14.1, except that dog kennels will not be permitted and stables will only be permitted where the horses are for private hobby purposes; Commercial stud or racing stables will not be permitted.</p> <p>(b) If, in the opinion of Council or the Department of Agriculture, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the landowner may be required to remove, or Council may remove livestock from the lot.</p>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 6 - COPPLESTONE SOUTH</b></p> <p>Crown Grants 314, 300 and 373 Harold Douglas Drive and Killarney Road, Dardanup</p> <p><i>AMD 36 GG 8/3/94</i> <i>AMD 167 GG 12/07/10</i></p>	<p><b>Subdivision and Development Criteria</b></p> <p>(a) Subdivision generally to be in accordance with the outline subdivision plan, adopted by Council as part of this amendment Minimum lot size shall be 2 ha.</p> <p>(b) The Council may with the consent of the Department of Planning and Urban Development permit departures from the design shown on the Outline Subdivision Plan if it considers the proposed subdivisional design or proposed development to be of a similar standard to that shown but no departure from the design shown on the Outline Subdivision Plan shall be permitted if in the opinion of the Council it would impede the subdivision or development of the Area as a whole or of the sub-area in which the land is situated.</p> <p>(c) Building envelopes are to be shown on the plan of subdivision and submitted to Council for approval prior to subdivision of the land by the landowner. Building envelopes should not exceed ten percent of any lot area and shall be so located as not to be on the skyline and such that permitted buildings will at least be partially screened by vegetation when viewed from the road.</p> <p>(d) External building materials of residential buildings constructed on the land, are to be of brick or stone unless Council specifically approves otherwise.</p> <p>(e) No dwelling house shall be constructed with an internal floor area less than 110 square metres without Council's consent.</p> <p>(f) The use of asbestos, metal sheeting, barbed wire or wooden pickets as boundary fencing materials will not be permitted.</p> <p>(g) Tree preservation areas shall be identified on the subdivision guide plan together with areas for additional tree planting.</p> <p>(h) Tree planting as required by the Local Authority, the Water Authority and the Department of Agriculture to be undertaken by the developer to screen development and control erosion. The Authority will require that a minimum of 50 trees which are native to the locality, be located on each lot and where planting is required to achieve this number, this will generally take place in clusters adjacent to front and side boundaries. Where numerous trees are already in existence on any lot, additional tree planting will be provided adjacent to the road reserve as a "buffer".</p> <p>(i) No landowner shall cut, remove or otherwise destroy any tree unless consent is obtained from Council.</p>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 6 - COPPLESTONE SOUTH</b></p> <p>Crown Grants 314, 300 and 373 Harold Douglas Drive and Killarney Road, Dardanup (Cont'd)</p> <p><i>AMD 36 GG 8/3/94</i> <i>AMD 167 GG 12/07/10</i></p>	<p>(j) Any person who keeps an animal or animals or who uses any land in the zone for the exercise of animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council.</p> <p>(k) A 2 m separation between groundwater and leach drains and a horizontal separation of 50 m between the disposal system and the nearest open waterbody, including drains.</p> <p>(l) The developer shall execute an agreement, to the satisfaction of Council, for the maintenance of the tree planting area for a period of 2 years.</p> <p style="padding-left: 20px;">These measures may include:</p> <ol style="list-style-type: none"> <li>1. Seeding, cultivating, top dressing and/or stocking so as to maintain vegetation cover.</li> <li>2. Constructing feed lots facilities.</li> <li>3. Adopting any other management system that prevents dust arising or soil erosion.</li> </ol> <p>(m) The keeping of more than 2 horses on a lot shall be subject to the approval of Council and the Department of Agriculture.</p> <p>(n) Prior to subdivision the developer in consultation with the Department of CALM, Bush Fires Board and the WA Water Authority must prepare a Strategic Firebreak plan which when endorsed by Council shall be recognised as an Approved Strategic Firebreak Plan. Furthermore, landowners will be responsible for providing and maintaining all firebreaks on their respective properties in accordance with the approved Strategic Fire Plan.</p> <p>(o) All lots are to be serviced with electricity and telecommunications to the satisfaction of Council.</p> <p>(p) Existing and proposed drains shall be identified on plans of subdivision. The established drainage system shall be maintained with any modifications requiring the written consent of Council and there shall be no increase of flow into this system.</p> <p>(q) the developers will be responsible for widening and bitumen sealing the section of Killarney Road from the Subdivision through to Venn Road. No lot shall have access to Killarney road where alternative access is available.</p> <p>(r) The owner or subdivider of the land is responsible for informing purchasers of land in this zone of these provisions relating to the Small Holding zone and such other provisions of the Scheme that may affect it.</p>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 7 - COPPLESTONE</b></p> <p>Those portions of Boyanup AA Lots 313 and 318 as shown on the Scheme Map</p> <p><i>AMD 62 GG 27/9/96</i> <i>AMD 99 GG 2/11/99</i></p>	<p><b>1. Purpose:</b></p> <p>The purpose of this Small Holding Zone is to prevent the use of the land for activities which may restrict or adversely affect the activities of the sawmill sited on Lots 5 and 6 as shown on the Subdivision Guide Plan or activities that may be restricted or adversely affected by the activities of the sawmill.</p> <p><b>2. Subdivision and Development Criteria:</b></p> <p>(a) Subdivision shall generally be in accordance with the Subdivision Guide Plan signed by the Shire Clerk which forms part of this Amendment.</p> <p>(b) No further subdivision will be allowed of the land the subject of this Amendment.</p> <p>(c) The provisions of clause 3.14.1(b) shall not apply. Not more than one dwelling is permitted on each new lot and that dwelling shall be within the building envelope as shown on the Subdivision Guide Plan.</p> <p>(d) Where Council considers it appropriate wastewater treatment unit septic tanks / leach drain systems are to have a minimum clearance of 2 metres (vertical) and 100 metres (horizontal) from the highest known water level. Alternative wastewater treatment units to Council satisfaction may be required.</p> <p>(e) When the small holding lots are subdivided council shall request all existing and proposed roads giving access to the small holding lots to be constructed to a bitumen sealed standard at the subdividers' cost to the specifications and standards are acceptable to the Council.</p> <p><b>3. Land Use Controls</b></p> <p>(a) Notwithstanding any other provision of the Scheme only the following use classifications and symbols apply to Area 7: West Copplestone.</p> <ul style="list-style-type: none"> <li>(i) single house P</li> <li>(ii) home occupations IP</li> <li>(iii) office of a professional person with a dwelling house IP</li> <li>(iv) school bus depot PS</li> <li>(v) rural pursuit P</li> <li>(vi) viticulture, horticulture, market gardening PS</li> <li>(vii) forestry PS</li> <li>(viii) beekeeping AP</li> <li>(ix) plant nursery (not including sale to the public) PS</li> <li>(x) horse stables P</li> </ul>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 7 - COPPLESTONE</b></p> <p>Those portions of Boyanup AA Lots 313 and 318 as shown on the Scheme Map (Cont'd)</p> <p><i>AMD 62 GG 27/9/96</i> <i>AMD 99 GG 2/11/99</i></p>	<p>(b) If a particular use or purpose is not mentioned in this list of use classes or is not included in the general terms of any of these use classes then such use or purpose is deemed to be prohibited.</p> <p>(c) "Rural Pursuit" means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated with:</p> <ul style="list-style-type: none"> <li>a) the rearing or agistment of sheep, cattle, or beasts of burden;</li> <li>b) the stabling, agistment or training of horses;</li> <li>c) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;</li> <li>d) the sale of produce grown solely on the lot; but does not include intensive agriculture, commercial pig farming, commercial poultry farming, and feed lot farming.</li> </ul> <p>(d) Commercial pig farming, commercial poultry farming and feedlot farming shall not be permitted.</p> <p>(e) "Horse Stables" means land and buildings used for the keeping of a horse or horses.</p>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p>AREA 8: Lots 21 - 34 inclusive Pt Wellington Loc. 4059 Wellington Mill Road, Wellington Mill</p> <p><i>AMD 102 GG 23/1/01</i></p>	<p>1. Subdivision and Development Criteria</p> <p>a) Subdivision shall generally be in accordance with the Subdivision Guide Plan for the land as endorsed by the Shire President and Chief Executive Officer.</p> <p>b) Council may vary the location of building envelopes where it considers those landform constraints and landscape protection warrants such relocation.</p> <p>c) No vegetation removal shall occur outside of the building envelopes unless for the purposes of fire management in accordance with Council or the Bushfire Boards requirements, or for the purposes of obtaining access to the building envelope. In such circumstances Council may designate the location of the cross over and driveway access to the building envelope.</p> <p>d) Effluent disposal shall be installed in a manner to the satisfaction of Council. Council may require the installation of alternative treatment units on some lots due to site constraints.</p> <p>e) No livestock is permitted to be agisted or stabled within this area unless prior consent of Council is obtained.</p> <p>f) The use of asbestos, metal sheeting or wooden pickets as boundary fencing material is not permitted. Fencing shall be constructed to the Local Authority's standard. No fencing or the grazing of stock shall be permitted within 30 metres of the watercourse within the area designated as Landscape Protection Area on the Subdivision Guide Plan, apart from wooden stakes every 20 metres demarcating boundaries.</p> <p>g) Prior to the establishment or construction of any dam, the location of the dam must be determined by a design and specification of a qualified Engineer and requires the written consent of Council.</p> <p>h) Any person wishing to take, capture or divert water from a watercourse requires authorisation from the Water and Rivers Commission and Council.</p> <p>i) Landowners shall be responsible for the eradication and control of weeds on their own property. Where, in the opinion of Council:</p> <p>(i) Weeds are not being adequately eradicated or controlled, and/or</p> <p>(ii) Areas are not being revegetated with local native vegetation within the Landscape Protection Area on the Subdivision Guide Plan,</p> <p>it may take appropriate action to remedy the situation and recover the costs of such action from the registered proprietor of the lot.</p>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p>AREA 8:                      Lots 21 - 34 inclusive                      Pt Wellington Loc. 4059                      Wellington Mill Road,                      Wellington Mill (Cont'd)</p> <p><i>AMD 102 GG 23/1/01</i></p>	<p>j) Landowners are required to adhere to their responsibilities as outlined in the approved Fire Management Plan. Future modifications to the Plan may only be achieved after consultation with and written agreement from the Council.</p> <p>2. Land Use Controls</p> <p>a) As for the Zoning Table and clause 3.14.1, except that dog kennels will not be permitted and stables will only be permitted where the horses are for private purposes; commercial stud or racing stables will not be permitted.</p>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 9: INNISFAIL</b></p> <p>Lot 1 Portion Boyanup Agricultural Area Lot 305 Garvey Road, Dardanup West</p> <p><i>AMD 73 GG 9/4/99</i> <i>AMD 137 GG 11/1/08</i></p>	<p><b>1. Subdivision and Development Criteria:</b></p> <p>a) Subdivision of Part Boyanup Agricultural Area Lot 305 shall generally be in accordance with Subdivision Guide Plan No. 94073-03 dated March 1999 attached to Scheme Amendment Report (Amendment No. 73) and the subdivision of Lot 1 Portion Boyanup Agricultural Area Lot 305 shall generally be in accordance with the signed Subdivision Guide Plan dated March 2006 and attached to Scheme Amendment Report (Amendment No. 137).</p> <p>b) No further subdivision of Area No. 9 being Part Boyanup AA Lot 305 will be supported by Council.</p> <p>c) As a condition of planning consent on lots created, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated between the street alignment and the building setback line unless otherwise stipulated by Council.</p> <p>d) Notwithstanding provision (r) of Sub-clause 3.14.1 no land owner shall cut, remove or otherwise destroy any tree unless written consent is obtained from Council for approved fire management and development works, except that no tree or shrub within 50 metres of the edge of waterway vegetation or within 20 metres of Padbury Road shall be removed.</p> <p>e) New development on all lots shall be serviced by &gt;alternative on-site effluent disposal system's together with amended nutrient retaining soils to the specification and satisfaction of the Health Department of WA.</p> <p>f) The minimum vertical clearance between the bottom of any alternative treatment and disposal system and amended soils and the highest known water table shall be 0.5 metres.</p> <p>g) Notwithstanding Provision (b) of Clause 3.14.1 of the Scheme not more than one dwelling is permitted on each new lot.</p> <p>h) The owner or subdivider of the land shall inform prospective purchasers of land in this area of those provisions relating to the Small Holding Zone and such other provisions of the Scheme that may affect it.</p> <p>i) Where, for the purpose of retaining natural flora, sound environmental reasons or, the physical constraints of a site dictate, Council may set an alternative building envelope. The following criteria and setbacks shall apply in establishing building envelopes:</p> <ul style="list-style-type: none"> <li>i) minimum of 20 metres from Padbury Road;</li> <li>ii) minimum of 50 metres from the edge of the wetland (sumpland) vegetation;</li> <li>iii) minimum of 30 metres from other wetlands;</li> <li>iv) minimum of 50 metres from the edge of the waterway vegetation;</li> </ul>



## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 9: INNISFAIL</b></p> <p>Lot 1 Portion Boyanup Agricultural Area Lot 305 Garvey Road, Dardanup West</p> <p><i>AMD 73 GG 9/4/99</i> <i>AMD 137 GG 11/1/08</i></p>	<ul style="list-style-type: none"> <li>v) minimum of 10 metres from other boundaries;</li> <li>vi) above the 21 metre AHD contour line;</li> <li>vii) notwithstanding the abovementioned setbacks may be required to be increased to ensure the effluent disposal site complies with the requirements of the Health Department of WA.</li> </ul> <ul style="list-style-type: none"> <li>j) Council may request, at the subdivision stage, that the subdivider undertake a wetlands study to determine the edge of the wetland (sumpland) and waterway vegetation and the conservation requirements for the protection and enhancement of the wetland and the waterway . Council may also request that the subdivider undertakes the works associated with wetland and waterway.</li> <li>k) Council may request, at the subdivision stage, that the subdivider undertakes to prepare a drainage study to determine how to alleviate abutting lots from hazards posed by floodwaters, but without degrading the conservation values of the wetland (sumpland) and waterway. The subdivider is required to liaise with affected landowners.</li> <li>l) Council may request, at the subdivision stage, that the subdivider undertakes a detailed groundwater study, prepared to the instructions of the Water and Rivers Commission to determine whether sufficient groundwater clearance for alternative disposal systems meet the requirements of the Health Department of WA.</li> <li>m) Council may request, at the subdivision stage, that the subdivider prepares and implements a fire management plan, prepared to the satisfaction of the Bush Fires Board and the Shire of Dardanup.</li> </ul> <p><b>2. Land Use Controls</b></p> <ul style="list-style-type: none"> <li>a) As for the Zoning Table and Sub-clause 3.14.1, except that dog kennels will not be permitted and stables will only be permitted where the horses are for private hobby purposes;</li> </ul> <p>Commercial stud or racing stables will not be permitted. Notwithstanding the abovementioned, no livestock will be permitted on the lot containing the wetland (sumpland) unless the wetland is fenced to exclude livestock to the satisfaction of Council.</p> <ul style="list-style-type: none"> <li>b) If in the opinion of Council or the Department of Agriculture, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of wetlands, waterways, soil or vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the landowner may be required to remove livestock from the lot.</li> </ul>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 10 - GARVEY ROAD</b></p> <p>Portion of Boyanup Agricultural Area Lot 309 Garvey Road, Padbury Fields</p> <p><i>AMD 111 GG 11/1/02</i></p>	<p><b>1. Subdivision and Development Criteria:</b></p> <p>a) Subdivision of the land within Area 10 shall generally be in accordance with the Subdivision Guide Plan No. 99137P-07 dated February, 2000 attached to the Scheme Amendment Report (Amendment No. 111).</p> <p>b) No further subdivision of Area No. 10 being portion of Boyanup AA Lot 309 will be supported by Council.</p> <p>c) No more than one dwelling shall be permitted on each new lot and that dwelling shall be contained within a building envelopes not exceeding 10% of any lot area. Development will not be permitted within the building exclusion area as identified on the Concept Subdivision Plan. The building exclusion areas shall have the following parameters.</p> <ul style="list-style-type: none"> <li>i) 20 metres from all roads;</li> <li>ii) 50 metres from the edge of any wetland (sumpland) or natural waterway vegetation line or man-made water bodies or waterways;</li> <li>iii) 20 metres from all rear boundaries; and</li> <li>iv) 10 metres from all side boundaries.</li> </ul> <p>v) Notwithstanding the abovementioned, setbacks may be increased in consideration to the location of effluent disposal systems so that it will meet Health Department of Western Australia requirements</p> <p>d) Council shall request the Western Australian Planning Commission to impose a condition on any subdivision approval to require the preparation of a landscaping plan. Council shall require that the subdivider plant native trees capable of growing to at least 3 metres in height on each proposed lot, within the internal subdivisional road reserve and within the public open space area. The planting shall be planned to ensure maximum screening of any building development occurs. The landscaping plan shall identify and recommend water efficient and salt tolerant species for planting.</p> <p>e) No land owner shall cut, remove or otherwise destroy any tree unless written consent is obtained from Council for approved fire management and development works, except that no tree or shrub within 30 metres of the edge of waterway or wetland (sumpland) vegetation line shall be removed.</p> <p>f) All lots shall be serviced by 'alternative on-site effluent disposal systems' together with amended nutrient retaining soils to the specification and satisfaction of the Health Department of WA and Council.</p> <p>The minimum vertical clearance between the bottom of any alternative effluent treatment system and amended soils and the highest known water table shall be 0.5 metres.</p>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 10 - GARVEY ROAD</b></p> <p>Portion of Boyanup Agricultural Area Lot 309 Garvey Road, Padbury Fields</p> <p><i>AMD 111 GG 11/1/02</i></p> <p>(Cont'd)</p>	<ul style="list-style-type: none"> <li>g) The siting of alternative on-site effluent disposal systems is to be consistent with Provision c) above.</li> <li>h) Council may request, at the subdivision stage, that the subdivider undertakes a detailed groundwater study to determine whether sufficient groundwater clearance for alternative effluent disposal systems meet the requirements of the Health Department of WA.</li> <li>i) Prior to the occupation of any dwelling house it shall be connected to an adequate supply of underground potable water, being water in which the levels of the physical, chemical or bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards of Drinking Water, Third Edition, World Health Organisation, 1971' or which has been approved by the Council subject to any conditions which may have been laid down by the Commissioner of Public Health and Medical Services; or in the absence of such a supply of underground potable water, to provide in lieu thereof, a rainwater tank of not less than 92,000 litre capacity.</li> <li>j) Council and the Fire and Emergency Services Authority 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.</li> <li>k) Boundary fencing shall be post and four strand wire 1.0 to 1.3 metres high or post and ringlock or similar approved by Council. Solid fencing such as super six or pickets shall not be permitted on boundaries and shall only be permitted in proximity to buildings where Council determines that it will not adversely affect the rural amenity of the area. Fencing to be built to a standard to ensure that all pets are contained on site to minimise conflict with adjoining stock.</li> <li>l) All dwellings shall have external walls constructed of brick or stone unless in the opinion of the Council the design and materials of the proposed dwelling are of a sufficiently high standard to complement and blend in with the natural and surrounding environment.</li> <li>m) The owner or subdivider of the land shall inform prospective purchasers of land in this area of those provisions contained in Council's Town Planning Scheme No. 3 relating to the 'Small Holding' Zone and such other provisions of the Scheme that may affect it.</li> <li>n) Council may request, at subdivision stage, that the subdivider prepare a foreshore management plan to determine the edge of the wetland (sumpland) and waterway vegetation line and the conservation requirements for the protection and enhancement of the wetland and the waterway. Council may also request that the subdivider undertakes the works associated with wetland and waterway.</li> <li>o) Council may request, at the subdivision stage, that the subdivider undertakes to prepare a drainage study to determine how to alleviate adjacent lots from hazards posed by floodwaters, but without degrading the conservation values of the wetland (sumpland) and waterway. The subdivider is required to liaise with affected landowners.</li> </ul>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA 10 - GARVEY ROAD</b></p> <p>Portion of Boyanup Agricultural Area Lot 309 Garvey Road, Padbury Fields</p> <p><i>AMD 111 GG 11/1/02</i></p> <p>(Cont'd)</p>	<p>p) Notwithstanding Provision (b) of Clause 3.14.1 of the Scheme, not more than one dwelling is permitted on the lot.</p> <p>q) Council may request, at the subdivision stage, that memorials be placed on all titles of lots affected by noise emissions of 35 dB (A) or greater, as determined by the noise contour plan forming part of the Wesfi State Agreement Act, advising owners that noise from the Wesfi Particle Board Plant may affect residential and rural lifestyle amenity.</p> <p><b>2. Land Use Controls</b></p> <p>a) As for the Zoning Table and Sub-clause 3.14.1, except that dog kennels will not be permitted and stales will only be permitted where the horses are for private hobby purposes; Commercial stud or racing stables will not be permitted.</p> <p>b) If in the opinion of Council or the Department of Agriculture, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of wetlands, waterways, groundwater, soil or vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the landowner may be required to remove livestock from the lot.</p> <p>c) Any person who keeps an animal or animals or who uses any land in the zone for the exercise of animals shall be responsible for appropriate measures to prevent dust pollution and soil erosion to the satisfaction of the Council.</p>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 11</b></p> <p>Portion of Pt Leschenault Location 9 Pile Road, Ferguson Valley</p> <p><i>AMD 110 GG 18/2/03</i></p>	<p>1. Subdivision and Development Criteria</p> <p>In addition to the provisions of Clause 3.14.1 of the Scheme, the following provisions shall apply specifically to the subdivision and development of this area.</p> <p>(a) Subdivision and development shall be generally in accordance with the Subdivision Guide Plan (Plan No. 10724s01 Rev G) dated 25 November, 2002 attached to the Scheme Amendment No. 110 report.</p> <p>(b) No further subdivision to that shown on the Subdivision Guide Plan will be supported by Council.</p> <p>(c) Notwithstanding Clause 3.14.1(j) of the Scheme, no development including earthworks shall occur outside of the approved building envelope illustrated on the Subdivision Guide Plan (Plan No. 10724s01 Rev G) dated November 25, 2002, or an alternative location which has been approved by Council.</p> <p>(d) Fencing materials shall be limited to the use of timber or steel posts and ringlock or single wire fencing. Unpainted post and rail fencing is permitted. Painted post and wire fencing and painted fence posts are not permitted in the interests of landscape amenity.</p> <p>(e) No vegetation shall be cleared within any allotment except for the purposes of:</p> <ul style="list-style-type: none"> <li>- compliance with requirements of the Bush Fire Act 1954 (as amended);</li> <li>- compliance with an approved Fire Management Plan;</li> <li>- constructing vehicular access way(s), the location of which is to be approved by Council;</li> <li>- clearing within an approved building envelope; and</li> <li>- removing dead, diseased or dangerous trees.</li> </ul> <p>(f) Notwithstanding Clause 3.14.1(b) of the Scheme, residential development within the zone is limited to one dwelling per site.</p> <p>(g) The use of highly reflective building materials and roofing materials such as zincalume, white, mid off-white is not permitted.</p> <p>(h) Roof colours are to be consistent with guidelines adopted for the zone by Council from time to time and to be predominantly of a bush green or slate grey colour.</p>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 11</b></p> <p>Portion of Pt Leschenault Location 9 Pile Road, Ferguson Valley (Cont'd)</p> <p><i>AMD 110 GG 18/2/03</i></p>	<ul style="list-style-type: none"> <li>(i) Council and Fire and Emergency Services of Western Australia, 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.</li> <li>(j) The construction of dams on the land is not permitted unless specifically approved by Council following consideration of environmental, drainage and landscape aspects.</li> <li>(k) Disposal of on-site effluent is to be to the specifications and satisfaction of Council, the Health Department of Western Australia and Water and Rivers Commission, and will be a minimum of 50 metres from the internal creekline.</li> <li>(l) At the time of subdivision, the Council will require the developer to prepare and implement a landscape and tree planting plan to supplement the Subdivision Guide Plan in order to ensure that visual impact commitments relating to the site are fulfilled.</li> <li>(m) No fencing or clearing will be permitted by Council within the area of each lot designated "Creekline Protection Area" as shown of the Subdivision Guide Plan.</li> <li>(n) Prior to the approval of a subdivision for the land, the Council shall require the preparation of and subsequently adopt a Schedule of Building Design Guidelines that satisfactorily address: <ul style="list-style-type: none"> <li>- limiting cut and fill;</li> <li>- encouraging pole or pier construction;</li> <li>- building materials;</li> <li>- building styles, form and bulk, colour, reflectivity and height;</li> <li>- buildings are to be single storey limited to a maximum height of 5.5 metres; and</li> <li>- provision of methods to calculate building height.</li> </ul> </li> </ul> <p>2. Land Use Control</p> <p>Notwithstanding any other provision of the Scheme, the following use classifications and symbols only apply to Area No. 11 - Pt Leschenault Location 9 Pile Road, Ferguson Valley:</p> <ul style="list-style-type: none"> <li>- Dwelling (P)</li> <li>- Home Occupation (IP)</li> <li>- Rural Pursuit (PS)</li> <li>- Intensive Agriculture (PS)</li> <li>- Art and Craft Studio (AP)</li> <li>- Stables (PS)</li> </ul>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 12 – GREENWOOD HEIGHTS</b></p> <p>Portion of Location 2445 Nyleeta Close, Lot 111 and Lot 112 Nyleeta Close, Lots 113 to 125 (inclusive) Greenwood Heights and Lot 11 and Lot 100 Pile Road, Ferguson.</p> <p><i>AMD 124 GG 15/6/04</i></p>	<p><b>1. Subdivision and Development Criteria</b></p> <p>In addition to the provisions of Clause 3.14.1 of the Scheme, the following provisions shall apply specifically to the subdivision and development of this area.</p> <ul style="list-style-type: none"> <li>a) Subdivision and development shall generally be in accordance with the Subdivision and Development Guide Plan (Drg No. T&amp;P035-03) dated 17<sup>th</sup> October, 2003 attached to the Scheme Amendment No. 124 report.</li> <li>b) No further subdivision to that shown on the Subdivision and Development Guide Plan will be supported by Council and the Western Australian Planning Commission. Further subdivision of Loc 2445 will not be supported, other than the excision of a 7ha lot consistent with the zoning boundary and the Subdivision and Development Guide Plan.</li> <li>c) Fencing materials shall be limited to the use of timber or steel posts and ringlock or single wire fencing. Unpainted post and rail fencing is permitted. Painted post and wire fencing and painted fence posts are not permitted in the interests of landscape amenity.</li> <li>d) No vegetation shall be cleared within any allotment except for the purposes of: <ul style="list-style-type: none"> <li>a. compliance with requirements of the Bush Fire Act 1954 (as amended);</li> <li>b. compliance with an approved Fire Management Plan;</li> <li>c. constructing vehicular access way(s), the location of which is to be approved by Council;</li> <li>d. clearing within an approved building envelope; and</li> <li>e. removing dead, diseased or dangerous trees.</li> </ul> </li> <li>e) Notwithstanding Clause 3.14.1(b) of the Scheme, residential development within the area is limited to one dwelling per site.</li> <li>f) No dwelling shall be constructed within this zone that has a gross floor area of less than 100m<sup>2</sup> including a garage under the main roof, but excluding open carports and/or verandahs.</li> <li>g) Building envelopes will be included on each lot to the satisfaction of the local authority.</li> <li>h) All dwellings shall have external walls constructed of brick or stone unless in the opinion of Council the design and materials of the proposed dwellings are of a sufficiently high standard to complement and blend in with the natural and surrounding environment.</li> </ul>

## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 12 – GREENWOOD HEIGHTS</b></p> <p>Portion of Location 2445 Nyleeta Close, Lot 111 and Lot 112 Nyleeta Close, Lots 113 to 125 (inclusive) Greenwood Heights and Lot 11 and Lot 100 Pile Road, Ferguson. (Cont'd)</p> <p><i>AMD 124 GG 15/6/04</i></p>	<p>i) The construction of dams within this zone is not permitted unless specifically approved by Council following consideration of environmental, drainage and landscape aspects.</p> <p>j) New development on all lots shall be serviced by nutrient (phosphate) removing effluent disposal systems to the specifications and satisfaction of Council and the Health Department of Western Australia.</p> <p>k) No dwelling shall be occupied unless a roof water tank having a capacity not less than 92,000 litres or some other approved supply of domestic water of no less capacity, is provided.</p> <p><b>2. Land Use Control</b></p> <p>As for the Zoning Table and Clause 3.14.1 except that:</p> <p>a) Dog kennels will not be permitted.</p> <p>b) Stables will only be permitted where horses are for hobby purposes; commercial stud or racing tables will not be permitted.</p> <p>c) Intensive Horticulture is a permitted use.</p> <p>d) The keeping of goats is prohibited.</p>
<p><b>AREA NO. 13</b></p> <p>Lot 101 of Wellington Location 1324, and Part Locations 4356 &amp; 4980 Wellington Mill Road, Wellington Mill</p> <p><i>AMD 125 GG 26/5/09</i></p>	<p><b>1. Subdivision and Development Criteria:</b></p> <p>(a) Subdivision and development of the land shall be in accordance with the Subdivision and Development Guide Plan endorsed by Council and the WAPC. Minor variations may be supported by Council and approved by the western Australian Planning Commission provided that no additional lots are created above the number identified in the Guide Plan, and that such variations are considered consistent with the intent of the Subdivision Guide Plan.</p> <p>(b) Notwithstanding Clause 3.14.1 (b) of the Scheme, residential development is limited to a Single Dwelling and associated outbuildings.</p> <p>(c) Notwithstanding Clause 3.14.1(s) building envelopes may be varied subject to Council having regard to issues such as visual amenity and fire protection.</p> <p>(d) Notwithstanding Clause 3.14.1(j) of the Scheme, no development including earthworks shall occur outside the approved building envelope illustrated on the endorsed Subdivision Guide Plan, or such alternative location that has been approved by Council.</p>



## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 13</b></p> <p>Lot 101 of Wellington Location 1324, and Part Locations 4356 &amp; 4980 Wellington Mill Road, Wellington Mill (Cont'd)</p> <p><i>AMD 125 GG 26/5/09</i></p>	<p>(e) Fencing materials shall be limited to the use of timber or steel posts and ring lock or single wire fencing. Unpainted post and rail fencing is permitted. Painted post and wire fencing and painted fence posts are not permitted in the interests of landscape amenity.</p> <p>(f) Development is to be connected to an approved effluent disposal system to the satisfaction of Council and the Health Department of WA.</p> <p>(g) Notwithstanding Clause 3.14.1(r) no vegetation shall be cleared within any allotment except for the purposes of:</p> <ul style="list-style-type: none"> <li>* Compliance with the requirements of the Bush Fire Act 1954 (as amended);</li> <li>* Compliance with the approved Fire Management Plan;</li> <li>* Construction of vehicular access way(s), the location of which is to be approved by Council;</li> <li>* Clearing within an approved building envelope; and</li> <li>* Removal of dead, diseased or dangerous trees.</li> </ul> <p>(h) The use of highly reflective building materials is not permitted and construction materials should be of colours that compliment and blend (as opposed to contrast) with the natural environment.</p> <p><b>2. Land Use Controls:</b></p> <p>(a) Permitted land uses are as per the zoning table and sub-clause 3.14.1 except that dog kennels will not be permitted and stables will only be permitted where the horses are for private hobby purposes; commercial stud or racing stables will not be permitted.</p> <p>(b) A notice in the form of a Section 70A notification, pursuant to the Transfer of Land Act 1893 (as amended) shall be placed on the Certificate of Title of the proposed lots, advising purchasers that the subject land is located adjacent rural land and activity may have a nuisance effect on amenity.</p> <p>(c) At the time of subdivision, a Fire Management Plan is to be endorsed and implemented to the satisfaction of the Shire and Fire and Emergency Services Authority of Western Australia.</p>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 14 - DARDANUP WEST/CROOKED BROOK STRUCTURE PLAN</b></p> <p>Lot 6 corner Garvey Road and Dardanup Road West            Lots 501, 502 &amp; 503 Garvey Road and Lot 504 Dardanup West Road            Lots 1 and 236 Killarney Road and Lots 2 and 200 Padbury Road, Dardanup West.            Lots 3 and 4 Padbury Road Dardanup West.            Lot 27 Venn Road.            Lot 5 Garvey Road, Dardanup West.            Lot 383 Padbury Road, Dardanup West.            Lot 6 Sandpits Road, Crooked Brook</p> <p><i>AMD 149 GG 4/12/09</i>  <i>AMD 155 GG 6/11/09</i>  <i>AMD 160 GG 14/5/10</i>  <i>AMD 161 GG 14/5/10</i>  <i>AMD 169 GG 27/7/10</i>  <i>AMD 173 GG 15/04/14</i>  <i>AMD 199 GG 12/04/19</i>  <i>AMD 191 GG 15/09/2020</i></p>	<p><b>1. Subdivision and Development Criteria</b></p> <p>(a) Subdivision shall be generally in accordance with a detailed Structure Plan approved by the Western Australian Planning Commission. <span style="float: right;"><i>AMD 199 GG 12/04/19</i></span></p> <p>(b) The minimum lot size shall be 1 hectare, with an average of 2 hectares unless varied through the adopted Structure Plan. Larger lots may be required to preserve or enhance landscape qualities or other site-specific issues. <span style="float: right;"><i>AMD 173 GG 15/04/14</i></span></p>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 14 - DARDANUP WEST/CROOKED BROOK STRUCTURE PLAN</b></p> <p>Lot 6 corner Garvey Road and Dardanup Road West                      Lots 501, 502 &amp; 503 Garvey Road and Lot 504 Dardanup West Road                      Lots 1 and 236 Killarney Road and Lots 2 and 200 Padbury Road, Dardanup West.                      Lots 3 and 4 Padbury Road Dardanup West.                      Lot 27 Venn Road.                      Lot 5 Garvey Road, Dardanup West.                      Lot 6 Sandpits Road, Crooked Brook</p> <p><i>AMD 149 GG 4/12/09</i>  <i>AMD 155 GG 6/11/09</i>  <i>AMD 160 GG 14/5/10</i>  <i>AMD 161 GG 14/5/10]</i>  <i>AMD 169 GG 27/7/10</i>  <i>AMD 173 GG 15/04/14</i>  <i>AMD 191 GG 15/09/2020</i></p>	<p>(c) The Local Government will require a Subdivision Guide Plan to address the following issues where applicable:</p> <ul style="list-style-type: none"> <li>(a) drainage and stormwater disposal</li> <li>(b) heritage</li> <li>(c) areas of environmental significance</li> <li>(d) areas of Acid Sulphate Soil</li> <li>(e) wetlands</li> <li>(f) potential land use conflicts</li> <li>(g) bushfire hazard assessment</li> <li>(h) bushfire hazard</li> <li>(i) flora and fauna</li> <li>(j) land capability</li> <li>(k) effluent disposal</li> <li>(l) boundary fencing</li> <li>(m) design guidelines for buildings</li> <li>(n) setbacks from areas of significance</li> <li>(o) foreshore setbacks, management and interface</li> <li>(p) provision and location of community facilities</li> <li>(q) building envelopes</li> <li>(r) minimising use of battleaxe lots</li> <li>(s) bridle path networks</li> <li>(t) tree preservation areas and revegetation, buffer planting</li> <li>(u) waste collection</li> </ul>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 14 - DARDANUP WEST/CROOKED BROOK STRUCTURE PLAN</b></p> <p>Lot 6 corner Garvey Road and Dardanup Road West            Lots 501, 502 &amp; 503 Garvey Road and Lot 504 Dardanup West Road            Lots 1 and 236 Killarney Road and Lots 2 and 200 Padbury Road, Dardanup West.            Lots 3 and 4 Padbury Road Dardanup West.            Lot 27 Venn Road.            Lot 5 Garvey Road, Dardanup West.            Lot 6 Sandpits Road, Crooked Brook</p> <p><i>AMD 149 GG 4/12/09</i>  <i>AMD 155 GG 6/11/09</i>  <i>AMD 160 GG 14/5/10</i>  <i>AMD 161 GG 14/5/10</i>  <i>AMD 169 GG 27/7/10</i>  <i>AMD 173 GG 15/04/14</i>  <i>AMD 191 GG 15/09/2020</i></p>	<p><b>2. Land Use Controls</b></p> <p>(a) As for the zoning table and Clause 3.14.1 except that:</p> <p>(i) Dog kennels will not be permitted.</p> <p>(ii) Stables will only be permitted where horses are for hobby purposes. Commercial stud or racing stables will not be permitted.</p> <p>The number of horses permitted is one per hectare up to a maximum of three horses.</p> <p>If in the opinion of the Local Government or the Department of Agriculture, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock. Alternatively, the landowner may be required to remove, or the Local Government may remove livestock from the lot.</p> <p>(iii) The number of allowable stock, excluding horses, shall be restricted to the stock rates prescribed by the Department of Agriculture. The area of the lot is to be calculated excluding any areas that are fenced off for vegetation/wetland protection.</p> <p><b>3. Development Provisions</b></p> <p>Effluent Disposal:</p> <p>(a) Disposal of onsite effluent is to be via alternative systems except where otherwise recommended by a geotechnical report to the specifications and satisfaction of the Local Government and the Department of Health.</p> <p>(b) Effluent disposal systems are to be located a minimum of 50m from any watercourse or wetland. A greater setback may be required depending on the outcome of a site assessment.</p> <p>(c) The subdivider is to submit with a subdivision application a site and soil evaluation for each lot, prepared by a suitably qualified consultant in accordance with Australian Standards and Government guidelines to determine an appropriate onsite domestic waste water treatment system and its location to meet health and environmental objectives to the satisfaction of the Local Government and Department of Health</p>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 14 - DARDANUP WEST/CROOKED BROOK STRUCTURE PLAN</b></p> <p>Lot 6 corner Garvey Road and Dardanup Road West            Lots 501, 502 &amp; 503 Garvey Road and Lot 504 Dardanup West Road            Lots 1 and 236 Killarney Road and Lots 2 and 200 Padbury Road, Dardanup West.            Lots 3 and 4 Padbury Road Dardanup West.            Lot 27 Venn Road.            Lot 5 Garvey Road, Dardanup West.            Lot 6 Sandpits Road, Crooked Brook</p> <p><i>AMD 149 GG 4/12/09</i>  <i>AMD 155 GG 6/11/09</i>  <i>AMD 160 GG 14/5/10</i>  <i>AMD 161 GG 14/5/10</i>  <i>AMD 169 GG 27/7/10</i>  <i>AMD 173 GG 15/04/14</i>  <i>AMD 191 GG 15/09/2020</i></p>	<p>Drainage:</p> <p>(d) Prior to subdivision approval, the subdivider is to submit an Urban Water Management Plan (UWMP), to the satisfaction of the Local Government and the Department of Water. The UWMP shall generally be in accordance with the principles and philosophies outlined in the Dardanup West/Crooked Brook Structure Plan which promotes the use of drainage swales.            A condition of subdivision will require the Urban Water Management Plan to be implemented to the satisfaction of the Local Government and the Department of Water.</p> <p>Building:</p> <p>(e) No more than one dwelling is permitted on each new lot.</p> <p>(f) All buildings, structures and on-site effluent disposal systems on each lot shall have minimum setback as follows:</p> <ul style="list-style-type: none"> <li>• 20 metres from any road;</li> <li>• 50 metres from the edge of any wetland (sumpland) or natural vegetation line, man-made water bodies or waterways;</li> <li>• 10 metres from all side boundaries; and</li> <li>• be outside of all 'Building Exclusion Areas' as identified on the endorsed Structure Plan.</li> </ul> <p>Vegetation:</p> <p>(g) No trees or substantial vegetation shall be felled or removed from the site except where:</p> <ul style="list-style-type: none"> <li>(a) required for approved development works;</li> <li>(b) required to fulfil the provisions of an approved Fire Management Plan;</li> <li>(c) required by a Council fire break order; or</li> <li>(d) trees are dead, diseased or dangerous.</li> </ul>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 14 - DARDANUP WEST/CROOKED BROOK STRUCTURE PLAN</b></p> <p>Lot 6 corner Garvey Road and Dardanup Road West            Lots 501, 502 &amp; 503 Garvey Road and Lot 504 Dardanup West Road            Lots 1 and 236 Killarney Road and Lots 2 and 200 Padbury Road, Dardanup West.            Lots 3 and 4 Padbury Road Dardanup West.            Lot 27 Venn Road.            Lot 5 Garvey Road, Dardanup West.            Lot 6 Sandpits Road, Crooked Brook</p> <p><i>AMD 149 GG 4/12/09</i>  <i>AMD 155 GG 6/11/09</i>  <i>AMD 160 GG 14/5/10</i>  <i>AMD 161 GG 14/5/10</i>  <i>AMD 169 GG 27/7/10</i>  <i>AMD 173 GG 15/04/14</i>  <i>AMD 191 GG 15/09/2020</i></p>	<p>(h) The Local Government will request that the WAPC impose a condition of subdivision requiring the preparation and implementation of a tree planting programme.</p> <p>Foreshore Management:</p> <p>(i) Where applicable and prior to subdivision approval, the subdivider is to submit a Foreshore Management Plan, to the satisfaction of the Department of Water. Wetlands are to be provided with a 50 metre buffer which is to be fenced to restrict access by livestock, and re to be revegetated to the satisfaction of the Department of Environment and Conservation.</p> <p>(j) Where applicable, the Local Government will request that the WAPC impose a condition of subdivision requiring the ceding of land adjacent to the Preston River or specifically identified wetlands, free of cost for foreshore purposes consistent with WAPC Policy.</p> <p>Fire Management:</p> <p>(k) The Local Government will request that the WAPC impose a condition of subdivision requiring the implementation of an approved fire management plan to the satisfaction of the Local Government and the Fire and Emergency Services Authority of Western Australia.</p> <p>Road and Infrastructure requirements:</p> <p>(l) The Local Government may request that the WAPC impose a condition of subdivision requiring the provision and construction of bridle paths.</p> <p>(m) The Local Government will request that the WAPC impose a condition of subdivision requiring a contribution towards road upgrading for locations identified in the Structure Plan area in accordance with Local Government Policy.</p> <p>(n) The Local Government will request that the WAPC impose a condition of subdivision requiring a contribution towards the upgrading and construction of foreshore facilities identified in the Structure Plan area in accordance with the Local Government Policy.</p>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

AREA	ADDITIONAL REQUIREMENTS AND MODIFICATIONS TO THE PROVISIONS OF THE SCHEME TEXT
<p><b>AREA NO. 14 - DARDANUP WEST/CROOKED BROOK STRUCTURE PLAN</b></p> <p>Lot 6 corner Garvey Road and Dardanup Road West            Lots 501, 502 &amp; 503 Garvey Road and Lot 504 Dardanup West Road            Lots 1 and 236 Killarney Road and Lots 2 and 200 Padbury Road, Dardanup West.            Lots 3 and 4 Padbury Road Dardanup West.            Lot 27 Venn Road.            Lot 5 Garvey Road, Dardanup West.            Lot 6 Sandpits Road, Crooked Brook</p> <p><i>AMD 149 GG 4/12/09</i>  <i>AMD 155 GG 6/11/09</i>  <i>AMD 160 GG 14/5/10</i>  <i>AMD 161 GG 14/5/10</i>  <i>AMD 169 GG 27/7/10</i>  <i>AMD 173 GG 15/04/14</i>  <i>AMD 191 GG 15/09/2020</i></p>	<p>Fencing:</p> <p>(o) Boundary fencing shall be post and four strand wire 1.0 to 1.3m high or post and ringlock 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 rural amenity of the area. Fencing to be built to a standard to ensure that all pets are contained on site to minimise conflict with adjoining stock.</p> <p>Heritage:</p> <p>(p) The Local Government may request the WAPC impose a condition of subdivision for Ethnographic and Archaeological Surveys to be undertaken in accordance with the <i>Aboriginal Heritage Act 1972</i>.</p>

**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

<p><b>AREA NO. 15</b></p> <p>Portion of Lot 1393 Wellington Mill Road, Wellington Mill</p> <p><i>AMD 136 GG 30/6/09</i> <i>AMD 167 GG 12/07/10</i></p>	<p><b>1. Subdivision</b></p> <p>(a) Subdivision shall be generally in accordance with the Subdivision Guide Plan approved by the Local Government and endorsed by the WAPC.</p> <p>(b) The Local Government will not support further subdivision to that shown on the Subdivision Guide Plan.</p> <p>(c) The subdivider will be required, as a condition of subdivision, to implement a Fire Management Plan as endorsed by Fire and Emergency Services of Western Australia.</p> <p>(d) At the subdivision stage, the Local Government will require that the subdivider prepare and implement a landscape and tree planting plan to supplement the Subdivision Guide Plan in order to ensure that visual impact commitments relating to the site are fulfilled and to provide for buffers to adjacent agricultural uses where applicable.</p> <p>(e) At the subdivision stage, the Local Government will require that the subdivider advise prospective purchasers of the impacts associated with adjacent agricultural practices.</p> <p>(f) The subdivider is to submit, together with any subdivision application, flood data to demonstrate that the proposed development:</p> <ul style="list-style-type: none"><li>• Has adequate flood protection from a 100 year ARI flood; and</li><li>• Does not detrimentally impact on the existing flooding regime of the general area;</li></ul> <p>To the satisfaction of the Department of Water.</p>
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## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

### Clause 3.14.

	<p><b>2. Development</b></p> <p>(a) Notwithstanding Clause 3.14.1(b) of the Scheme, not more than one dwelling (and associated outbuildings) is permitted on each "Small Holding" lot.</p> <p>(b) Further to Clause 3.14.1(s) of the Scheme, building envelopes may be varied subject to Council having regard to issues such as visual amenity and fire protection.</p> <p>(c) The use of highly reflective building materials roofing materials is not permitted and constructed materials should be of colours that compliment and blend (as opposed contrast) with the natural environment.</p> <p>(d) Fencing materials shall be limited to the use of timber or steel posts and ring lock or single wire fencing. Unpainted post and rail fencing is permitted. Painted post and wire fencing and painted fence posts are not permitted in the interest of landscape amenity.</p> <p>(e) Development shall be serviced by Nutrient (Phosphate) Removing Effluent Disposal Systems. Alternative systems may be considered by Council where soil analysis indicates the suitability for onsite disposal and the Phosphate Retention Index (PRI) of the natural soils exceeds the required standard for Nutrient (Phosphate) Removal Systems.</p> <p>(f) Landowners are required to adhere to their responsibilities as outline in the approval Fire Management Plan attached to the Scheme Amendment Report pertaining to the land. Modifications to the Fire Management Plan may only be achieved after consultation with the Fire and Emergency Service Authority and written agreement from Council.</p> <p>(g) Notwithstanding Clause 3.14.1(r) of the Scheme, no vegetation shall be cleared within any allotment except for the purpose of:</p> <ul style="list-style-type: none"> <li>• Compliance with the requirements of the <i>Bush Fires Act 1954</i> (as amended);</li> <li>• Compliance with the approved Fire Management Plan;</li> <li>• Construction of vehicular access way(s), the location of which is to be approved by Council;</li> <li>• Clearing within an approved building envelope; and</li> <li>• Removal of dead, disease</li> </ul> <p>(h) Where in the opinion of Council the management of the small holding lot is contributing to land degradation by way of dust pollution or soil erosion; a notice may be served on the owners of the land to put in place remedial measures.</p> <p><b>3. Land Use</b></p> <p>(a) Permitted land uses are to be as per the Zoning Table and Clause 3.14.1 of the Scheme except that dog kennels and the keeping of goats will not be permitted and stables will only be permitted where the horses are for private hobby purposes. Commercial stud or racing stables will not be permitted.</p>
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**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

<p><b>AREA 16 - KINGTREE ROAD</b></p> <p>Lot 3 and part of Lot 4 Kingtree Road Wellington Mill.</p> <p><i>AMD 129 GG 30/6/09</i></p>	<p><b>1. Subdivision</b></p> <p>(a) Subdivision shall be generally in accordance with the Subdivision Guide Plan attached to the Scheme Amendment report pertaining to the land.</p> <p>(b) Council will not support further subdivision to that shown on the Subdivision Guide Plan.</p> <p>(c) At the subdivision stage, Council shall request that the subdivider(s) adhere to their responsibilities as outlined in the approved Fire Management Plan attached to the Scheme Amendment Report pertaining to the land.</p> <p>(d) At the subdivision stage, Council may request that the subdivider prepare and implement a landscape and tree planting plan to supplement the Subdivision Guide Plan in order to ensure that visual impact commitments relating to the site are fulfilled and to provide for buffers to adjacent agricultural uses where applicable.</p> <p>(e) At the subdivision stage, Council may request that the subdivider advise prospective purchasers of the impacts associated with adjacent agricultural practices.</p> <p><b>2. Development</b></p> <p>(a) Notwithstanding Clause 3.14.1(b) of the Scheme, not more than one dwelling (and associated outbuildings) is permitted on each "Small Holding" lot.</p> <p>(b) Further to Clause 3.14.1(s) of the Scheme, building envelopes may be varied subject to Council having regard to issues such as visual amenity and fire protection.</p> <p>(c) The use of highly reflective building materials and roofing materials is not permitted and construction materials should be of colours that compliment and blend (as opposed to contrast) with the natural environment.</p> <p>(d) Fencing materials shall be limited to the use of timber or steel posts and ring lock or single wire fencing. Unpainted post and rail fencing is permitted. Painted post and wire fencing and painted fence posts are not permitted in the interest of landscape amenity.</p>
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## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

### Clause 3.14.

<p><b>AREA 16 - KINGTREE ROAD</b></p> <p>Lot 3 and part of Lot 4 Kingtree Road Wellington Mill.</p> <p><i>AMD 129 GG 30/6/09</i></p>	<p>(e) Development shall be serviced by Nutrient (Phosphate) Removing Effluent Disposal Systems. Alternative systems may be considered by Council where soil analysis indicates the suitability for onsite disposal and the Phosphate Retention Index (PRI) of the natural soils exceeds the required standard for Nutrient (Phosphate) Removal Systems.</p> <p>(f) Landowners are required to adhere to their responsibilities as outlined in the approved Fire Management Plan attached to the Scheme Amendment Report pertaining to the land. Modifications to the Fire Management Plan may only be achieved after consultation with the Fire and Emergency Services Authority and written agreement from Council.</p> <p>(g) Notwithstanding Clause 3.14.1(r) of the Scheme, no vegetation shall be cleared within any allotment except for the purposes of:</p> <ul style="list-style-type: none"> <li>• Compliance with the requirements of the Bush Fire Act 1954 (as amended);</li> <li>• Compliance with the approved Fire Management Plan;</li> <li>• Construction of vehicular access way(s), the location of which is to be approved by Council;</li> <li>• Clearing within an approved building envelope; and</li> <li>• Removal of dead, diseased or dangerous trees.</li> </ul> <p>(h) Where in the opinion of Council the management of the small holding lot is contributing to land degradation by way of dust pollution or soil erosion; a notice may be served on the owners of the land to put in place remedial measures.</p> <p><b>3. Land Use</b></p> <p>(a) Permitted land uses are to be as per the Zoning Table and Clause 3.14.1 of the Scheme except that dog kennels and the keeping of goats will not be permitted and stables will only be permitted where the horses are for private hobby purposes. Commercial stud or racing stables will not be permitted.</p>
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## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

### Clause 3.14.

<p><b>AREA NO. 17</b></p> <p>Portion of Lot 201 South Road, Wellington Mill</p> <p><i>AMD 175 GG 07/01/11</i></p>	<p><b>1. Subdivision</b></p> <p>(a) Subdivision shall generally be in accordance with the Subdivision Guide Plan adopted by the Local Government and the Western Australian Planning Commission.</p> <p>(b) The minimum lot size shall be 4 hectares.</p> <p>(c) At the subdivision stage, a Fire Management Plan is to be approved by the Local Government and the Fire and Emergency Services Authority and implemented by the subdivider prior to the creation of titles.</p> <p>(d) At the subdivision stage, the Local Government will require that the subdivider advise prospective purchasers of the impacts associated with adjacent agricultural practices and the approved Fire Management Plan.</p> <p>(e) At the subdivision stage, the Local Government will require the subdivider to advise prospective purchasers that the lot is within a high fire hazard area and dwellings are to comply with Australian Standard AS3959.</p> <p>(f) The Local Government will request the Western Australian Planning Commission to impose a subdivision condition requiring a section 70A notification being placed on the titles with the notification stating: "The lots are potentially in a high fire hazard area and dwellings on these lots should be constructed to comply with Australian Standard AS3959.</p> <p>(g) The Local Government will request the Western Australian Planning Commission to impose a subdivision condition requiring a section 70A notification being placed on the titles with the notification stating: "The lot may be affected by activities that may occur on the adjacent Department of Environment and Conservation managed lands."</p> <p><b>2. Development</b></p> <p>(a) Notwithstanding Clause 3.14(b) of the Scheme, no more than one dwelling is permitted on each "Small Holding" lot.</p> <p>(b) The use of highly reflective building and roofing materials is not permitted and construction materials should be of colours that compliment and blend with the natural environment.</p> <p>(c) Dwellings are to comply with Australian Standard AS3959.</p>
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## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

### Clause 3.14.

<p><b>AREA 18</b></p> <p>Portion Lot 100 Wellington Mill Road, Wellington Mill</p> <p><i>AMD 196 GG 29/1/2021</i></p>	<p><b>1) Subdivision</b></p> <p>a) Subdivision shall be generally in accordance with an approved Structure Plan under Part 4 of the deemed provisions.</p> <p>b) The minimum lot size shall be 2 ha.</p> <p>c) The local government will recommend to the WAPC that as a condition of subdivision approval a Section 70A notification be placed on the titles advising:</p> <p style="padding-left: 20px;">i) "The lot may be affected by activities that may occur on the adjacent land managed by the Department of Biodiversity, Conservation and Attractions."</p> <p>d) The local government will recommend to the WAPC that as a condition of subdivision approval, all substantial native vegetation within the small holding lots are to be suitably fenced to prevent stock from accessing these areas of forested bushland areas.</p> <p><b>2) Development</b></p> <p>a) Notwithstanding Clause 3.14(b) of the Scheme, no more than one dwelling is permitted on each lot.</p> <p>b) The use of highly reflective building and roofing materials is not permitted and construction materials should be of colours that compliment and blend with the natural environment, to the satisfaction of the local government.</p> <p>c) All development is to be contained to an allocated building envelope approved by the local government.</p> <p>d) A current Flora and Fauna Assessment and Management Plan must accompany any application for Development Approval for native vegetation removal.</p> <p><b>3) Land Use Controls</b></p> <p>a) No livestock or other domesticated animals shall be permitted within the native vegetation forested bushland areas of any lot without the prior consent of the local government.</p>
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## APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)

### Clause 3.14.

<p><b>AREA 19 – DARDANUP PARK</b></p> <p>Portion Lot 2 Harold Douglas Drive and portion Lot 185 Venn Road, Dardanup West. Shown on the maps.</p> <p><i>AMD 205 GG 25/08/2023</i></p>	<p><b>1) Subdivision and Development Criteria</b></p> <p>a) The local government will require the preparation of a local development plan and development shall be generally be in accordance with the local development plan.</p> <p>b) No dwelling, outbuilding, on-site effluent disposal system or other incidental building shall be constructed in the Building Exclusion Zone as shown on the local development plan.</p> <p>c) Despite clause 3.14.1 r), no tree or shrub within 30 metres of the edge of the proposed drain reserve (Gavin's Gully shall be removed).</p> <p>d) Sewage is to be discharged via an on-site effluent disposal system.</p> <p>e) Despite clause 3.14.1 c), each dwelling shall be provided with a minimum 135,000 litre potable water storage tank in addition to any requirements of an approved bushfire management plan.</p> <p>f) At the subdivision stage, suitable arrangements are to be made with the local government for the provision of two (2) fully operational 50,000 litre water tanks for fire-fighting purposes to be located on Reserve 43955, Harold Douglas Drive. As an alternative the local government may accept an equivalent contribution towards strategic bushfire management measures in the Small Holding area of Dardanup West.</p> <p>g) At the subdivision stage, the local government may request that the WAPC impose a condition requiring that satisfactory arrangements be made for the upgrading and / or construction of the local road network (including intersections) to the Shire's standard.</p> <p><b>2) Land Use Controls</b></p> <p>a) Stocking rates shall not exceed Department of Primary Industries and Regional Development stocking rate guidelines.</p> <p>b) Despite clause 3.14.1 i), the keeping of horses in accordance with subclause a), is limited to personal use with a maximum of 3 horses.</p>
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**APPENDIX VIII - ADDITIONAL REQUIREMENTS - SMALL HOLDING ZONES (Cont'd)**

Clause 3.14.

## APPENDIX IX - TOURIST ZONES

STREET	PARTICULARS OF LAND	USES	CONDITIONS
Ferguson Street  AMD 70 GG 15/3/96	Lot 2 of Wellington Locations 21978 and Part 4967	Lodge. Cellar door wine sales.	Development shall be in accordance with the Guide Development Plan as endorsed by Council and shall conform with the relevant Scheme provisions.
Joshua Brook Road  AMD 71 GG 23/8/96	Portion Wellington Location 3023	Holiday Accommodation Units	<ol style="list-style-type: none"> <li>1. Development shall be in accordance with the Guide Development Plan as endorsed by Council.</li> <li>2. Development shall conform with the relevant Scheme provisions and with the provisions of the Local Government Model By-laws (Holiday Accommodation).</li> <li>3. Fire Protection               <ol style="list-style-type: none"> <li>(a) Firebreaks around the property shall be to a width of 4 metres.</li> <li>(b) A fuel free zone, clear of all flammable material/vegetation to a distance of 20 metres around all buildings will be maintained.</li> <li>(c) No building within 50 metres of State Forest.</li> <li>(d) Emergency water supply point for fire fighting purposes will be supplied from a stand-pipe off the bore with a generator standby in case of electrical power failure.</li> <li>(e) Each Holiday Accommodation Unit will have a knapsack fire fighting unit as well as a powder fire extinguisher for electrical fires, provided.</li> <li>(f) The Holiday Accommodation Unit construction is to comply with Standards Australia guidelines eg enclosed eaves, no guttering.</li> </ol> </li> <li>4. An adequate supply of potable water is to be supplied at all times to Council satisfaction.</li> <li>5. Soil modifications for wastewater disposal may be required, and any other measures to ensure groundwater protection to Council satisfaction.</li> <li>6. "Stage 2" - Three (3) further holiday accommodation units, to be situated adjacent to State Forest and in a gravel pit area, have been removed from the advertised Guide Development Plan, following concerns raised during advertising. Council will consider development of these three (3) units following:               <ul style="list-style-type: none"> <li>- successful rehabilitation of the gravel pit area;</li> <li>- construction of the first three (3) units (Stage 1);</li> <li>- approval from CALM to locate "Stage 2" adjacent to State Forest.</li> </ul> </li> <li>7. Any dam to be constructed on Joshua Brook must not retard water flow to orchard downstream, nor affect water quality in any way. engineering detail is required, to Council satisfaction, prior to any dam</li> </ol>



**APPENDIX IX - TOURIST USE ZONES (Cont'd)**

STREET	PARTICULARS OF LAND	USES	CONDITIONS
<p>Joshua Brook Road (Cont'd)</p> <p>AMD 71 GG 23/8/96</p>	<p>Portion Wellington Location 3023</p>	<p>Holiday Accommodation Units</p>	<p>construction. Compliance with RIWI legislation is essential.</p> <p>8. The following wording is to be displayed on the wall of each unit (multi lingual):</p> <p>Orchard Activity on Neighbouring Lots May Include:</p> <p>A. Chemical Sprays, Some of Which May Be Offensive to The Nose.</p> <p>B. The Use of Machinery from Early Morning to Sometimes Late at Night.</p> <p>C. The Use of Audible Bird Deterrent Devices, Throughout the Fruit Growing Season. This Noise Is Generated by The Av-Alarm Machines Which Start at Day Break and Stop at Sunset. However, Some May Go For 24 Hours A Day to Repel Kangaroos and Rabbits.</p> <p>D. The Use of Firearms in The Control of Parrots, Rabbits and Kangaroos, During the Day and Also at Night.</p> <p>Commercial Orchard and Other Farm Activities Including the Above. Will Be Carried Out Without Hindrance or Complaint from The Present or Future Owners, Of Pt Wellington Location 3023 Joshua Creek Road.</p> <p>The proponent and subsequent proponents must acknowledge that neighbouring orchard activity can continue unhindered, as per the wording of the wall sign, above.</p>
<p>Henty Brook Road</p> <p>AMD 81 GG 17/10/97</p>	<p>Lot 2 of Leschenault Location 9</p>	<p>Chalets, cabins, apartments, cottages and holiday flats; Restaurant/communal eating recreation area; swimming pool (guest use only); tennis court; grassed recreation area.</p>	<p>1. Development of the site shall generally be in accordance with the Guide Development Plan attached to the Scheme Amendment Report for Amendment 81.</p> <p>2. No more than 16 chalets or other approved kinds of units of holiday accommodation permitted.</p> <p>3. All buildings to be screened from Henty Brook Road to the satisfaction of Council.</p> <p>4. No trees or substantial vegetation shall be felled or removed from the site except where:</p> <p>(i) it is required for approved development works.</p> <p>(ii) It is necessary for the establishment of a firebreak that is required by regulation or By-Law; or</p> <p>(iii) as otherwise approved by Council.</p> <p>5. Strategic Planting shall occur in a staged manner with a landscaping proposal accompanying each application for Approval to Commence Development.</p>

**APPENDIX IX - TOURIST USE ZONES (Cont'd)**

STREET	PARTICULARS OF LAND	USES	CONDITIONS
<p>Henty Brook Road</p> <p><i>AMD 81 GG 17/10/97</i></p>	<p>Lot 2 of Leschenault Location 9 (Cont'd)</p>	<p>Chalets, cabins, apartments, cottages and holiday flats;                      Restaurant/communal eating recreation area;                      swimming pool (guest use only); tennis court;                      grassed recreation area.</p>	<p>6. Where required, the specifications of the potable water supply and waste disposal systems to be installed are to be submitted to Council with building plans and no building shall be considered fit for human habitation until the systems are installed and operating to the Council's satisfaction.</p> <p>7. No installation for the disposal of waste water or septic tank effluent shall be located closer than 100 metres to a definable water course, creek or water body.</p> <p>8. The applicant will prepare a detailed fire control plan to be endorsed by Council and the Bushfires Board prior to commencing development.</p> <p>9. To guarantee no contamination to groundwater and Paradise Creek, nutrient removal from effluent by nutrient stripping in association with Aereobic Treatment Units is required. alternatives to ATUs will be considered only following the acceptance of a geotechnical report on soil under winter conditions, by the Council and the Health Department of WA.</p> <p>Installation of these units must be to Health Dept of WA &amp; Council satisfaction. All the upkeep and maintenance will be at the developers' or subsequent owners' full expense, to Council satisfaction.</p> <p>10. Development applications will be required prior to subsequent stages of development in accordance with the Guide Development Plan.</p>

## APPENDIX X - DENSITY BONUS SCHEME EXCLUSION AREAS

The provisions of 3.4.2 and 3.4.2 will not apply to the land identified below

LOCALITY	STREET	LAND DESCRIPTION
Burekup <i>AMD 98 GG 23/10/99</i>	Shenton Road	The land zoned "Residential" and contained in Part lot 24 of Leschenault Location 9 and originally the subject of Certificate of Title Vol 1802 Fol. 807.
Eaton <i>AMD 121 GG 10/6/05</i>	Pratt Road Leake Street	Lots 9 & 10 Lots 1 to 8 (inc) Being all of the land contained within the 'Bushland Development Area'
	Millard Street Calico Court Galen Close Ivy Court Cordata Place Firethorn Place Bosberry Close Blue Wren Drive Dove Court Butcherbird Court	Lots 359 to 376 (inc) Lots 355 to 357 (inc) Lots 344 to 347 (inc) Lots 439 to 441 (inc) Lots 433 to 435 (inc) Lots 561 to 563 (inc) Lots 569 to 571 (inc) Lots 88 to 98 (inc) Lots 103 to 105 (inc) Lots 112 to 114 (inc)  Being all of the lots with a boundary to the Australind Bypass
Eaton <i>AMD 140 GG 15/6/07</i>	Recreation Drive	The land zoned "Residential (R10)" and being a portion of Lot 1 on Diagram 78828 originally the subject of Certificate of Title Vol. 1890 Fol. 366.
Eaton <i>AMD 152 GG 18/9/09</i>	Bobin Street	Lots 1, 226, 225, 126 and 127

## APPENDIX XI - DEVELOPMENT CONTRIBUTION AREAS

AMD 177 GG 25/1/13

DEVELOPMENT CONTRIBUTION AREA (DCA) NO.	DCA NAME	LAND DESCRIPTION	DEVELOPMENT CONTRIBUTION PLAN (DCP)
DCA2 <i>AMD 177 GG 25/1/13</i>	Dardanup Townsite Expansion Area	Land identified within the Dardanup Townsite Expansion Strategy	Dardanup Townsite Expansion Area DCP
DCA3 <i>AMD 177 GG 25/1/13</i>	Burekup Townsite Expansion Area	Land identified within the Burekup Townsite Expansion Strategy	Burekup Townsite Expansion Area DCP

## APPENDIX XII - COMMUNITY INFRASTRUCTURE DEVELOPMENT CONTRIBUTION PLANS

AMD 177 GG 25/1/13

<b>Reference No.</b>	<b>DCP 2</b>
<b>Area Name:</b>	<b>DCA 2 – DARDANUP TOWNSITE EXPANSION AREA</b>
Relationship to other planning instruments:	The development contribution plan generally conforms to the <i>Strategic Plan, 10 year Strategic Financial Plan, Dardanup Revitalisation Project Concept Plan and Community Aspirations.</i>
Infrastructure and administrative items to be funded:	<p><b>NEW INFRASTRUCTURE</b></p> <p>1. <u>Community Centre &amp; Outdoor Play Area</u> –</p> <ul style="list-style-type: none"> <li>• To be located at the existing Civic Centre on Little Street adjoining the Hall and Shire offices;</li> <li>• Single storey of approximately 170m<sup>2</sup> of standard finishes containing kitchen, toilets, main activity area, office space and infant health clinic;</li> <li>• Outdoor play area of approximately 140m<sup>2</sup> to include 1.8m high chain mesh surrounding fence, turf and reticulation;</li> <li>• Costs are inclusive of – <ul style="list-style-type: none"> <li>○ Planning and Design;</li> <li>○ Construction of facility;</li> <li>○ External services within 3m of building;</li> <li>○ Contingency to cover exclusions such as external services beyond 3m of building and unforeseen expenditure.</li> </ul> </li> </ul> <p><b>UPGRADED INFRASTRUCTURE</b></p> <p>2. <u>Hard Courts at Dardanup Oval</u> –</p> <ul style="list-style-type: none"> <li>• Upgrade lighting for all 5 courts;</li> <li>• Upgrade surface to 3 courts;</li> <li>• Remark surface to 3 courts;</li> <li>• Costs are inclusive of – <ul style="list-style-type: none"> <li>○ Planning and design;</li> <li>○ Installation and undertaking of works;</li> <li>○ External services within 3m of building;</li> <li>○ Contingency to cover exclusions such as a requirement to upgrade switchboard for new lighting and unforeseen expenditure.</li> </ul> </li> </ul> <p>3. <u>Dardanup Oval Club Rooms</u> –</p> <ul style="list-style-type: none"> <li>• Extension of approximately 94m<sup>2</sup> (10.4m x 9m) of standard construction and basic finishes to include new change rooms and new public toilets;</li> <li>• Verandahs of approximately 54m<sup>2</sup> (9m x 3m x 2m) with concrete floor surface;</li> <li>• Costs are inclusive of – <ul style="list-style-type: none"> <li>○ Planning and design;</li> <li>○ Construction of building;</li> <li>○ External services within 3m of building;</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ Contingency to cover exclusions such as external services beyond 3m of building and unforeseen expenditure.</li> </ul> <p>4. <u>Dardanup Oval Car Park</u> –</p> <ul style="list-style-type: none"> <li>● Upgrade surface and line-mark existing car parking area of approximately 20 bays;</li> <li>● Construct and line-mark existing informal grassed car parking area of approximately 70 bays;</li> <li>● Costs are inclusive of – <ul style="list-style-type: none"> <li>○ Planning and design;</li> <li>○ Construction of car parking;</li> <li>○ Stormwater drainage;</li> <li>○ Minimal landscaping;</li> <li>○ Contingency to cover exclusions such as additional sand fill for stormwater drainage purposes and unforeseen expenditure;</li> </ul> </li> </ul> <p>5. <u>Public Library</u> –</p> <ul style="list-style-type: none"> <li>● Extension of approximately 40m<sup>2</sup>;</li> <li>● Costs are inclusive of – <ul style="list-style-type: none"> <li>○ Planning and design;</li> <li>○ Construction of extension;</li> <li>○ External services within 3m of building;</li> <li>○ Fit-out with bookshelf units;</li> <li>○ Contingency to cover exclusions such as external services beyond 3m of building and unforeseen expenditure.</li> </ul> </li> </ul> <p>6. <u>Administrative costs including</u> –</p> <ul style="list-style-type: none"> <li>● Costs to prepare and administer the plan during the period of operation inclusive of – <ul style="list-style-type: none"> <li>○ Legal expenses;</li> <li>○ Valuation fees;</li> <li>○ Proportion of staff salaries;</li> <li>○ Computer software or hardware to administer plan;</li> </ul> </li> <li>● Costs to prepare and review estimates;</li> <li>● Costs to prepare and review cost apportionment schedule;</li> <li>● Valuation costs.</li> </ul>
<p>Method for calculation contributions:</p>	<p>The DCP identifies the needs of the community infrastructure to be upgraded to cater for the future additional population as a result of the <i>Dardanup Townsite Expansion Strategy</i>. This calculation excludes—</p> <ul style="list-style-type: none"> <li>● The demand for the infrastructure generated by the existing population;</li> <li>● Any upgrading or works required to the infrastructure as maintenance;</li> <li>● Ongoing maintenance of the infrastructure; and</li> </ul> <p>Infrastructure items 1, 2, 3 and 5 are apportioned 1/3 Council, 1/3 Developer and 1/3 external funding such as grants. Infrastructure item 4 will not qualify for external funding and therefore the costs are apportioned equally between the Council and the Developer.</p>

	<p>The Developer is also liable to pay 100% of the DCP administration costs at item 6.</p> <p>The Developer contribution will be calculated based on their proportion of the total net DCA: (cost contribution = developer apportioned cost x developer % of total net DCA).</p>
Priority and timing:	<ol style="list-style-type: none"> <li>1. Community Centre &amp; Outdoor Play Area .....2017/2018</li> <li>2. Hard Courts at Dardanup Oval.....2017/2018</li> <li>3. Dardanup Oval Club Rooms .....2020/2021</li> <li>4. Dardanup Oval Car Parking .....2020/2021</li> <li>5. Public Library .....2020/2021</li> </ol>
	10 years
Review process:	<p>The plan will be reviewed when considered appropriate, having regard to the rate of subsequent development in the area since the last review and the degree of development potential still existing. The estimated infrastructure costs in this plan will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index (as provided by Rawlinsons Australian Contribution Handbook), direct quotation or as provided by a suitably qualified person.</p>

## APPENDIX XIII - VEGETATION SCREEN AREAS

AMD 184 GG 10/6/16

<b>Vegetation Screen Area (VSA) No.</b>	<b>VSA Name</b>	<b>Land Description</b>	<b>Vegetation Maintenance and Management Plan</b>
VSA 1 <i>AMD 184 GG 10/6/16</i>	Wespine Sawmill Vegetation Screen	Lot 315 Busher Rd Dardanup West	Wespine Sawmill Vegetation Screen - Vegetation Maintenance and Management Plan



## APPENDIX XIV – SPECIAL USE ZONES

AMD 190 GG 24/07/2020

SPECIAL USE (SU) No.	LAND DESCRIPTION	PERMITTED USE	CONDITIONS
SU1	Lot 4580 Panizza Road, Crooked Brook	Waste Management Facility	<ol style="list-style-type: none"> <li>1. All applications for development approval need to demonstrate that consideration has been given to the Greater Bunbury Region Scheme Strategic Minerals and Basic Raw Materials Resource Policy, and the extraction of the resource on the part of the lot that the development application relates to is completed to the satisfaction of the Shire in consultation with the Department of Mines, Industry Regulation and safety ahead of development.</li> <li>2. Panizza Road being upgraded from the intersection with Banksia and Depiazzi Roads to the property's access (minimum of 20m from western boundary) with all costs borne by the proponent to the satisfaction of the Shire.</li> <li>3. Inclusion of buffers in accordance with the EPA's 'Guidance for the Assessment of Environmental Factors – Separation Distances between Industrial and Sensitive Land Uses'.</li> <li>4. A Local Water Management Strategy being submitted to and approved by the Shire and the Department of Water and Environmental Regulation and implemented.</li> <li>5. A Bushfire Management Plan being submitted to and approved by the Shire in consultation with the Department of Fire and Emergency Services and the Department of Biodiversity, Conservation and Attractions and implemented; and</li> <li>6. A Remnant Vegetation Plan being submitted to and approved by the Shire and Department of Biodiversity, Conservation and Attractions and implemented.</li> </ol>
		Industry - Extractive	<ol style="list-style-type: none"> <li>1. Applications for the development shall be submitted to the Shire in accordance with the Town Planning Scheme and the Shire's Extractive Industry Local Law 1996 (as amended).</li> </ol>

## ADOPTION

Adopted by Resolution of the Council of the Shire of Dardanup at the Ordinary Meeting of the Council held on the 15th day of July, 1977 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

(Seal)

.....  
PRESIDENT

.....  
SHIRE CLERK

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.7 of this Scheme and to which formal approval was given by the Hon Minister for Urban Development and Town Planning on the 5th day of February, 1979.

Recommended:

.....  
CHAIRMAN OF THE TOWN PLANNING BOARD

DATE 5/2/1979 .....

Approved:

.....  
MINISTER FOR URBAN DEVELOPMENT AND TOWN PLANNING

DATE 5/2/1979