CITY OF BUSSELTON

Local Planning Scheme No. 21

Updated to include AMD 52 GG 31/05/2024

GOVERNMENT OF WESTERN AUSTRALIA

Department of Planning, Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

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CITY OF BUSSELTON LPS 21 - TEXT AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
		30/10/14	LD	Gazetted 15/10/14
7	16/6/15	25/6/15	LD	Maps only
2	17/7/15	22/7/15	LD	Schedule 3 Special Provision areas of the scheme – Inserting SP56
12	11/12/15	5/1/16	LD	Maps only
9	5/2/16	3/3/16	LD	Schedule 2 - Additional uses of the scheme text to include A 80 Lot 37 West Street West Busselton
5	24/3/16	7/4/16	LD	Schedule 3 - Inserting SP58, 700 Caves Road Marybrook
16	24/3/16	7/4/16	LD	Maps only
6	27/5/16	31/5/16	LD	Schedule 3 - Inserting No 57 - Lot 3 Bussell Hwy
17	19/8/16	6/9/16	LD	Schedule 3 - Including No. 60 Lot 2761 Commonage Road Quindalup
13	23/9/16	10/10/16	LD	Maps only
15	2/12/16	17/1/17	LD	Maps only
1	04/08/17	15/08/17	GM	**Zoning Table amended by:** • use class titles amended; • inserted use classes Ancillary Accommodation, Brewery, Exhibition Centre, Park Home Park, Produce Sales, Rural Pursuit/Hobby Farm and Wind Farm and associated permissibility's; • removed use classes Roadside Stall, Poultry Farm, Recreation Agriculture, Recreation Area and Rural Enterprise and associated permissibility's and associated references throughout the scheme; **Amended clauses:** 1.3, 3.3, 4.4.2(a), 4.4.2(c), 4.4.2 Policy(c), 4.5.3(a), 4.5.4(a), 5.3.2, 5.8.1, 5.14, 5.16, 5.18, 5.19, 5.35.2, **Deleted clauses** and sub-clauses 4.5.3(d), 5.3.1(g), 5.29, 5.35.3, and subsequent clauses and references renumbered accordingly. **Inserted new clauses** and sub-clauses 4.2.2(d), 4.5.4(h), 5.3.1(i), 5.5.2, and 5.8.9 and subsequent clauses and references renumbered accordingly. **Schedule 1 – Interpretations** amended by: • removing definitions Poultry Farm, Recreation Agriculture, Recreation Area, Roadside Stall, Rural Enterprise and Health Care; • amended definitions for: Abattoir, Animal Establishment, Hotel, Market, Plant Nursery, Reception Centre, Service Station, Tourist Accommodation, Winery and Mean High Water Mark; • amended titles and definitions for: Agriculture, Intensive Agriculture, Animal Husbandry, Chalet Development, Residential Enterprise, Cottage Industry, Rural Industry, Place of Public Worship, Forestry and Veterinary Hospital; • inserting new definitions: Brewery, Exhibition Centre, Home Office, Park Home Park, Produce Sales, Rural Pursuit/Hobby Farm, Wind Farm, Low Water Mark and High-Water Mark. • in relation to use class Community Centre, replaced the symbol 'D' with 'P' under the 'Business' zone. **Schedule 2 – Additional Uses** and Scheme maps amended by: • inserting new A74; • deleting A63 and A73. **Schedule 3 – Special Provision Areas** and Scheme maps amended by: • modifying Special Provision 41; • deleting Special Provisions 20, 46 and 49. **Schedule 4 – Special Character Areas** clause 5(d) amended. **Schedule 14 – Exempted Advertisements** amended by: • replacing the term Information Sign with Information Panel at (A)11' • inserting new Note after clause (B)1. **Scheme Maps** amended by: • Amend the Scheme in relation to land currently zoned 'Business' within the Busselton City Centre to include a residential density code of R-AC3, being: i. Lots bound by Peel Terrace, Brown Street, West Street and Marine Terrace; ii. The portion of Lot 73 Peel Terrace currently zoned 'Business'; and iii. Lots 74 and 75 Peel Terrace; And subject to the following exclusions: i. All lots also contained within the Adelaide Street Special Character Area; ii. The portion of Lot 73 Peel Terrace currently reserved for 'Community Purposes'; • Amend the Scheme map in relation to land currently zoned 'Business' within the

				Dunsborough Town Centre to include a residential density code of R-AC3, being: i. Lots bound by Caves Road, Cape Naturaliste Road, Dunn Bay Road and Seymour Boulevard; ii. Lots bound by Cape Naturaliste Road, Dunn Bay Road, Naturaliste Terrace and Reserve 42673; iii. Lots bound by Dunn Bay Road, Naturaliste Terrace and Hannay Lane; iv. Lots 1-7 (233) Naturaliste Terrace, Lots 1-17 (31) Dunn Bay Road, and Lot 104 (29) Dunn Bay Road; • Rezoning land currently zoned 'Tourist' and 'Special Purpose' with frontage to Dunn Bay Road, Dunsborough to 'Business' and applying a residential density code of R-AC3; • Rezoning land currently zoned 'Industrial' and 'Restricted Business' within the Dunsborough Town Centre to 'Business' and applying a residential density code of R-AC3, being: i. Lots bound by Cape Naturaliste Road, Reserve 42673, Naturaliste Terrace and Reserve 42545; • Rezoning Lot 106 (House No. 16) Cyrillean Way, Dunsborough from 'Recreation' to 'Business' and applying a residential density code of R-AC3; • Modifying the residential density coding to R80 over Lots 51 and 87 to 102 Chieftain Crescent, Lots 86 and 162 Chester Way, Lots 139 to 141 Lorna Street, Lots 1-9 (20), 81 (18) and 115 to 127 Geographe Bay Road, Lots 1-17 (3) Dunn Bay Road, Lots 1 & 2 (4), 5 (2), 17, 18, 41 to 43 Prowse Way, Lots 3 and 4 Greenacre Road and Lot 60 (191) Naturaliste Terrace, Dunsborough; • Aligning the Scheme area boundary to the Low Water Mark and including Lot 350 Queen Street, Busselton; • Delineating the Mean High-Water Mark as provided by Landgate on the day of 22 June 2015; Amended the Scheme Maps as shown on the Scheme Amendments Maps as follows: • Implement Cadastre Changes to all Scheme maps - Scheme maps to be updated with the most up to date cadastre data; • Lot 306 (1191) Vasse – Yallingup Siding Road, Quindalup - Rezone portion of lot from 'no zone' to 'Agriculture'; • Lot 307 (9122) Quindalup South Road, Quindalup - Rezone portion of lot from 'no zone' to 'Agriculture'; • Lot 308 (1105) Vasse – Yallingup Siding Road, Quindalup - Rezone portion of lot from 'no zone' to 'Agriculture'; • Lot 309 (26) Quindalup South Road, Quindalup - Rezone portion of lot from 'no zone' to 'Agriculture'; • Lot 310 (67) Quindalup South Road, Quindalup - Rezone portion of lot from 'no zone' to 'Agriculture'; • Lot 3733 Coulls Road, Yallingup Siding - Rezone from 'no zone' to 'Agriculture'; • Yallingup Special Character Area - Identify the Yallingup Special Character Area as shown on the Scheme Amendment map; • Lot 1451 (461) Princefield Road, Ruabon - Rezone portion of lot from 'no zone' to 'Agriculture'; • Lot 3124 Princefield Road, Abba River - Rezone from 'no zone' to 'Agriculture'; • Lot 964 Yoganup Place, Yoganup - Rezone portion from 'Recreation' Reserve to 'Bushland Protection' and 'Agriculture'; • Lot 583 (910) Ludlow-Highergreen Road, Abba River - Rezone portion of the lot from 'Public Purpose' Reserve to 'Agriculture'; • Lot 582 (459) Princefield Road, Abba River - Rezone portion of the lot from 'Public Purpose' Reserve to 'Agriculture'; • Lot 687 Princefield Road, Abba River - Rezone portion of the lot from 'Public Purpose' Reserve to 'Agriculture'; • Lot 26 Vasse Highway, Yoongarillup - Rezone portion of the lot from 'Public Purpose – Drain' Reserve to 'Agriculture'; • Lot 1 (71) Boundary Road and Lot 109 (8113) Bussell Highway, Metricup - Rezone portion of lots from 'Agriculture' to 'Special Purpose – Caravan Park'; • Lot 21 (3806) Caves Road, Wilyabrup - Rezone portion of lot from 'Recreation' Reserve to 'Viticulture and Tourism'; • Lot 2680 (811) Puzey Road, Wilyabrup - Rezone from 'Recreation' Reserve to 'Viticulture and Tourism'; • Lot 1 (1092) Chapman Hill Road, Chapman Hill - Rezone from 'no zone' to 'Agriculture'; • Lot 31 (261) Jindong-Treeton Road, Kaloorup - Rezone portion of lot from 'Recreation' Reserve to 'Agriculture' and the directly adjacent road reserve from 'Recreation' Reserve to 'no zone'; • Portion of Lot 125 (3763) Caves Road, Wilyabrup - Rezone from 'Recreation' Reserve and 'no zone' to 'Viticulture and Tourism'; • Lot 282 (516) Lindberg Road, Kalgup - Rezone portion from 'Recreation' Reserve to 'Agriculture'; • Lot 3978 (980) Vasse Highway, Yoongarillup - Rezone from 'Recreation' Reserve to 'Special Purpose – Telephone Exchange'; • Lot 100 (3) Caladenia Close, Lot 101 (6) Eagle Crescent and Lot 102 (23) Fern Road, Eagle Bay - Rezone portions of the lots from 'Public Purpose' Reserve to 'Residential

				R5'; • Eagle Bay Special Character Area - Identify the Eagle Bay Special Character Area as shown on the Scheme Amendment map; • Lot 999 (245) Cape Naturaliste Road, Dunsborough - Rezone from 'Special Purpose – School Site' to 'Special Purpose – Educational Establishment'; • Lot 200 (1) Gifford Road and Lots 91 (3), 92 (3A), 93 (5A) and 94 (5) Hurford Street, Dunsborough - Rezone portions of the lots from 'no zone' to 'Residential R15', and remove the 'Recreation' Reserve designation and 'Landscape Value' Area from the Hurford Street road reserve; • Old Dunsborough Special Character Area - Identify the Old Dunsborough Special Character Area as shown on the Scheme Amendment map; • Dunsborough Landscape Value Area - Realign the 'Landscape Value' Area around the Dunsborough Residential zone, such that it is located between the 'Agriculture' zone and the 'Residential' zone, as shown on the Scheme Amendment map; • Lot 600 (7) Armstrong Place, Dunsborough - Rezone from 'Recreation' Reserve to 'Special Purpose – Aged Person Housing'; • Lot 42 (201) Geographe Bay Road, Quindalup - Rezone from 'Public Purpose' Reserve to 'Special Purpose – Hostel'; • Lot 2761 (29) Commonage Road, Quindalup - Rezone portion of lot from 'Public Purpose' Reserve to 'Agriculture'; • Quindalup Special Character Area - Identify the Quindalup Special Character Area as shown on the Scheme Amendment map; • Lots 1 (29) and 2 (2/31) Wardanup Crescent, Yallingup - Rezone portion of the lots from 'no zone' to 'Residential R10'; • Lot 5 (20) Elsegood Avenue and Lot 21 (9) Dawson Drive, Yallingup Rezone from 'Tourist' to 'Residential R10', as shown on the Scheme Amendment map; • Lot 15 Quindalup Siding Road, Quindalup - Rezone portion of lot from 'Recreation' Reserve to 'Agriculture'; • Lots 40 (1721) and 41 (1701) Wildwood Road, Yallingup - Rezone portion of the lots from 'Public Purpose' Reserve to 'Viticulture and Tourism'; • Lot 2000 Edith Cowan Court, Abbey and Lot 5614 Wagon Entrance, Broadwater (Reserve 48280) - Reserving from 'Residential R5', 'R20' and 'R30' to 'Recreation' Reserve; • Lot 6 (2) Grace Court, West Busselton - Rezone from 'Public Purpose' Reserve to 'Special Purpose - Educational Establishment'; • Lot 500 Grace Court, West Busselton - Rezone from 'Special Purpose – Various' to 'Special Purpose – Church Site, Educational Establishment, Child Care & Hall'; • Lot 688 (1) Piano Box Boulevard and Lot 689 (34) Pickmore Circus, West Busselton - Rezone from 'no zone' to 'Residential R20'; • Lot 501 (190) Bussell Highway, West Busselton - Rezone portion of lot from 'no zone' to 'Residential R15'; • Lot 502 Bussell Highway, West Busselton (Reserve 41554) - Rezone portion of lot from 'no zone' to 'Recreation' Reserve; • Lot 4691 (7) Kingfish Road, Broadwater Rezone from 'Recreation' Reserve to 'Residential R15'; • Lot 200 (165) Marine Terrace, Geographe - Rezone portion of lot from 'no zone' to 'Residential R15'; • Lot 5016 (75) Ford Road, Geographe (Reserve 44384) - Rezone from 'Recreation' Reserve to 'Residential R20'; • Lot 10 (86) Causeway Road and Lot 12 (69) Molloy Street, Busselton - Rezone portions of the lots from 'Special Purpose – Service Station' to 'Residential R20'; • Lot 300 Leeuwin Boulevard, West Busselton - Rezone from 'Recreation' Reserve and 'no zone' to 'Residential R20'; • Lot 2000 Deacon Walk, West Busselton - Reserve lot as 'Recreation' Reserve from 'Residential' zone; • Lot 197 (1) MacKillop Avenue, West Busselton (MacKillop Catholic College) - Rezone from 'Public Purpose' Reserve to 'Special Purpose – Educational Establishment'; • Lot 5320 (2) Kelly Drive, West Busselton (St Joseph's Primary School) - Rezone from 'Public Purpose' Reserve and 'no zone' to 'Special Purpose – Educational Establishment'; • Lot 2002 Pinnacle Avenue, Ambergate (Reserve 50288) - Reserve portions of lot as 'Recreation' Reserve from 'Rural Residential' zone; • Lot 16 Lindberg Road, Bovell - Rezone from 'no zone' to 'Agriculture'; • Lot 25 (580) Vasse Highway, Yoongarillup - Rezone portion of lot from 'Public Purpose' Reserve to 'Agriculture'; • Lot 60 (3908) Bussell Highway, Ruabon - Rezone in part from 'Recreation' Reserve to 'Agriculture'; • Lots 127 (30), 128 (28), 129 (24), 130 (18) and 135 (31) Old Timber Court, Reinscourt - Rezoning portions of lots from 'Conservation' to 'Rural Residential' • Lot 27 (606) Rendezvous Road, Vasse (Heron Lake) - Exclude lot from DCA 1 to be included within the Vasse Development Contributions Plan; and • Map Legend - Insert the following into the Map Legend in alphabetical order under 'Special Purpose': "CECH CHURCH SITE, EDUCATIONAL ESTABLISHMENT, CHILD CARE & HALL" "EE EDUCATIONAL ESTABLISHMENT"

				"TE TELEPHONE EXCHANGE" "HL HOSTEL".
10	01/09/2017	11/09/17	GM	Schedule 1 – Interpretations – inserted Repurposed dwelling and Second-hand dwelling. Table 1 – Zoning Table: • inserted Repurposed dwelling and Second-hand dwelling. • amended the Zoning Table to make a Re-purposed dwelling or Second-hand dwelling a 'D' use in any zone in which a single house is a 'P' use or 'D' use and 'X' use in the zones where a single house is not permitted. Inserted new Clause 5.9 - Repurposed dwelling and Second-hand dwelling and renumbered subsequent clauses accordingly.
23	01/09/17	11/09/17	GM	Scheme amended by: • Introducing a 'Residential' zoning over the unzoned portion of Pt Lot 9507 Layman Road, Geographe as depicted on the proposed zoning map; • Applying 'R20' and 'R30' residential density coding and modify boundaries as depicted on the proposed zoning map; • Designating portion of Pt Lot 9507 as Reserve for 'Recreation' as depicted on the proposed zoning map. Scheme maps amended accordingly.
26	03/11/17	09/11/17	GM	Removed 'Development Contribution Area 1 (DCA1)' and 'Dunsborough and Quindalup local precinct' from Pt Lot 9057 St Michael's Parkway, Dunsborough.
18	22/12/17	02/01/18	MLD	Rezoning Lot 4 and 318 Layman Road, Wonnerup from Agriculture to Conservation and Reserve for Recreation. Amending the Scheme Map accordingly.
20	22/12/17	03/01/18	MLD	Rezoning Lot 500 Bussell Highway, Broadwater from 'Tourist' zone to 'Residential (R40)' zone and 'Reserve for Recreation (Highway Buffer)'. Rezoning Lot 502 Bussell Highway, Broadwater from 'Tourist' Zone and 'Reserve for Recreation' to 'Residential (R40)' Zone, 'Reserve for Recreation (Highway Buffer Reserve)' and 'Unzoned Land (Road Reserve)'. Insert into Schedule 3 Special Provision Area #62 over those portions of Lot 500 and Lot 502 Bussell Highway, Broadwater to be rezoned to 'Residential (R40)'. Amend Scheme Maps Accordingly.
35	02/02/18	05/02/18	GM	Schedule 1 – Interpretations – • amended the following definitions: 'Amusement Parlour'; 'Convenience Store'; 'Educational Establishment'; 'Hospital'; 'Marine Filling Station'; 'Motel'; 'Motor Vehicle Repair'; 'Office'; 'Restricted Premises'; 'Tavern'; and 'Transport Depot'. • Amended the following titles and definitions: 'Caravan Park & Camping Grounds' to 'Caravan Park'; 'Child Care Centre' to 'Child Care Premises'; 'Club' to 'Club Premises'; 'Community Centre' to 'Community Purpose'; 'Extractive Industry' to 'Industry – Extractive'; 'Liquid Fuel Depot' to 'Fuel Depot'; 'Mineral Resource Development' to 'Mining Operations'; 'Plant Nursery' to 'Garden Centre'; 'Restaurant' to 'Restaurant/Cafe`'; and 'Warehouse' to 'Warehouse/Storage'. Amended associated references throughout the Scheme accordingly.
25	23/03/18	03/04/18	GM	Deleted Parts 2, 7, 8, 10, 11 and 12. Deleted Clauses 9.1, 9.2.1 a), b), c), g), h) and renumbered accordingly, 9.3, 9.4 and 9.5. Clause 6.2.3 deleted the words 'Development Guide Plan'. Replaced the following references throughout the Scheme – • 'Part 7 of the Scheme' with 'Part 4 of the Deemed Provisions'; • 'Clause 11.10 of the Scheme' with 'Part 9 of the Deemed Provisions'; • 'Development Guide Plan' and where applicable replace with 'Structure Plan' or 'Local Development Plan'. • 'planning approval' with 'development approval'; • 'Council' with 'local government';

				• 'clause 10.4' with the words 'clause 64 of the Deemed Provisions'; • 'clause 11.2' with the words 'clause 67 of the Deemed Provisions'; • Under clause 3.5 after (e) replace the words 'Parts 10 and 11 of the Scheme' with the words 'Part 8 and 9 of the Deemed Provisions'; • At clause 3.5.2(b) replace the words 'Parts 4 and 8' with the words 'Part 4 in this Scheme and Part 3 of the Deemed Provisions'; • At clause 5.9 replace the words 'pursuant to clause 64 Schedule 2 Development (local planning schemes) Regulations 2015' with the words 'pursuant to Clause 64 of the Deemed Provisions'; • At clause 6.9.3(a) replace the words 'clause 7.3 relating to Development Guide Plans' to 'Part 4 of the Deemed Provisions'; and • At clause 9.2.2 replace the words 'require planning approval pursuant to clause 9.1' with 'require development approval pursuant to Part 7 of the Deemed Provisions'. Deleted Schedules 6, 7, 8 and 9. Renumbered subsequent Schedules and Schedule references throughout the Scheme accordingly.
27	29/06/18	02/07/18	GM	Rezoning Lot 10 Commonage Road, Dunsborough from 'Public Purpose' reserve to 'Special Purpose: Dunsborough Lakes Development Area' zone. Amending Local Planning Scheme No. 21 scheme map to include Lot 10 Commonage Road, Dunsborough within 'Special Provision Area No. 42 (SP42). Amending 'Schedule 3 - Special Provision Areas' to include Lot 10 Commonage Road, Dunsborough within 'Special Provision Area No. 42 (SP42)'. Amending 'Schedule 3 - Special Provision Areas' in relation to Special Provision Area 42 to include new text.
11	24/08/18	29/08/18	GM	Reserving a portion of Lot 201 Balmoral Drive as a 'Reserve for Public Purposes'. Amending the boundary of Additional Use Area No. 37. Amending Schedule 2 - Additional Uses to include 'Restaurant' as a permissible land use for Additional Use Area No. 37. Amending the Scheme Map accordingly.
34	08/03/19	12/03/19	GM	Remove 'Additional Use 39' from Lot 34 Sheoak Drive, Yallingup. Amend Schedule 2 - 'Additional Uses' by deleting 'Additional Use 39'. Amend the Scheme Map accordingly.
21	7/6/19	10/7/19	MLD	Rezone a portion of Lot 803 Chapman Hill Road, Bovell from 'Agriculture' to 'Special Purpose (Ambergate Industrial/Service Commercial Development Area)'. Delete Special Provision Area 47 from Schedule 3 'Special Provision Areas' Amend the boundary of 'Special Provision Area 48'. Amend Schedule 3 'Special Provision Areas' – SP48 Lot 11 & Pt Lot 803 Chapman Hill Road, Bovell. Amend Schedule 1 – 'Interpretations' by amending the definitions of 'Medical Centre' and 'Shop'. Amend Schedule 1 – 'Interpretations' by deleting 'Discount Department Store', 'Supermarket', 'Showroom' and 'Research and Development Facility' Amend Schedule 1 – 'Interpretations' to include the following definitions – Liquor Store Small, Bulky Goods Showroom. Amend Table 1 "*Zoning Table*" by inserting the use classes 'Liquor Store – small' and 'Liquor Store – large' with the same permissibility's as the 'Shop' use. Amend Table 1 "*Zoning Table*" by changing the use class 'Showroom' to 'Bulky Goods Showroom' and as appropriate throughout the Scheme. Amend Schedule 2 – 'Additional Uses' by modifying 'Additional Use 64' relating to Pt Lot 17 West Street, West Busselton. Amend the boundary of Additional Use 64 to apply to Lot 181 and portion of Lot 182 West Street, West Busselton. Amend the Scheme Map accordingly.
29	7/6/19	10/7/19	MLD	Amend the Scheme by retitling the zone names and, unless specifically mentioned, any subsequent references throughout the Scheme. Amend clause 4.9 (Special Purpose Zone). Introduce a new Schedule 5 – SPECIAL USES - and renumber the remaining

				Schedules and Schedule references accordingly. Amend the following sub/clauses in Part 5 (General Development Requirements) of the Scheme – 5.16.1(b), 5.29, 5.31. Amend clause 4.2 (Objectives and Policies of the Zones). Amend clause 5.34 (Subdivision of lots with more than one dwelling in the Agriculture and Viticulture and Tourism Zones) by Amending the title of the clause and inserting new subclauses 5.34.1 and 5.34.2 and renumbering subsequent clauses and clause references accordingly. Amending clause 5.36 (Vegetation Surveys in the Conservation and Bushland Protection Zones). Amend clause 5.38 (Special provisions relating to the Rural Landscape Zone) by inserting new subclauses 5.38.1 and 5.38.2 and renumbering subsequent clauses accordingly. Amend clause 5.39 (Special provisions relating to the Bushland Protection Zone) by modifying subclause 5.39.1. and inserting new subclauses 5.39.2 and 5.39.3 and renumbering subsequent clauses accordingly. Insert a new clause 5.20 and renumbering subsequent clauses and clause references accordingly. Inserting a new clause 5.41 – DEVELOPMENT ALONG MAIN OR ARTERIAL ROADS. Amending Schedule 1 (Interpretations) by – a. Amending the following titles: i. “Caretaker’s Residence” to read “Caretaker’s Dwelling”; ii. “Jetty and Mooring Envelope” to read “Mooring Envelope”; and associated references throughout the Scheme accordingly, where, in relation to “Caretaker’s Dwelling”, references within the Scheme to “Caretaker/Staff Accommodation”, “Manager’s/Caretakers House”, “Manager’s Dwelling” and “Manager’s House” shall also be amended. Amend the following definitions: - Home occupation, Industry, Lunch Bar, Marina. Amend the following titles and definitions: - Light Industry, Major Road Frontage, Motor Vehicle and Marine Sales Premises, Private Recreation, Professional Consulting Rooms and any associated references throughout the scheme accordingly. Insert the following new definitions – Art Gallery, Car park, Cinema/Theatre, Funeral Parlour, Motor Vehicle Wash, Nightclub, Resource Recovery Centre, Small Bar, Telecommunications Infrastructure, Trade Supplies, Waste Disposal Facility, Waste Storage Facility. Remove the use class definitions for “Grouped Dwelling”, “Multiple Dwelling”, “Residential Building” and “Single House”, while retaining permissibilities within the Zoning Table and references within the Scheme. Remove obsolete or out-dated definitions and associated permissibilities and references throughout the Scheme where relevant. Rearrange the Schedule into two parts, being “Division 1 – General definitions used in Scheme” and “Division 2 – Land use terms used in Scheme”. Amend the Zoning Table. Amend subclause 4.5.3(d) (Exceptions to the Zoning Table) to delete the words “*or motor vehicle and marine sales*”. Delete subclauses 4.5.4(f) and (g) (Exceptions to the Zoning Table) and renumber subsequent clauses accordingly. Amend clause 5.20 (Development in the Business Zone) – (new heading) Development in the Regional Centre and Centre Zones. Modify clause 6.1.1 (Operation of Special Control Areas) by including a new Area - “Drive-through Facility Control” after the Development Contribution Area as listed. Insert a new clause 6.13 DRIVE THROUGH FACILITY CONTROL AREA and renumber subsequent clauses and clause references accordingly.

				Amend Schedule 1 (Interpretations) by inserting a new definition: **'Drive-through facility'** Modify Schedule 2 to include Additional Use 83. Insert a footnote to the Dunsborough 'Centre' and Busselton 'Regional Centre' zone columns of Table 1. Amend clause 4.4 (Interpretation of the Zoning Table). Insert Special Provision No. 63 into Rural Residential Areas. Amend scheme maps accordingly.
39	14/02/20	18/02/20	GM	Amending Schedule 3 – 'Special Provision Areas' by deleting Special Provision 33. Re-coding Lot 202 Bussell Highway, West Busselton from 'Residential R40/R60' to 'Residential R60'. Re-coding Lot 201 Seymour Street, West Busselton from 'Residential R40/R60' to 'Residential R40'. Amending the Scheme maps accordingly.
38	14/07/2020	16/07/2020	MLD	Modify Schedule 2 – Additional Uses – A82 Amend scheme map accordingly.
44	14/08/2020	25/08/2020	GM	Rezone Lot 69 (No. 10) Rosemary Drive and Lot 100 (No. 15) Southern Drive, Busselton from 'Residential' to 'Special Use No. 30' and to recode the Lots from 'R30' to 'R-AC3'. Rezone Lot 48 (No. 26) and Lot 49 (No. 28) Causeway Road from 'Tourism' to 'Special Use No. 30' and include a residential density code of 'R-AC3'. Insert the particulars for No. 30 Lot 48 (No. 26) Causeway Road, Busselton; Lot 49 (No. 28) Causeway Road, Busselton; Lot 69 (No. 10) Rosemary Drive, Busselton; and Lot 100 (No. 15) Southern Drive, Busselton.- in 'Schedule 5 – Special Uses' of the scheme. Amend the Scheme Map accordingly.
37	23/10/2020	27/10/2020	GM	Rezone Lot 7 Forrest Beach Road, Wonnerup from "Rural" zone to "Conservation" zone, "Recreation" reserve and "Public Purposes: Water Tank" reserve and designate "Special Provision Area No.72" as "SP 72", as depicted on the Scheme Amendment map. Insert the development standards (provisions) applicable to Lot 7 (No.86) Forrest Beach Road, Wonnerup into Schedule 3 – Special Provision Areas.
45	29/01/2021	11/03/2021	GM	Amend Schedule 3 – 'Special Provision Areas' – SP 71, Portion Lot 30 Millbrook Road, Yallingup (Proposed Lot 8 on the associated Structure Plan). Delete Additional Use 52 from Schedule 2 'Additional Uses'. Amend the Scheme Map accordingly.
28	16/02/2021	25/03/2021	GM	Modifying Part 3 - Zones by – a. Amending clause 3.1.1 by deleting 'Vasse Development' and 'Deferred Vasse Development' and inserting 'Urban Development' and 'Industrial Development'. b. Deleting reference to the 'Vasse Development Zone' and associated objectives from clause 3.2. c. Deleting reference to the 'Deferred Vasse Development Zone' and associated objectives from clause 3.2. d. Inserting new zones and objectives in clause 3.2 – i.URBAN DEVELOPMENT ZONE and ii. INDUSTRIAL DEVELOPMENT ZONE. e. Deleting clause 3.6 'Land Use Permissibility in the Special Use, Vasse Development and Deferred Vasse Development zones'. f. Amending Table 1 – Zoning Table by – i. For the 'Special Use' zone column, replacing the current text adjacent to the land uses with "in accordance with clause 3.9". ii. Replacing the 'Vasse Development' and 'Deferred Vasse Development' columns with 'Urban Development' and 'Industrial Development' and replacing the current text adjacent to the land uses with "in accordance with clause 3.4.3" for each Zone. g. Inserting a new clause 3.4.3. Modifying Part 4 – General Development Requirements by – a. Amending clause 4.2. b. Amending clause 4.3 Special Application of Residential Design Codes by – i. Amending the title of the clause to "Modification of R-Codes". ii. Inserting a footnote to clause 4.3.1 to read: "refer also to Special Provision Areas – Schedule 3."

				Modify Part 5 – Special Control Areas by – a. Amending sub-clause 5.12.2. Modify Schedules by – Amending Schedule 3 – 'Special Provision Areas' by - a. Amending 'Special Provision Area No. 23' ('Yalyalup') and amend the Scheme map accordingly. b. Amending 'Special Provision Area No. 36' ('Yalyalup Industrial'). c. Amending 'Special Provision Area No. 39' ('Ambergate North'). d. Amending 'Special Provision Area No. 42' ('Dunsborough Lakes'). e. Amending 'Special Provision Area No. 43' ('Old Broadwater Farm'). f. Amending 'Special Provision Area No. 48' ('Ambergate Industrial/Service Commercial'). g. Amending 'Special Provision Area 55' ('Heron Lake'). h. Inserting a new 'Special Provision Area 64' and amend the Scheme map accordingly. i. Inserting a new 'Special Provision Area 65' ('Vasse Village Centre') and amend the Scheme map accordingly. j. Inserting a new 'Special Provision Area 66' ('Birchfields Village, Vasse) and amend the Scheme map accordingly. k. Inserting a new 'Special Provision Area 67' ('Dawson Village, Vasse) and amend the Scheme map accordingly. l. Inserting a new 'Special Provision Area 68' (Vasse 'Urban Development' zone) and amend the Scheme map accordingly. m. Inserting a new 'Special Provision Area 69' ('Port Geographe') and amend the Scheme map accordingly. n. Inserting a new 'Special Provision Area 73' ('Port Geographe') and amend the Scheme map accordingly. o. Inserting a new 'Special Provision Area 74' ('Port Geographe') and amend the Scheme map accordingly. p. Inserting a new 'Special Provision Area 75' ('Port Geographe') and amend the Scheme map accordingly. Deleting Schedule 8 - 'Vasse Development Zone – Special Provisions'. Deleting Schedule 9 – 'Deferred Vasse Development Zone – Special Provisions' and renumber the remaining Schedules and Schedule references accordingly. Amending Schedule 12 – 'Development Contribution Area' as it relates to DCA1 by deleting the second paragraph under 'Method for calculating cost contributions' and replacing. Amending Schedule 12 – 'Development Contribution Areas' by inserting DCA 2 – Yalyalup, DCA 3 – Old Broadwater Farm, DCA 4 – Vasse and DCA 5 – Dunsborough Lakes and amending the Scheme map accordingly. Modify Schedule 5 – Special Uses by – a. Inserting the following new Special Uses amend the Scheme map accordingly. i) SU31 Lot 1001 Oaks Drive, Vasse ii) SU32 Lot 1131 Data Way, Kealy iii) SU33 Lot 5001 Clubhouse Drive, Dunsborough iv) SU34 Lot 4002 Dunsborough Lakes Drive, Dunsborough b. Deleting the following Special Uses – i) SU22 Ambergate Automotive Development Area ii) SU23 Ambergate North iii) SU25 Heron Lake iv) SU26 Old Broadwater Farm v) SU29 Yalyalup Industrial Development **Landscape Value Area** Realigning the 'Landscape Value Area' boundary to exclude – a. The land generally bound by the Busselton Bypass, the Buayanyup Drain, Harbeck Drive, Octopus Lane and Gribble Court, Vasse as shown on the Scheme map, and amending the Scheme map accordingly. b. Lot 9507 New River Ramble, West Busselton as shown on the Scheme map, and amend the Scheme map accordingly. **Wetland Area** Realigning the 'Wetland Area' boundary to exclude the land generally bound by the Busselton Bypass, Gribble Court and Morwong Street, Vasse as shown on the Scheme map, and amend the Scheme map accordingly. **Development Investigation Area** Amending the 'Development Investigation Area' boundary by – a. Excluding Lot 300 (Reserve 50512) and portion of Lot 338 (Reserve 50575), Lots 301 – 304, Lots 311 – 322 and Lots 329 – 366 Carnarvon Castle Drive, Lots 305 – 310 Vixen Close and Lots 323 – 328 Annamaria Rise, Eagle Bay as shown on the

				Scheme map, and amend the Scheme maps accordingly. b. Excluding Lots 401 – 405 Sloan Drive, Lots 408, 9000 and 2002 (Reserve 49991) Capstone Court, Lots 406 and 407, Lots 412 – 418, Lots 420 – 432 and Lots 2000 (Reserve 49412) and 2001 (Reserve 49928) Okapa Rise, Dunsborough as shown on the Scheme map, and amend the Scheme map accordingly. c. Excluding Location 4131 Smiths Beach Road, Yallingup as shown on the Scheme map, and amend the Scheme map accordingly. d. Excluding Lots 2001, 2003 & 610 Fairway Drive, Lots 2005 and 2014 New River Ramble, portion of Lot 502 Swamphen Lane and the land generally bound by Settlers Gate, Pickmore Circus, Mulberry Lane, New River Ramble and Mary Elizabeth Ramble, West Busselton as shown on the Scheme map, and amend the Scheme map accordingly. e. Excluding Lots 25, 250, 23, 60, 26, 333, 5136 (Reserve 45588) and portion of Lots 803 and 2321 Chapman Hill Road and portion of Lots 80 and 283 Lindberg Road, Bovell and the land generally bound by the Busselton Bypass, Queen Elizabeth Avenue, Ambergate Road, Chapman Hill Road and the Vasse Diversion Drain as shown on the Scheme map, and amend the Scheme map accordingly. f. Excluding Lot 100 and 102 Ford Road, Lots 103 – 118 and Lot 472 Beachgrove Place, Geographe as shown on the Scheme map, and amend the Scheme map accordingly. g. Excluding Lots 1 – 10 and Lot 8001 (Reserve 51685) Spoonbill Rd, Lots 8003 (Reserve 51688 and 8004 (Reserve 51689), Lots 11 – 18 and 28 -33 Penguin Way, Lots 34 & 35 Pardalote Road, Lots 26 & 27, 9002, 202 and 19 - 24 Norwood Pass, Lots 25 and 36 – 48 Goshawk Way, portion of Lot 2005 (Reserve 49437) Carriage Terrace and Lot 9500 Busselton Bypass, Vasse as shown on the Scheme map, and amend the Scheme map accordingly. h. Excluding Lots 1 – 3, 228 and B5 Molloy Street, Busselton as shown on the Scheme map, and amend the Scheme map accordingly. **Land proposed to be rezoned to Urban Development and Industrial Development** In respect of land within Yalyalup ('Provence') – a. Rezoning Lot 9033 Joseph Drive, Lot 2 Bussell Highway, Lot 31 Lyddy Road and Lot 9032 Cable Sands Road, Yalyalup from 'Special Use 27' to 'Urban Development' as shown on the Scheme map, and amend the Scheme map accordingly. b. Rezoning Lot 6 Cable Sands Road, Yalyalup from 'Special Use 28' to 'Urban Development' as shown on the Scheme map, and amend the Scheme map accordingly. c. Rezoning Lot 6 and portion of Lot 10 Bussell Highway, Broadwater from 'Residential R20' to 'Urban Development' as shown on the Scheme map, and amend the Scheme map accordingly. In respect of land within Ambergate North – Rezoning Lot 301 Busselton Bypass, Lot 2 and 126 Chapman Hill Road and portion of Lots 804 and 22 Chapman Hill Road, Bovell from 'Special Use 23' to 'Urban Development' as shown on the Scheme map, and amend the Scheme map accordingly. In respect of land within Old Broadwater Farm – Rezoning portion of Lot 9507 New River Ramble, West Busselton from 'Special Use 26' to 'Urban Development' as shown on the Scheme map, and amend the Scheme map accordingly. In respect of land within Vasse – a. Rezoning portion of Lot 9557 Napoleon Promenade, Vasse from 'Vasse Development' to 'Industrial Development' as shown on the Scheme map, and amend the Scheme map accordingly. b. Rezoning Lots 122, 102, 108, 109, 110, 120, 111, 106 and portion of Lots 9553 and 9558 Napoleon Promenade, Lots 104 and 105 Birak Lane, Lot 121 Minion Court, Lot 9521 Bussell Highway, Lot 9000 Yebble Drive, Lot 174 and portion of Lot 250 Kaloorup Road and Lot 9052 and portion of Lot 221 Northerly Street, Vasse from 'Vasse Development' to 'Urban Development' as shown on the Scheme map, and amend the Scheme map accordingly. c. Rezoning Lot 461 Florence Road, portion of Lot 250 Kaloorup Road and portion of Lot 221 Northerly Street, Vasse from 'Deferred Vasse Development' to 'Urban Development' as shown on the Scheme map, and amend the Scheme map accordingly. d. Rezoning Lot 22 Newtown Close, Lots 8 and 9 Dowell Road and Lots 74, 75, 2, 21, 19, 51, 50, 2, 3, 4, and 21 Northerly Street, Vasse from 'Vasse Development' to 'Urban Development' and apply a residential density code of R-AC3 as shown on the Scheme map, and amend the Scheme map accordingly. In respect of land within Dunsborough Lakes – Rezoning Lot 5000 Waterville Drive, Lot 9050 Clubhouse Drive, Lot 9068 Kawana Boulevard, Lots 5006, 9067 and 40 Dunsborough Lakes Drive and Lot 41 Commonage Road, Dunsborough Lakes from 'Special Use 24' to 'Urban Development' as shown on the Scheme map, and amend the Scheme map accordingly.

				In respect of land within Yalyalup Industrial – a. Rezoning Lots 9501, 17 and 205 Vasse Highway, Lots 9009, 76 and portion of Lot 74 Neville Hyder Drive and portion of Lot 75 Bussell Highway, Yalyalup from 'Special Use 29' to 'Industrial Development' as shown on the Scheme map, and amend the Scheme map accordingly. b. Rezoning Lots 300 and 11 Vasse Highway and Lot 1602 Neville Hyder Drive, Yalyalup from 'Special Use 29' to 'Reserve for Public Purposes' as shown on the Scheme map, and amend the Scheme map accordingly. In respect of land within Chapman Hill Industrial/Service Commercial - Rezoning Lot 11 and portion of Lot 803 Chapman Hill Road, Bovell from 'Special Use 22 (Ambergate Automotive Development Area)' to 'Industrial Development' as shown on the Scheme map, and amend the Scheme map accordingly. In respect of land within Port Geographe - a. Rezoning portion of Lot 9001 Layman Road, Geographe from 'Residential R20', 'Residential R20/R40', 'Reserve for Recreation' and 'Reserve for Public Purposes' to 'Urban Development' as shown on the Scheme map, and amend the Scheme map accordingly. b. Rezoning Lots 9501 and 585 Port Lane, Geographe from 'Local Centre' to 'Urban Development' as shown on the Scheme map, and amend the Scheme map accordingly. c. Rezoning Lots 509 and 612 Spinnaker Boulevard, Geographe from 'Tourism' to 'Urban Development' as shown on the Scheme map, and amend the Scheme map accordingly. **Normalising endorsed structure plans where subdivision and development has occurred** In respect of land within Yalyalup (Provence) – Rezoning land generally bound by Vasse Highway, Lot 501 Vasse Highway, Joseph Drive, Lot 9032 Cable Sands Road and the Busselton Outer Bypass Corridor, Yalyalup from 'Special Use 27' to 'Residential R5', 'Residential R10', 'Residential R12.5', 'Residential R15', 'Residential R20', 'Residential R25', 'Residential R30', 'No Zone' and 'Reserve for Recreation' as shown on the Scheme map, and amend the Scheme map accordingly. In respect of land within Old Broadwater Farm – Rezoning the land generally bound by the Busselton Bypass, Fairway Drive, Pickmore Circus, Pianobox Boulevard and Lot 9507 New River Ramble, West Busselton from 'Special Use 26' to 'Residential R12.5', 'Residential R20', 'Residential R30', 'Residential R40', 'No Zone' and 'Reserve for Recreation' as shown on the Scheme map, and amend the Scheme map accordingly. In respect of land within Vasse – *'Birchfields Village'* a. Rezoning the land generally bound by the Busselton Bypass, Northerly Street, Orlando Boulevard, Arup Drive, Heritage Drive, Kaloorup Road and land zoned 'Rural Residential' and 'Rural' to the east and south from 'Vasse Development' to 'Residential R5', 'Residential R10', 'Residential R20', 'Residential R30', 'Residential R40', 'Special Use 31', 'No Zone', 'Reserve for Recreation' and 'Reserve for Public Purposes' as shown on the Scheme map, and amend the Scheme map accordingly. *'Dawson Village'* b. Rezoning the land generally bound by Bussell Highway, Lynwood Street, the 'Rails to Trails' reserve and the Buayanyup River Drain reserve from 'Vasse Development' to 'Residential R20', Residential R30', 'Residential R40', 'Special Use 32', 'No Zone' and 'Reserve for Recreation' as shown on the Scheme map, and amend the Scheme map accordingly. *'Vasse LIA'* c. Rezoning the land generally bound by Bussell Highway, Northerly Street, Lynwood Street and the 'Rails to Trails' reserve from 'Vasse Development' to 'Light Industry', Urban Development' and 'Reserve for Recreation' as shown on the Scheme map, and amend the Scheme map accordingly. *'Heron Lake'* d. Rezoning the land contained within Special Provision Area 55 from 'Special Use 25' to 'Residential R12.5', 'No Zone' and 'Reserve for Recreation' as shown on the Scheme map, and amend the Scheme map accordingly. In respect of land within Dunsborough Lakes Estate – Rezoning the land generally bound by Caves Road, Commonage Road and Dunsborough Lakes Drive from 'Special Use 24' to 'Residential R5', 'Residential R10', 'Residential R20', 'Residential R25', 'Residential R30', 'Residential R40', 'Special Use 33', 'Special Use 34', 'No Zone', 'Reserve for Public Purposes' and 'Reserve for Recreation' as shown on the Scheme map, and amend the Scheme map accordingly.

36	04/06/2021	16/06/2021	MLD	Rezoning Lots 1445, 178, 501, 9000, 201 and 176 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse from 'Rural Residential' to 'Urban Development'. Rezoning Lots 224 and 634 Rendezvous Road, Vasse from 'Rural' to 'Urban Development'. Zone the portion of road reserve between Lots 224 and 176 Rendezvous Road, Vasse as 'Urban Development'. Zone the portion of road reserve abutting the southern boundary of Lots 201 and 9000 Rendezvous Road, Vasse as 'Urban Development'. Extending the 'SP4' boundary by including Lots 224 and 634 Rendezvous Road, Vasse. Amending the 'Development Investigation Area' boundary by excluding Lots 1445, 178, 501, 9000, 201, 176 and 224 Rendezvous Road and Lot 9003 Vasse-Yallingup Road, Vasse. Amending 'Special Provision Area No. 4' – SP4 to read Lots 1445, 178, 501, 9000, 176, 201, 224 and 634 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse, as identified on the Scheme map. Amending the Scheme map accordingly.
43	30/07/21	01/09/2021	HB	Rezone part of Lot 22 Bussell Highway, Yalyalup from 'Tourism', 'Special Use 15 (Road Purposes)' and 'Reserve for Recreation' to 'Urban Development'. Rezone part of Lot 76 Neville Hyder Drive, Yalyalup from 'Special Use 15 (Road Purposes)' to 'Urban Development'. Delete Special Provision Area 10. Amend Schedule 3 – 'Special Provision Areas' by including, under the 'Particulars of Land' column of 'Special Provision Area 23', the following text: 'part of Lot 22 Bussell Highway and part of Lot 76 Neville Hyder Drive, Yalyalup' and deleting 'Special Provision Area 10'. Amend the boundary of Special Provision Area 23 to include part of Lot 22 Bussell Highway and part of Lot 76 Neville Hyder Drive, Yalyalup. Amend the scheme map accordingly
46	30/07/2021	01/09/2021	HB	Amend clause 5.4 "Landscape Value Area" by inserting a new sub-clause 5.4.1 and renumber subsequent clauses accordingly: Amend clause 5.5 "Wetland Area" by replacing sub-clause 5.5.1. Amend clause 5.6 "Coastal Management Area" by inserting a new sub-clause 5.6.1 and renumber subsequent clauses accordingly: Amend clause 5.7 "Special Character Area" by inserting a new sub-clause 5.7.1 and renumber subsequent clauses accordingly: Amend clause 5.8 "Airport Protection Area" by inserting a new sub-clause 5.8.1 and renumber subsequent clauses accordingly: Amend clause 5.10 "Waste Water Exclusion Area and Waste Water Buffer Area" by inserting a new sub-clause 5.10.1 and renumber subsequent clauses accordingly: Amending clause 5.11 "Floodway Area and Other Flood Prone Land" by replacing it with the following: FLOODWAY AREA - 5.11.1 to 5.11.4.
51	20/09/2021	14/10/2021	HB	Amend Schedule 10 'Development Contribution Area' by modifying DCA 1 – Community Infrastructure as follows: Period of operation – Until 30 June 2026.
48	26/11/2021	6/12/2021	HB	Amend Schedule 5 "Special Uses" by amending Special Use No.17 by including the following discretionary "D" land uses– a. Service Station b. Warehouse/Storage c. Shop. d. Restaurant/Café e. Garden Centre f. Takeaway Food Outlet And including Conditions of special use. Amend Schedule 3 – 'Special Provision Areas' by deleting Special Provision No.15 ("SP15"). Amend the Scheme Map accordingly.
50	22/7/22	10/08/2022	MLD	Amending the Scheme Map by modifying the residential density coding from R80 to R60 over Lot 81 (18), Strata Plan 17588 (20) and Lots 117 to 127 (30-50) Geographe Bay Road, Dunsborough. Amend clause 4.3.2 Amend clause 4.8.1 Amend clause 4.8.3
53	17/03/023	23/03/2023	GL	Amend Schedule 9 "Exempted Advertisements" by amending Clause (B) to include an additional clause

40	13/06/2023	13/06/2023	GL	Amend Table 1 'Zoning Table' by, in relation to the use class 'Bulky Goods Showroom', replace the symbol 'D' with th symbol 'X' in the 'Light Industry' zone; Amend Table 1 'Zoning Table' by – In relation to the use class 'Aged Persons Home', replace the symbol 'A' with th symbol 'X' in the 'Rural' zone; In relation to the use class 'Amusement Parlour', replace the symbol 'D' with the symbol 'X' in the 'Service Commercial', Light Industry' and 'General Industry' zones; Modify the title 'Ancillary Accommodation' to read 'Ancillary Dwelling' and associated references throughout the Scheme accordingly; Insert the use class 'Art Gallery' an allocating – (i) the symbol 'D' to the 'Regional Centre', 'Centre', Local Centre', 'Tourism', 'Rural' and 'Viticultu''re and Tourism' zones; (ii) the symbol 'A' to the 'Rural Residential' zone; and (iii) the symbol 'X' to the 'Residential', 'Service Commercial', 'Light Industry', 'General Industry', 'Rural Landscape', 'Conservation' and 'Bushland Protection' zones; In relation to the use class 'Brewery', replace the symbol 'A' with the symbol 'X' in the 'Service Commercial' zone; In relation to the use class 'Bus Depot', replace the symbol 'D' with the symbol 'X' in the 'Rural' zone; In relation to the use class 'Cinema/Theatre', replace the symbol 'D' with the symbol 'X' in the 'Service Commercial' zone; In relation to the use class 'Convenience Store', replace the symbol 'D' with the symbol 'X' in the 'Service Commercial', 'Light Industry' and 'General Industry' zones; In relation to the use class 'Corner Shop' – (i) replace the symbol 'P' with the symbol 'X' in the 'Service Commercial' zone; and (ii) replace the symbol 'D' with th symbol 'X' in the 'Light Industry' and 'General Industry' zones; In relation to the use class 'Exhibition Centre', replace the symbol 'A' with the symbol 'X' in the 'Service Commercial' zone; In relation to the use class 'Fuel Depot', replace the symbol 'P' with the symbol 'D' in the 'Light Industry' and 'General Industry' zones; In relation to the use class 'Garden Centre', replace the symbol 'A' with the symbol 'X' in the 'Regional Centre', 'Centre', 'Local Centre' and 'Rural Residential' zones; In relation to the use class 'Hospital', replace the symbol 'A' with the symbol 'X' in the 'Rural Landscape' zone; In relation to the use class 'Hotel', replace the symbol 'A' with the symbol 'X' in the 'Service Commercial' zone; In relation to the use class 'Liquor Store – Large', replace the symbol 'P' with th symbol 'D' in the 'Regional Centre', 'Centre' and 'Local Centre' zones; In relation to the use class 'Liquor Store – Small', replace the symbol 'P' with the symbol 'D' in the 'Local Centre' zone; In relation to the use class 'Market' – (i) replace the symbol 'D' with the symbol 'X' in the 'Service Commercial', 'Light Industry', 'General Industry', 'Rural' and 'Viticulture and Tourism' zones; and (ii) replace the symbol 'A' with the symbol 'X' in the 'Rural Residential' zone; In relation to the use class 'Medical Centre', replace the symbol 'D' with the symbol 'X' in the 'Light Industry' and 'General Industry' zones; In relation to the use class 'Motel', replace the symbol 'A' with the symbol 'X' in the 'Service Commercial' zone; In relation to the use class 'Motor Vehicle, Boat or Caravan Sales' – (i) Replace th symbol 'D' with the symbol 'X' in the 'Regional Centre', 'Centre' and 'Local Centre' zones; and (ii) Replace the symbol 'P' with the symbol 'D' in the 'Service Commercial', 'Light Industry' and 'General Industry' zones; In relation to the use class 'Motor Vehicle Repair', replace the symbol 'P' with the symbol 'D' in the 'Light Industry' zone; In relation to the use class 'Reception Centre', replace the symbol 'D' with the symbol 'X' in the 'Service Commercial' zone; In relation to the use class 'Residential Building', replace the symbol 'X' with the symbol 'D' in the 'Regional Centre' and 'Centre' zones; In relation to the use class 'Restaurant/Café', replace the symbol 'D' with the symbol 'X' in the 'Service Commercial' zone; In relation to the use class 'Restricted Premises', replace the symbol 'D' with the symbol 'X' in the 'Service Commercial' zone; In relation to the use class 'Service Station' – i. replace the symbol 'A' with the symbol 'X' in the 'Rural' zone; and ii. Replace the symbol 'D' with the symbol 'A' in the 'Local Centre' and 'Service Commercial' zones; In relation to the use class 'Small Bar', replace the symbol 'A' with the symbol 'X' in the 'Service Commercial' and 'Light Industry' zones; In relation to the use class 'Takeaway Food Outlet', replace the symbol 'A' with the symbol 'D' in the 'Regional Centre' and 'Centre' zones; In relation to the use class 'Tavern', replace the symbol 'A' with the symbol 'X' in the 'Service Commercial' an 'Light Industry' zones; In relation to the use class 'Trade Supplies' – (i) replace the symbol 'P' with the symbol 'D' in the 'Regional Centre', 'Centre', 'Local Centre' and 'Service Commercial' zones; and

				(ii) replace the symbol 'X' with the symbol 'D' in the 'General Industry' zone; In relation to the use class 'Veterinary Centre', replace the symbol 'P' with the symbol 'D' in the 'Service Commercial' zone; In relation to the use class 'Winery' – (i) replace the symbol 'D' with the symbol 'A' in the 'Regional Centre', 'Centre' and 'Local Centre' zones; (ii) replace the symbol 'P' with the symbol 'D' in the 'Light Industry' zone; (iii) replace the symbol 'X' with the symbol 'D' in the 'General Industry' zone; and (iv) replace the symbol 'A' with the symbol 'X' in the 'Service Commerical' and 'Rural Landscape' zones; Insert new sub-clause 4.19 as follows, and renumbering subsequent clauses accordingly; 4.19 BREWERIES AND WINERIES 4.19.1 The development of a Brewery or a Winery within the Light Industry and General Industry zones shall be primarily for the production, storage and/or distribution of the product. The following restrictions shall apply – consumption of the product at the site shall be limited to tastings only, being incidential to the production of the product on site, with maximum serving sizes of: (i) 50 ml for wine; (ii) 100 ml for beer/cider; and (iii) 15 ml for spirits; no dining on the premises or the consumption or service of food shall take place; patronage at the site shall not exceed 30 people at any one time; and customers visiting the site for the purpose of tasting and/or sales are restricted to Monday to Sunday, including public holidays, between the hours of 12.00pm and 5.00pm. Amend Additional Use No. 74 within Schedule 2 by inserting 'Car Park' within the list of land uses permitted. Amend Schedule 2 'Additional Uses' by inserting – No.A84 Portion of Lot 178 on Deposited Plan 408348 Land Use Permitted/Specified with conditions Amend Schedule 2 'Additional Uses' by inserting – No. A85 Units 1 to 5 (Strata Plan 27226) No. 17 Bussell Highway, West Busselton Land Use Permitted/Specified with conditions
59	3/11/23	9/11/23	GL	Amend Schedule 3 – Special Provisions – SP 77 – Lot 200 (1676) Caves Rd Dunsborough. Amend Scheme Map accordingly
54	2/2/2024	15/02/2024	GL	Amend Schedule 3 and including an additional Special Provision area. For SP78 – Lot 2883 Puzey Rd, Wilyabrup for Viticulture/Tourism zones and special provisions. Update the Scheme Maps accordingly.
57	27/2/2024	27/02/2024	GL	Amend the zoning of Lot 1 (No. 45A) Clydebank Avenue, West Busselton from 'Local Centre' zone to redesignate as 'Reserve for Public Purposes' (Water Authority). Amend the zoning of Lot 2 (No.45B) Clydebank Avenue, West Busselton from 'Local Centre' zone to 'Residential' (R30). Amend Scheme Map accordingly.
55	8/03/2024	8/03/2024	HAB	Inserting 'Special Provision Area No. 76 – As identified on the Scheme map – Urban Development with special provisions. Amend the Scheme map by replace the 'Rural' and 'Conservation' zones over Lots 4, 12 and 402 Caves Road and Lots 14 and 15 Bussell Highway, Abbey with the 'Urban Development' zone. and amend the boundary of the Landscape Value Area to align with the west, south and east boundaries of Lot 4 Caves Road, Abbey.
52	31/05/2024	18/06/2024	GL	Amend the Scheme Map, Amend the residential density code from R-AC3 to RAC0 over all lots zoned 'Centre'. Amend the residential density code from R80 to R60. Lots 51 and 87 to 102 Chieftain Crescent Lots 8 and 162 Chester Way Lot 141 Lorna Street and Lot 60 (191) Naturaliste Terrace. Amend the 'Drive Through Facility Control Area' Special Control Area to include: Lots 1-2 (64) Dunn Bay Road Lot 1 (61) Dunn Bay Road Reserve 42673 and Lot 5153 (1) Leslie Pearce Court and portion of Lot 9020 Caves Road. Amend the zoning of a portion of 'Road' reserve at the northern end of Lorna Street, between serifed portions of Reserve 26512, to redesignate as 'Recreation' reserve. Realign the zoning of Lot 400 (24) Dunn Bay Road and the portion of 'Road' reserve adjacent to the western and southwestern side of Lot 400 to be consistent with the cadastral boundary, as depicted on the Scheme Amendment Map. Retitling the 'Centre' zone to 'District Centre' zone throughout the Scheme and amend the Scheme Map accordingly.

				Amend Table 1 ‘Zoning Table’ in relation to the use classes ‘Single House’, ‘Ancillary Dwelling’, Repurposed Dwelling’, ‘Second-hand Dwelling’, ‘Marina’, ‘Marine Filling Station’, Motor Vehicle, Boat or Caravan Sales’ and ‘Transport Deport’, by replacing the symbol ‘D’ with the symbol ‘X’ in the Centre zone. Amend clause 4.3 ‘Modifications of R-Codes’ by changing sub-clause 4.3.2. Amend clause 4.8 ‘Height of Buildings’ by amending sub-clause 4.8.9, removing reference to ‘Centre’ zone. Amend clause 4.22.1 by removing reference to ‘Centre’ zone, ‘Dunn Bay Rd’, ‘Naturaliste Tce’ and ‘Dunsborough’ and amending the title of Clause 4.22 to read ‘Development in the Regional Centre and District Centre Zones’. Inserting a new clause 4.22.2, and renumbering subsequent clauses and clause references (including within the clauses and sub-clauses themselves) (as applicable) throughout the Scheme: Amend Part 5 – Special Control Areas. 5.15 Building Height Area – Dunsborough Town Centre Amend Schedule 2 ‘Additional Uses’. Amend Additional Use No.A74 by deleting properties listed in the ‘Particular of Land’ column, and amending the Scheme Map accordingly. Insert an Additional Use (No.A86) provision and amending the Scheme Map accordingly.

LOCAL PLANNING SCHEME No. 21

PLANNING AND DEVELOPMENT ACT 2005

RESOLUTION DECIDING TO PREPARE A LOCAL PLANNING SCHEME

CITY OF BUSSELTON

LOCAL PLANNING SCHEME NO. 21

RESOLVED that the local government, in pursuance of section 72 of the *Planning and Development Act 2005*, prepare the above Local Planning Scheme with reference to an area situated wholly within the City of Busselton and enclosed within the inner edge of black border on a plan now produced to the Council of the local government and marked and certified by the Chief Executive Officer under his hand dated the 20th day of February 2008 as "Scheme Area Map".

Dated this day of 20

MIKE ARCHER
CHIEF EXECUTIVE OFFICER

CITY OF BUSSELTON

LOCAL PLANNING SCHEME No. 21

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

This Local Planning Scheme of the City of Busselton consists of this scheme text and the scheme map.

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

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PART 1 - PRELIMINARY

1.1 CITATION

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

1.1.2 The following Scheme is revoked -

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

1.2 RESPONSIBLE AUTHORITY

The City of Busselton is the responsible authority for implementing the Scheme.

1.3 SCHEME AREA

AMD 1 GG 04/08/17

The Scheme applies to the Scheme area as shown on the Scheme maps, or to the Low Water Mark, if the Scheme map does not extend to or beyond the Low Water Mark.

1.4 CONTENTS OF SCHEME

The Scheme comprises -

(a) the Scheme text; and

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

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

1.5 PURPOSES OF SCHEME

The purposes of the Scheme are to -

(a) set out the local government's planning aims and intentions for the Scheme area;

(b) set aside land as reserves for recreation and public purposes;

(c) zone land within the Scheme area for the purposes defined in the Scheme;

(d) control and guide land use and development;

(e) set out procedures for the assessment and determination of applications for development approval;

(f) make provision for the administration and enforcement of the Scheme; and

(g) address other matters set out in Schedule 7 to the *Planning and Development Act.*

1.6 AIMS OF THE SCHEME

The aims of the Scheme are -

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

(b) to provide a comprehensive planning instrument for the City that is clear and explicit but which provides flexibility in its application;

(c) to provide resourceful guidance to -

a) the preparation of Structure Plans;

b) public authorities in respect of the likely future needs of the City;

c) the private sector in terms of future development opportunities and requirements; and

d) the community in respect of the manner in which the effects of growth and change are proposed to be managed;

(d) to ensure that rational decisions are made with regard to land use and that the assessment and classification of land resources on the basis of capability and suitability are an essential facet of the planning process;

(e) to facilitate the provision of public amenities and community support services consistent with the development and growth of the City;

(f) to ensure that growth and development of the City occurs in a way which preserves existing environmental qualities and minimises adverse environmental impacts;

(g) to ensure that existing and future residents enjoy a range of attractive living environments and have access to the widest possible range of services and amenities;

(h) to protect and enhance areas within the City identified as being of significant environmental value;

(i) to encourage the conservation and extraction of geological resources so as to prevent sterilisation of known resources by inappropriate development; and

(j) to generally implement and reflect the policies and strategies outlined in the City of Busselton *Local Rural Planning Strategy* ("the Local Rural Planning Strategy") and (where not inconsistent with that Strategy and/or this Scheme) the *Leeuwin Naturaliste Region Plan - Stage 1* and the *State Planning Policy No. 6.1 - Leeuwin-Naturaliste Ridge.*

1.7 DEFINITIONS

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

a) in the *Planning and Development Act*; or

b) if they are not defined in that Act -

(i) in Schedule 1; or

(ii) in the *State Planning Policy No. 3.1 Residential Design Codes* ("R-Codes").

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

a) in the case of a development to which the R-Codes applies, the definition in the R-Codes prevails; and

b) in any other case the definition in Schedule 1 prevails.

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

1.8 RELATIONSHIP WITH LOCAL LAWS

Where a provision of the Scheme is inconsistent with a local law, the provision of the Scheme prevails.

1.9 RELATIONSHIP WITH OTHER SCHEMES

There are no other Schemes of the City of Busselton which apply to the Scheme area.

PART 2 - RESERVES

2.1 RESERVES

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

2.2 REGIONAL RESERVES

There are no regional reserves in the Scheme area.

2.3 LOCAL RESERVES

AMD 1 GG 04/08/17

Local Reserves are delineated and depicted on the Scheme map according to the legend on the Scheme map, and in addition land between High Water Mark and Low Water Mark shall, unless identified otherwise in the Scheme map, be considered to be 'Recreation Reserve'.

2.4 USE OF LOCAL RESERVES

Reserves may be used -

(a) for the purpose for which the land is reserved under the Scheme;

(b) where such land is vested in a public authority for any purpose for which such land may be lawfully used by that authority; or

(c) for the purpose for which it was used at the date upon which the Scheme came into operation, unless the land has in the meantime become vested in a public authority, or unless such use has been changed by development approval of the local government.

2.5 DEVELOPMENT OF LOCAL RESERVES

AMD 25 GG 23/03/18

2.5.1 A person, other than the local government, must not -

a) demolish or damage any building or works;

b) remove, damage, lop or prune any tree, shrub, or other indigenous vegetation;

c) change the use of the land or building;

d) excavate, spoil or use the land so as to destroy, affect or impair its usefulness for the purpose for which it is reserved; or

e) construct, extend or alter any building or structure, other than a boundary fence,

on a Reserve, without first having applied for and obtained development approval under Parts 8 and 9 of the Deemed Provisions.

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

a) grant development approval for the works mentioned in clause 2.5.1, with or without conditions; or

b) notwithstanding Part 4 in this Scheme and Part 3 of the Deemed Provisions, grant approval for any other purpose, with or without conditions; or

c) refuse the application.

2.5.3 In determining an application for development approval the local government is to have due regard to -

a) the matters set out in clause 67 of the Deemed Provisions; and

b) the ultimate purpose intended for the Reserve.

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

PART 3 - ZONES

3.1 ZONES

3.1.1 The Scheme area is classified into the zones shown on the Scheme map and set out hereunder:

Zones - *AMD 29 GG 7/6/19*

Residential	Rural Residential
Regional Centre	Rural Landscape
District Centre	Local Centre
Service Commercial	Conservation
Tourism	Bushland Protection
Light Industry	Special Use
General Industry	Urban Development *AMD 28 GG 16/02/2021*
Rural	Industrial Development *AMD 28 GG 16/02/2021*
Viticulture and Tourism	

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

3.2 ZONE OBJECTIVES

AMD 29 GG 7/6/19; AMD 28 GG 16/02/2021

The objectives of each zone are as follows -

Zone name	Objectives
Residential	a) To provide for a range of housing and a choice of residential densities to meet the needs of the community. b) To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. c) To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Regional Centre	a) To provide a genuine centre of community life, socially, culturally and economically. b) To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy. c) To ensure that development provides for activation of the street and public spaces, high quality design and a variety of land uses. d) To provide for medium to high density residential development.
District Centre	a) To provide a genuine district centre of community life, socially, culturally and economically. b) To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme or the Activity Centres State Planning Policy.

	c) To ensure that development provides for activation of the street and public spaces, high quality design and a variety of land uses. d) To provide for medium to high density residential development.
Local Centre	a) To provide for development at a scale sufficient to serve the Centre's catchment, but not detract from the commercial primacy of the Regional Centre and District Centre zones. b) Providing for limited expansion of existing smaller centres to ensure access to services at a local level and building neighbourhood identity. c) To ensure that development provides for activation of the street and public spaces, high quality design and a variety of land uses.
Service Commercial	a) To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. b) To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in the District Centre zones. c) To provide for development which will not result in a detrimental impact on surrounding commercial centres and has regard to the strategic importance and need to maintain the commercial primacy of the Regional Centre and District Centre zones. d) To restrict development which is likely to contribute to ribbon development, the spread of centres, or otherwise detrimentally impact the efficiency of main or arterial roads.
Tourism	a) To promote and provide for tourism opportunities. b) To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area, or on the commercial primacy of the Regional Centre and District Centre zones. c) To allow limited residential uses where appropriate. d) To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.
Light Industry	a) To provide for a range of industrial and service commercial uses generally compatible with urban areas, that generally cannot be located in other zones, whilst maintaining the commercial primacy of the Regional Centre and District Centre zones. b) To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	a) To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.

	b) To accommodate industry that would not otherwise comply with the performance standards of light industry. c) Seek to manage impacts such as noise, dust and odour within the zone.
Rural	a) To provide for the maintenance or enhancement of specific local rural character. b) To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as viticulture and horticulture as primary uses, with other rural activities as secondary uses in circumstances where they demonstrate compatibility with the primary use. c) To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways, to protect sensitive areas especially the natural valley and watercourse systems from damage. d) To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses. e) To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses. f) To provide for development and expansion of the viticultural, winemaking and associated tourism activities and other industries related to agricultural activities, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact. g) To provide for the extraction of basic raw materials, where appropriate.
Viticulture and Tourism	a) To provide for the maintenance or enhancement of specific local rural character. b) To provide for development and expansion of the viticultural, winemaking and associated industries, in addition to general rural pursuits, in a manner that does not cause adverse environmental impact. c) To facilitate the development of tourist facilities of a scale and nature appropriate in rural settings without prejudice to the scenic quality of land within this zone and without creating or increasing ribbon development on any road. d) To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses. e) To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses. f) To maintain and enhance the environmental qualities of the landscape, vegetation, soils and waterways.
Rural Residential	a) To provide for lots primarily for residential purposes generally in the range of 1 ha to 4 ha.

	b) To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. c) To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Landscape	a) To facilitate limited closer rural settlement on land which is recognised as being of high landscape or scenic value, but generally unsuitable for agriculture or farming use, in order to protect and enhance those values. b) To ensure that development maintains the character of the locality, maintains a high level of residential amenity, has consideration for conservation values and minimises disturbance to the landscape.
Conservation	a) To restrict the type and scale of development which will be considered on lands possessing special aesthetic, ecological or conservation values to those compatible with such environments. b) To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.
Bushland Protection	a) To restrict the land uses and type and scale of development that will be considered on lands possessing special biodiversity values to those that will not adversely affect those values, and to provide opportunity for the creation of a subdivision incentive for the protection of those values in perpetuity. b) To prohibit clearing, grazing or damage to remnant vegetation on the land unless required for bushfire hazard risk mitigation identified on an adopted fire management plan, approved dwellings or any incidental development within building envelopes, or to allow for vehicular access to such buildings. c) To prohibit the clearing, draining, filling or grazing of wetlands on the land.
Special Use	a) To facilitate special categories of land uses, which do not sit comfortably within any other zone. b) To enable the local government to impose specific conditions associated with the special use.”
Vasse Development	*DELETED BY AMD 28 GG 16/02/2021*
Deferred Vasse Development Zones	*DELETED BY AMD 28 GG 16/02/2021*
Urban Development Zone *AMD 28 GG 16/02/2021*	<u>Objectives</u> a) To designate land for future urban development and provide a basis for more detailed structure planning in accordance with this Scheme. b) To provide for a range of residential densities to encourage a diversity of residential housing opportunities.

	c) To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. d) To proactively plan for vibrant and attractive activity centres in urban areas developed along 'main-street' lines with activated public streets, high levels of pedestrian and civic amenity and a mix of public spaces including, retail, commercial, café, restaurant, bar, entertainment, tourism and community uses. e) To provide for a range of recreational, community, cultural and social facilities to meet the needs of a growing and diverse population. f) To provide for the protection of natural areas and habitats within urban areas.
Industrial Development Zone *AMD 28 GG 16/02/2021*	Objectives a) To designate land for future industrial development. b) To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme. c) Encourage and facilitate employment generating development which will contribute to the economic and social well-being of the district; d) Provide for a range of industrial and associated activities, so as to meet the needs of the wider community for industrial services and facilities; e) Minimise land use conflict between industrial and other land uses and protect the amenity of zones abutting the Industrial Development Zone; f) Improve the amenity and visual appearance of industrial areas through appropriate design and landscaping; g) Encourage the consolidation of industrial development into areas which have been appropriately zoned and structure planned for that purpose; and provide for appropriate servicing, accessibility and connectivity.

3.3 ZONING TABLE

3.3.1 Table 1 - Zoning Table indicates, subject to the provisions of the Scheme, the uses permitted in the Scheme area in the various zones. The permissibility of any uses is determined by cross-reference between the list of use classes on the left hand side of the Zoning Table and the list of zones at the top of the Zoning Table.

3.3.2 The symbols used in the cross reference in the Zoning Table have the following meanings -

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

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

'A' means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving special notice in accordance with clause 64 of the Deemed Provisions; *AMD 25 GG 23/03/18*

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

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

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

3.3.5 A change in the use of land from one use to another is permitted if -

a) the local government has exercised its discretion by granting development approval;

b) the change is to a use which is designated with the symbol 'P' in the cross reference to that zone in the Zoning Table and the proposed use complies with all the relevant development standards and any requirements of the Scheme;

c) the change is an extension of a use within the boundary of the lot which does not change the predominant use of the lot; or

d) the change is to an incidental use that does not change the predominant use of the land.

Notes:
1. *The development 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 67 of the Deemed Provisions.* *AMD 25 GG 23/03/18*
4. *Unless otherwise provided for, the local government must refuse to approve any 'X' use of land. Approval to an 'X' use of land may only proceed by way of an amendment to the Scheme.*

3.4 INTERPRETING THE ZONING TABLE

AMD 29 GG 7/6/19

3.4.1. A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

3.4.2. The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –

a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or

b) determine that the use may be consistent with the objectives of a particular zone and give notice under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or

c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.

3.4.3 If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land – *AMD 28 GG 16/02/2021*

a) a structure plan;

b) an activity centre plan;

c) a local development plan.

3.5 EXCEPTIONS TO THE ZONING TABLE

3.5.1 Notwithstanding the provisions of clause 3.3 and Table 1, the local government may approve any development consistent with a Structure Plan adopted pursuant to Part 4 of the Deemed Provisions. *AMD 25 GG 23/03/18*

3.5.2 Table 1 shall apply to all lots greater than 20 hectares in area within the Rural Residential zone as if the land was located in the Rural zone, with the exception that the local government may only grant development approval for agriculture - intensive on such land where it has followed the procedures set out in clause 64 of the Deemed Provisions. *AMD 25 GG 23/03/18*

3.5.3 Notwithstanding the provisions of clause 4.3 and Table 1, the following development shall be deemed an "X" use - *AMD 1 GG 04/08/17*

a) within the Rural Residential zone on any lot less than 4,000 m² in area, any purpose other than a single house (including any incidental development), ancillary dwelling, guesthouse, holiday home (single house), home business, home office, home occupation or bed and breakfast; *AMD 1 GG 04/08/17; AMD 40 GG 13/06/2023*

b) within the Rural Residential zone on any lot less than 1 hectare in area, the keeping or rearing of stock;

c) within the Rural Residential zone on any lot less than 4 hectares in area, unless specified on a Structure Plan, the keeping and rearing of stock, except for domestic purposes and, in such case, shall not exceed one horse or one cow or two sheep; and

d) within the Light Industry and General Industry zones, the use of a factory unit building or industrial unit for automotive wrecking. *AMD 29 GG 7/6/19*

3.5.4 Notwithstanding the provisions of clause 3.3 and Table 1, the following development shall be deemed a "D" use -

a) subject to advertising pursuant to clause 64 of the Deemed Provisions of the Scheme, the use of land, with an R-Code of R30 or greater, for the purposes of a guesthouse or residential building; *MD 1 GG 04/08/17; AMD 25 GG 23/03/18*

b) the use and development of single houses, grouped dwellings and multiple dwellings in the Tourism zones and Local Centre zones within the Port Geographe Development area;

c) the use and development of aged persons' accommodation in the Tourism zone within the Port Geographe Development area where it is consistent with the Port Geographe Development Plan and the predominance of tourist uses is maintained within the zone;

d) development for the purposes of commercial premises for the retailing of bulky goods in the Light Industry or General Industry zones, subject to the local government being satisfied that -

(i) suitable land for the development is not available in any nearby business centre;

(ii) the development would not, by reason of the number of retail outlets which exist or are proposed on land within the Light Industry or General Industry zone, defeat the predominantly industrial nature of the zone; and

(iii) the proposed development will not detrimentally affect the viability of any business centre;

e) excluding reference to a convenience store or lunch bar, the sale of goods or products by retail or wholesale to the public from land in the Light Industry or General Industry zone, provided that -

(i) the goods or produce are manufactured or stored in bulk on the lot;

(ii) not more than 50% of the gross floor area of building on the lot is used for the sale of such goods or produce; and

(ii) the goods or produce sold are not -

i) foodstuffs, liquor or beverages;

ii) items of clothing or apparel;

iii) magazines, newspapers, books or paper products;

iv) medicinal or pharmaceutical products;

v) china, glassware or domestic hardware other than building supplies; or

vi) items of personal adornment;

unless such goods are manufactured on the lot;

f) the use of land within the Rural Residential zone, identified for rural or primary production on an approved Structure Plan for the purposes of agriculture – intensive, subject to advertising pursuant to clause 64 of the Deemed Provisions of the Scheme.

AMD 1 GG 04/08/17; AMD 25 GG 23/03/18

Table 1 – Zoning Table

AMD 1 GG 4/08/17; AMD 35 GG 2/02/16; AMD 29 GG 7/06/19; AMD 21 GG 7/06/19; AMD 28 GG 16/02/2021; AMD 40 GG 13/06/2023; AMD 52 GG 31/05/24

Zone / Use Class	Residential	Regional Centre[t]	District Centre[t]	Local Centre	Service Commercial	Tourism	Light Industry	General Industry	Rural	Viticulture and Tourism	Rural Residential	Rural Landscape	Conservation	Bushland Protection	Special Use	Urban Development	Industrial Development
Abattoir	X	X	X	X	X	X	A	D	A	X	X	X	X	X	In accordance with clause 3.9 *AMD 28 GG 16/02/2021*	In accordance with clause 3.4.3 *AMD 28 GG 16/02/2021*	In accordance with clause 3.4.3 *AMD 28 GG 16/02/2021*
Aged Persons Home *AMD 40 GG 13/06/2023*	D	A	A	X	X	X	X	X	X	X	X	X	X	X			
Agriculture – Extensive	X	X	X	X	X	X	X	X	P	P	A	D	D	D			
Agriculture – Intensive	X	X	X	X	X	X	X	X	P	P	X	X	X	X			
Amusement Parlour *AMD 40 GG 13/06/2023*	X	P	P	P	X	D	X	X	X	X	X	X	X	X			
Ancillary Dwelling *AMD 40 GG 13/06/2023 AMD 52 GG 31/05/2024*	P	D	X	D	X	X	X	X	P	P	P	D	D	D			
Animal Establishment	X	X	X	X	X	X	X	X	D	D	A	A	X	X			
Animal Husbandry – Intensive	X	X	X	X	X	X	X	X	D	D	X	X	X	X			
Aquaculture	X	X	X	X	X	X	D	D	D	D	A	A	A	X			
Art Gallery *AMD 40 GG 13/06/2023*	X	D	D	D	X	D	X	X	D	D	A	X	X	X			
Bed and Breakfast	D	D	D	D	X	P	X	X	D	D	D	D	D	D			
Brewery *AMD 40 GG 13/06/2023*	X	A	A	A	X	A	D	D	A	A	X	X	X	X			
Bulky Goods Showroom *AMD 40 GG 13/06/2023*	X	P	P	P	P	X	X	X	X	X	X	X	X	X			
Bus Depot *AMD 40 GG 13/06/2023*	X	X	X	X	D	X	D	D	X	X	X	X	X	X			
Caravan Park	A	X	X	X	X	D	X	X	A	A	X	X	X	X			
Caretaker's Dwelling	X	X	X	X	X	D	X	X	X	X	X	X	X	X			
Car Park	X	D	D	D	D	X	D	D	X	X	X	X	X	X			
Cinema/Theatre *AMD 40 GG 13/06/2023*	X	D	D	D	X	X	X	X	X	X	X	X	X	X			
Chalet	X	X	X	X	X	D	X	X	D	D	X	A	A	X			
Child Care Premises	A	D	D	D	D	A	X	X	D	A	A	X	X	X			
Club Premises	X	D	D	D	D	D	X	X	A	A	X	X	X	X			
Community Purpose	A	P	P	P	D	D	D	D	D	A	A	X	X	X			
Consulting Rooms	A	P	P	P	P	X	X	X	X	X	X	X	X	X			
Convenience Store *AMD 40 GG 13/06/2023*	X	P	P	P	X	D	X	X	X	X	X	X	X	X			
Corner Shop *AMD 40 GG 13/06/2023*	A	P	P	P	X	X	X	D	A	A	A	X	X	X			

Zone / Use Class	Residential	Regional Centre[t]	Centre[t]	Local Centre	Service Commercial	Tourism	Light Industry	General Industry	Rural	Viticulture and Tourism	Rural Residential	Rural Landscape	Conservation	Bushland Protection	*Special Use*	*Urban Development*	*Industrial Development*
Educational Establishment	A	P	P	P	D	X	D	D	D	D	D	X	X	X			
Exhibition Centre *AMD 40 GG 13/06/2023*	X	A	A	A	X	A	X	X	A	A	X	X	X	X			
Factory Unit Building	X	X	X	X	D	X	P	P	X	X	X	X	X	X			
Fuel Depot *AMD 40 GG 13/06/2023*	X	X	X	X	X	X	D	D	X	X	X	X	X	X			
Funeral Parlour	X	D	D	D	D	X	D	X	X	X	X	X	X	X			
Garden Centre *AMD 40 GG 13/06/2023*	X	X	X	X	A	X	D	X	D	D	X	X	X	X			
Grouped Dwelling	D	D	D	D	X	X	X	X	X	X	X	X	X	X			
Guesthouse	X	D	D	D	X	D	X	X	A	A	A	A	A	X			
Holiday Home (Multiple/Grouped Dwelling)	A	A	A	A	X	X	X	X	X	X	X	X	X	X			
Holiday Home (Single House)	D*	D*	D*	D*	X	X	X	X	D*	D*	D*	D*	D*	D*			
Home Business	D	P	P	P	X	X	X	X	P	P	P	A	A	A			
Home Occupation	P	P	P	P	X	P	X	X	P	P	P	P	P	P			
Hospital *AMD 40 GG 13/06/2023*	A	D	D	D	D	X	X	X	A	A	X	X	X	X			
Hotel *AMD 40 GG 13/06/2023*	X	A	A	A	X	A	X	X	A	A	X	X	X	X			
Industry	X	X	X	X	X	X	D	D	X	X	X	X	X	X			
Industry – Cottage	X	X	X	X	X	D	X	X	P	P	A	D	A	A			
Industry - Extractive	X	X	X	X	X	X	D	D	D	D	X	X	X	X			
Industry - Light	X	X	X	X	D	X	P	P	X	X	X	X	X	X			
Industry – Primary Production	X	X	X	X	X	X	D	D	D	D	X	X	X	X			
Liquor Store – Large *AMD 40 GG 13/06/2023*	X	D	D	D	X	X	X	X	X	X	X	X	X	X			
Liquor Store – Small *AMD 40 GG 13/06/2023*	X	P	P	D	X	X	X	X	X	X	X	X	X	X			
Lunch Bar	X	X	X	X	D	X	D	D	X	X	X	X	X	X			
Marina *AMD 52 GG 31/05/2024*	X	D	X	D	D	D	D	D	X	X	X	X	X	X			
Marine Filling Station *AMD 52 GG 31/05/2024*	X	D	X	D	D	D	D	D	X	X	X	X	X	X			
Market *AMD 40 GG 13/06/2023*	X	D	D	D	X	A	X	X	X	X	X	X	X	X			

Zone / Use Class	Residential	Regional Centre[t]	Centre[t]	Local Centre	Service Commercial	Tourism	Light Industry	General Industry	Rural	Viticulture and Tourism	Rural Residential	Rural Landscape	Conservation	Bushland Protection	*Special Use*	*Urban Development*	*Industrial Development*
Medical Centre *AMD 40 GG 13/06/2023*	A	P	P	P	D	X	X	X	X	X	X	X	X	X			
Mining Operations	X	X	X	X	X	X	A	A	A	X	X	X	X	X			
Motel *AMD 40 GG 13/06/2023*	X	A	A	A	X	D	X	X	X	X	X	X	X	X			
Motor Vehicle, Boat or Caravan Sales *AMD 40 GG 13/06/2023 AMD 52 GG 31/05/2024*	X	X	X	X	D	X	D	D	X	X	X	X	X	X			
Motor Vehicle Repair *AMD 40 GG 13/06/2023*	X	X	X	X	D	X	D	P	X	X	X	X	X	X			
Motor Vehicle Wash	X	X	X	D	D	X	D	D	X	X	X	X	X	X			
Multiple Dwelling	D	D	D	D	X	X	X	X	X	X	X	X	X	X			
Nightclub	X	A	A	X	X	A	X	X	X	X	X	X	X	X			
Office	X	P	P	P	X	X	X	X	X	X	X	X	X	X			
Park Home Park	A	X	X	X	X	D	X	X	X	X	X	X	X	X			
Place of Worship	A	D	D	D	D	X	D	X	A	A	A	X	X	X			
Produce Sales	X	X	X	X	X	X	X	X	D	D	A	A	A	X			
Reception Centre *AMD 40 GG 13/06/2023*	X	D	D	D	X	D	X	X	A	A	X	X	X	X			
Recreation Establishment	X	X	X	X	X	D	X	X	D	D	X	A	A	X			
Recreation – Private	X	D	D	D	D	D	D	X	D	A	A	A	A	X			
Repurposed Dwelling *AMD 52 GG 31/05/2024*	D	D	X	D	X	X	X	X	D	D	D	D	D	D			
Research Establishment	X	D	D	D	D	X	D	D	D	X	X	X	X	X			
Residential Building *AMD 40 GG 13/06/2023*	A	D	D	X	X	D	X	X	A	A	X	X	X	X			
Resource Recovery Centre	X	X	X	X	X	X	X	A	X	X	X	X	X	X			
Restaurant/Café *AMD 40 GG 13/06/2023*	X	P	P	P	X	D	X	X	D	D	A	X	X	X			
Restricted Premises *AMD 40 GG 13/06/2023*	X	D	D	D	X	X	X	X	X	X	X	X	X	X			
Rural Holiday Resort	X	X	X	X	X	D	X	X	X	A	X	X	X	X			
Rural Pursuit/Hobby Farm	X	X	X	X	X	X	X	X	P	P	A	A	X	X			

Zone / Use Class	Residential	Regional Centre[t]	Centre[t]	Local Centre	Service Commercial	Tourism	Light Industry	General Industry	Rural	Viticulture and Tourism	Rural Residential	Rural Landscape	Conservation	Bushland Protection	*Special Use*	*Urban Development*	*Industrial Development*
Second-hand Dwelling *AMD 52 GG 31/05/2024*	D	D	X	D	X	X	X	X	D	D	D	D	D	D			
Service Station *AMD 40 GG 13/06/2023*	X	X	X	A	A	X	D	D	X	X	X	X	X	X			
Shop	X	P	P	P	X	X	X	X	X	X	X	X	X	X			
Single House *AMD 52 GG 31/05/2024*	P	D	X	D	X	X	X	X	P	P	P	P	P	P			
Small Bar *AMD 40 GG 13/06/2023*	X	D	D	A	X	D	X	X	A	A	X	X	X	X			
Takeaway Food Outlet *AMD 40 GG 13/06/2023*	X	D	D	A	A	A	X	X	X	X	X	X	X	X			
Tavern *AMD 40 GG 13/06/2023*	X	A	A	A	X	A	X	X	A	A	X	X	X	X			
Trade Supplies *AMD 40 GG 13/06/2023*	X	D	D	D	D	X	D	D	X	X	X	X	X	X			
Telecommunications Infrastructure	A	A	A	A	D	A	D	D	A	A	A	A	X	X			
Tourist Accommodation	X	D	D	D	X	D	X	X	X	A	X	X	X	X			
Transport Depot *AMD 52 GG 31/05/2024*	X	D	X	D	D	X	D	D	X	X	X	X	X	X			
Tree Farm	X	X	X	X	X	X	X	X	D	D	X	X	X	X			
Veterinary Centre *AMD 40 GG 13/06/2023*	X	D	D	D	D	X	D	X	A	A	X	X	X	X			
Warehouse/Storage	X	D	D	D	P	X	P	P	X	X	X	X	X	X			
Waste Disposal Facility	X	X	X	X	X	X	X	A	X	X	X	X	X	X			
Waste Storage Facility	X	X	X	X	X	X	X	A	X	X	X	X	X	X			
Wind Farm	X	X	X	X	X	X	X	X	A	A	X	X	X	X			
Winery *AMD 40 GG 13/06/2023*	X	A	A	A	X	A	D	D	D	D	X	X	X	X			

* Refer to Clause 4.18.5

[t] Land proposals incorporating a drive-through facility are not permitted within the Drive-Through Facility Control Area applicable to the Dunsborough 'Centre' and Busselton 'Regional Centre' zones, unless the local government has exercised its discretion by granting development approval after first giving notice in accordance with clause 64 of the Deemed Provisions – refer SCA Part 4 clause 4.13 of this Scheme.

3.7 ADDITIONAL USES

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

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

3.8 RESTRICTED USES

There are no restricted uses which apply to the Scheme.

3.9 SPECIAL USE ZONES

AMD 29 GG 7/6/19

3.9.1 Schedule 5 sets out:

a) special use zones for specified land that are in addition to the zones in the zoning table; and

b) the classes of special uses that are permissible in that zone; and

c) the conditions that apply in respect of the special uses.

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

3.10 NON-CONFORMING USES

Except as otherwise provided in the Scheme, no provision of the Scheme is to be taken to prevent -

(a) the continued use of any land for the purpose for which it was being lawfully used immediately prior to the Gazettal date of the Scheme or an amendment to the Scheme (as the case may be); or

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

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

3.11 EXTENSIONS AND CHANGES TO A NON-CONFORMING USE

3.11.1 Subject to the other provisions of this clause 3.11, a person must not -

a) alter or extend a non-conforming use;

b) erect, alter or extend a building used in conjunction with or in furtherance of a non-conforming use; or

c) change the use of land from a non-conforming use to another non-conforming use,

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

3.11.2 An application for development approval under this clause is to be advertised in accordance with clause 64 of the Deemed Provisions. *AMD 25 GG 23/03/18*

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

3.12 DISCONTINUANCE OF NON-CONFORMING USE

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

3.12.2 Clause 3.12.1 shall not apply to a non-conforming use right for permanent residential use in the 'Tourism' zone where a change of use is approved for use of a dwelling for a 'Holiday Home (Single House)' or 'Holiday Home (Multiple/Grouped Dwelling)', wherein the non-conforming use of the dwelling for permanent residential use may recommence without development approval.

3.13 TERMINATION OF A NON-CONFORMING USE

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

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

3.14 DESTRUCTION OF NON-CONFORMING USE BUILDINGS

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

PART 4 - GENERAL DEVELOPMENT REQUIREMENTS

4.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

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

4.2 RESIDENTIAL DESIGN CODES

AMD 28 GG 16/02/2021

4.2.1 The R-Codes, modified as set out in clause 4.3, are to be read as part of this Scheme.

4.2.2 The local government –

a) must make a copy of the R-Codes available for public inspection during business hours at the offices of the local government; and

b) may publish a copy of the R-Codes on the website of the local government.

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

4.2.4 The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause 4.2.3.

4.3 MODIFICATION OF R-CODES

AMD 28 GG 16/02/2021, AMD 52 GG 31/05/2024

4.3.1 Notwithstanding any other provision of the Scheme, the following variations and exclusions to the R-Codes apply: *AMD 1 GG 04/08/17*

a) The local government may grant development approval for the development of not more than two grouped dwellings on any lot comprising not less than 900m², applying a minimum site area of 450 m² per grouped dwelling, within any area coded R10 or greater on the Scheme map, excluding standard residential lots with direct canal frontage in the Port Geographe Development area.

b) Subject to clauses 4.3.1 d) and e), the local government may, for the purposes of urban consolidation, grant development approval for the development of grouped dwellings at density R20, R25 or R30 on any lot greater than 1,500m² within any area coded R10 to R20 or R20/30 on the Scheme map, excluding standard residential lots with direct canal frontage in the Port Geographe Development area.

c) Subject to clauses 4.3.1 d) and e), the local government may, for the purposes of urban consolidation, grant development approval for the development of grouped dwellings at density R20, R25, R30 or R40 on any lot greater than 1,500m² within any area coded R20/40 on the Scheme map.

d) In determining any application for development approval lodged pursuant to clauses 4.3.1 a), b) and c) above, the local government must consider, in addition to those matters listed in clause 67 of the Deemed Provisions, clause 5.7 and Schedule 4, the likely impacts of the proposed development on the identifiable or special character and amenity of the immediate locality in which the proposed development is to be situated. *AMD 25 GG 23/03/18*

e) All Special Character areas provided for in Schedule 4 and pursuant to clause 5.7 are excluded as necessary from the provisions of the R-Codes to the extent of any conflict between the standards set out in Schedule 4 and the R-Codes.

f) Notwithstanding the deemed to comply provisions of the R-Codes, outbuildings that do not exceed a wall height of 2.7 metres and ridge height of 4.5 metres are deemed to meet the relevant performance criteria.

g) On land coded R2, R2.5 or R5, all building development is to be contained within a building envelope area which does not exceed 1,000m², or as otherwise required by a plan adopted pursuant to part 7.

h) On land coded R-AC3, Deemed-to-comply provision 6.1.1 C1 (Building Size) of the R-Codes is varied as per the provisions of clause 4.21. *AMD 1 GG 04/08/17*

Note: Refer also to Special Provision Areas – Schedule 3, *AMD 28 GG 16/02/2021*

4.3.2 Building height provisions as specified under – *AMD 50 GG 22/07/2022, AMD 52 GG 31/05/2024*

(a) Table 3 and Deemed-to-Comply provision 5.1.6 C6 of Volume 1 of the R-Codes, and

(b) Table 2.1, and Acceptable Outcome A2.2.1 of Volume 2 of the R-Codes;

do not apply, except for on land coded R-AC3, R-AC4, R-AC0 or R80. In all other areas, maximum building height requirements are required to comply with the provisions of clause 4.8 of the Scheme.

4.4 RESTRICTIVE COVENANTS

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

4.4.2 Nothing in clause 4.4.1 shall affect the rights or interests of any public authority under any registered instrument.

4.4.3 Clause 4.4.1 shall not apply to covenants entered into under section 129A or 129BA of the *Transfer of Land Act 1893* for the sole benefit of the local government or sole benefit of the local government in conjunction with another authority.

4.5 VARIATIONS TO SITE & DEVELOPMENT STANDARDS AND REQUIREMENTS

4.5.1 Except for development in respect of which the R-Codes apply, if a development is the subject of an application for development approval and does not comply with a standard or requirement prescribed under the Scheme (including a policy or plan adopted pursuant to the Scheme), the local government may, despite the non-compliance, approve the application unconditionally or subject to such conditions as the local government thinks fit.

4.5.2 Notwithstanding clause 4.5.1 above, the following development is expressly prohibited:

a) Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, as specified by clause 4.41.
AMD 1 GG 04/08/17

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

a) consult the affected parties by following one or more of the provisions for advertising uses under clause 64 of the Deemed Provisions; and

AMD 25 GG 23/03/18

b) have regard to any expressed views prior to making its determination to grant the variation.

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

a) approval of the proposed development would be appropriate having regard to the matters to be considered set out in clause 67 of the Deemed Provisions;

AMD 25 GG 23/03/18

b) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality; and

c) the non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.6 ENVIRONMENTAL CONDITIONS

4.6.1 Environmental conditions to which the Scheme is, or amendments to the Scheme, are subject are incorporated into the Scheme by Schedule 7 of the Scheme.

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

4.6.3 The local government is to -

a) maintain a register of all relevant statements published under sections 48F and 48G of the *Environmental Protection Act 1986*; and

b) make the statements available for public inspection at the offices of the local government.

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

4.7 DEVELOPMENT ON A PUBLIC ROAD OR UNZONED LAND

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

4.8 HEIGHT OF BUILDINGS

4.8.1 A person must not erect any building that - *AMD 50 GG 22/07/2022*

(a) contains more than two storeys or exceeds a height of 9 metres above natural ground level, where the land is within 150 metres of the mean high water mark; or

(b) contains more than three storeys or exceeds a height of 12 metres above natural ground level where the land is more than 150 metres from the mean high water mark, except where otherwise provided for in the Scheme.

4.8.2 Notwithstanding clause 4.8.1, the local government may grant approval for the development of a building containing more than two or three storeys, as the case may be, provided that the additional storey or storeys are of the nature of a basement or similar structure and that they do not protrude more than 1 metre above finished ground level at the perimeter of the building.

4.8.3 In respect to clauses 4.8.1 and 4.8.2 above, the local government, upon receipt of an application for development approval, may approve building heights which exceed those maximum height limitations as specified, subject to the local government being satisfied that the building height is consistent with the relevant assessment criteria specified under clause 67 of the Deemed Provisions and the Design Principles specified under 5.1.6 P6 of Volume 1 of the R-Codes; or the Element Objectives specified under O2.2.1-O2.2.4 of Volume 2 of the R-Codes as applicable.

AMD 50 GG 22/07/22

4.8.4 A reference in this clause to a building does not include a reference to -

a) an aerial;

b) a chimney stack;

c) a mast;

d) a pole;

e) a receiving tower;

f) a silo;

g) a transmission tower;

h) an utility installation;

i) a ventilator; or

j) a building within the Light Industry or General Industry zone.

4.8.5 Nothing in this clause prevents the local government from specifying a limitation on the height of buildings which is lower than that specified in clauses 4.8.1 and 4.8.2 above were considered appropriate in relation to topography, landscape values and/or environmental values.

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

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

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

4.8.9 For land in the Regional Centre and Local Centre zones where a residential density coding has been designated, the height of any building shall not exceed the height limits identified in the Residential Design Codes. Where a residential density coding has not been designated, the height of any building shall be determined in accordance with clauses 4.8.1 to 4.8.5. *AMD 1 GG 04/08/17*

4.9 RE-PURPOSED DWELLING AND SECOND-HAND DWELLING

AMD 10 GG 01/09/17

The local government shall not grant development approval for development of a Re-purposed dwelling or Second-hand dwelling unless it is satisfied that the development will be consistent with the character of the locality in which development is proposed, the maintenance of the amenity of the locality in which development is proposed and the objectives, policies and other provisions of the Scheme which apply to the land where development is proposed.
The local government may, if it considers it appropriate to do so, advertise an application for development of a Re-purposed dwelling or Second-hand dwelling pursuant to clause 64 of the Deemed Provisions. *AMD 25 GG 23/03/18*

4.10 PROVISION OF SERVICES

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

(a) a water supply and facilities for the removal or disposal of sewage and drainage are available to that land, as deemed necessary by the local government; or

(b) arrangements satisfactory to it have been made for the provision of that supply and those facilities.

4.11 WATER SUPPLY

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

4.12 EFFLUENT DISPOSAL

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

a) adequate and appropriate provision can be made for the on-site disposal of effluent, having particular regard to the comments or requirements specified by the Department of Health; or

b) the development replaces an existing lawful development and redevelopment does not represent an increase of more than 10% over and above the density of the existing development.

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

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

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

4.13 DUMPING OF WASTES

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

4.14 VEHICLES, CARAVANS, TRAILERS IN RESIDENTIAL AREAS

4.14.1 Except as hereinafter provided, a person must not -

a) allow any commercial vehicle or truck to remain or park for a period of more than 4 hours consecutively;

b) repair, maintain, service or clean a commercial vehicle or truck; or

c) keep, park, repair or store any boat, trailer, caravan or any material not specifically for the immediate use by the occupant forward of the front setback line;

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

4.14.2 In respect of sub-clauses 4.13.1 a) and b) above, reference to a commercial vehicle or truck shall include any such vehicle exceeding 3.5 tonnes tare weight.

4.15 HOME BUSINESS

4.15.1 A home business shall – *AMD 1 GG 04/08/17*

a) not occupy an area greater than 50m^2 provided further that the area within which it is conducted is not visible from the street or a public place;

b) be conducted only between the hours of 8.00am and 6.00pm on weekdays, 9.00am and 5.00pm on Saturdays and is not conducted on Sundays and public holidays;

c) not have more than one advertising sign and the sign displayed does not exceed 0.2m^2 in area; and

d) not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight.

4.15.2 Where the local government grants development approval for a home business, such development approval *AMD 1 GG 04/08/17*

a) must be personal to the person to whom it was granted;

b) must not be transferred or assigned to any other person;

c) does not run with the land in respect of which it was granted; and

d) must apply only in respect of the land specified in the development approval.

4.16 CORNER SHOP

4.16.1 The local government shall not grant development approval for the development of a corner shop on a lot, where such lot -

a) has a frontage to a main or arterial road;

b) in the case of land in the Rural, Viticulture and Tourism and Rural Residential zones, is less than 5 kilometres from any other lot on which the sale of daily groceries needs is lawfully conducted or which is zoned for that purpose; and *AMD 29 GG 7/6/19*

c) in the case of the Residential zone, is less than 1 kilometre from any other lot on which sale of daily groceries needs is lawfully conducted or which is zoned for that purpose.

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

4.16.3 The gross floor area of a corner shop shall not exceed 100m^2.

4.17 INDUSTRY - COTTAGE

AMD 1 GG 04/08/17

An Industry - Cottage shall –

(a) not occupy an area in excess of 100m^2; and

(b) not display a sign exceeding 0.2m^2 in area.

4.18 BED AND BREAKFAST AND HOLIDAY HOMES

4.18.1 The maximum number of rooms to be occupied by guests under the Bed and Breakfast use class is three (3) rooms for Residential zoned lots less than 1,500m^2.

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

a) residential zoned lots 1,500m^2 or greater; or

b) any lot in any other zone.

4.18.3 Advertising signage associated with 'Holiday Home (Single House)' and 'Holiday Home (Multiple/Grouped Dwelling)' shall have a maximum area of 0.2m^2.

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

4.18.5 Notwithstanding the requirements of Table 1, a Holiday Home (Single House)' which proposes to accommodate 9 or more people will be considered under the 'A' symbol and will require public advertising pursuant to Clause 64 of the Deemed Provisions.

AMD 25 GG 23/03/18

4.19 BREWERIES AND WINERIES

AMD 40 GG 13/06/23

4.19.1 The development of a Brewery or a Winery within the Light Industry and General Industry zones shall be primarily for the production, storage and/or distribution of the product. The following restrictions shall apply –

a) consumption of the product at the site shall be limited to tastings only, being incidental to the production of the product on site, with maximum serving sizes of:

(i) 50 ml for wine;
(ii) 100 ml for beer/cider; and

(iv) 15 ml for spirits;

b) no dining on the premises or the consumption or service of food shall take place;

c) patronage at the site shall not exceed 30 people at any one time; and

d) customers visiting the site for the purpose of tasting and/or sales are restricted to Monday to Sunday, including public holidays, between the hours of 12.00pm and 5.00pm.

4.20 PERMANENT/RESIDENTIAL OCCUPATION OF TOURIST DEVELOPMENTS

AMD 1 GG 04/08/17; AMD 40 GG 13/06/23

4.20.1 Outside the residential zone, occupation by any person of the following use classes approved under the Scheme as short stay accommodation is limited to a maximum of 3 months in any 12 month period. This applies to the following use classes:

a) Guesthouse;

b) Chalet;

c) Caravan Park;

d) Park Home Park;

e) Tourist Accommodation.

4.20.2 Notwithstanding the provisions of clause 4.18.1 and subject to consideration of the need to make available adequate tourist accommodation the local government may grant development approval for the permanent occupancy of up to:

a) 100% of caravan sites within a Caravan Park or Park Home Park on land in the Residential zone; and

b) 15% of caravan sites within a Caravan Park or Park Home Park on land in the Tourism zone.

4.21 CONSOLIDATION AND FRAGMENTATION OF LAND IN THE REGIONAL CENTRE, DISTRICT CENTRE AND LOCAL CENTRE ZONE

AMD 29 GG 7/6/19; AMD 40 GG 13/06/23

The consolidation of land to assemble larger land parcels suitable for integrated development or redevelopment in the Regional Centre, District Centre and Local Centre zones is encouraged and supported. Fragmentation of land within these zones, unless it is part of an overall plan for integrated development or redevelopment, will generally not be supported.

4.22 DEVELOPMENT IN THE REGIONAL CENTRE AND DISTRICT CENTRE ZONES

AMD 1 GG 04/08/17; AMD 29 GG 7/6/19; AMD 40 GG 13/06/23

4.22.1 Development within the Regional Centre zone shall address the following provisions, unless otherwise identified in an endorsed Activity Centre Plan:

a) No residential uses shall be permitted at ground floor fronting Queen Street and Prince Street, Busselton;

b) A nil front setback is to be provided to the development, unless otherwise designated in an Activity Centre Plan, or the development is providing for an associated alfresco space within the setback;

c) Buildings shall be articulated to break up perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage;

d) At the ground floor level, developments shall address the street with a primary business entrance and a shop front façade;

e) Ground floor commercial uses shall incorporate transparent glazing for 70% of all building frontages to adjacent streets;

f) Upper levels shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows;

g) A minimum ceiling height of 3.3 metres shall be achieved for the ground floor level, whilst all other floors shall achieve a minimum ceiling height of 2.7 metres;

h) Roller doors or screens of solid material on shop fronts will not be permitted, security measures should be located and installed internally behind the glazing line;

(i) Pedestrian shelter, through the provision of a verandah, awning or the like, shall be provided over the public footpath for the full width of the lot frontage;

j) No vehicle accessways or carparking shall be provided between buildings and the street, or be visible from the street, unless required to provide access to car parking or loading areas behind buildings;

k) No vehicular access to sites shall be taken from Queen Street, Prince Street or Kent Street (between Queen Street and Brown Street), Busselton or Dunn Bay Road or Naturaliste Terrace, Dunsborough, unless no alternative is available, in which case a single crossover width shall be no greater than 5 metres with a cumulative maximum width of 7 metres;

l) Vehicle crossovers and driveways shall be co-located wherever possible with adjoining properties;

m) Vehicle access to developments shall be designed in a way which minimises potential pedestrian/vehicular conflict, clearly recognising the primacy of pedestrian amenity;

n) Multi-storey car parks shall incorporate interactive street frontages, such as shops or other uses that promote activity and where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing shall be incorporated into the façade of all floors;

o) General plant, such as air-conditioning, television antennas, bins, hot water storage tanks, rain water tanks, satellite dishes and the like are to be adequately concealed and screened from the street or public view;

p) Where land is zoned 'Regional Centre' or 'Centre', and is designated a residential density coding of R-AC3 the maximum plot ratio shall be 1.5, except for where the following incentives for mixed use development apply:

(i) where residential or short-stay accommodation uses represent more than 25% of the plot ratio area of a proposed mixed use development, the maximum allowable plot ratio area may be 2.0; or

(ii) where a development incorporates a Restaurant/Café, Tavern or other similar use that will provide for informal social interaction the maximum allowable plot ratio area for the remainder of the development may be 2.0; and

(iii) the plot ratio incentives set out in sub-clauses a) and b) above may be combined, provided that the total plot ratio area does not exceed 3.0.

q) Signage and advertising shall not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally.

4.22.2 Development in the District Centre Zone

Development within the District Centre zone shall address the following provisions:

(a) In addition to provisions of Volume 2 of the R-Codes, the following provisions apply to land coded R-AC0 –

(i) Table 2 sets out the primary controls; and

(ii) Primary controls shall apply to Building Height Areas as shown on the Scheme Map.

TABLE 2 - R-AC0 PRIMARY CONTROLS

Building Height Area (BHA) / Primary Controls	4 Storey BHA	5 Storey BHA
Boundary Wall Height (Storey)	3	3
Setback - Minimum Primary Street	Nil, unless otherwise specified in clause 4.22.2	
Setback - Minimum Secondary Street	Commercial use: Nil; and Non-commercial use: 2m; or Unless otherwise specified in clause 4.22.2	
Setback - Minimum Side	Nil, unless otherwise specified in clause 4.22.2	
Setback - Minimum Rear	Nil, unless otherwise specified in clause 4.22.2	
Plot Ratio	1.5	2.0

(b) To achieve a consistent building line, increased lot boundary setbacks may be required on Naturaliste Terrace, between the intersections of Cyrillean Way and Dunn Bay Road;

(c) A 5 metre lot boundary setback shall be provided on the west side of Naturaliste Terrace, between the intersections of Dunn Bay Road and Caves Road. The setback area shall include:

(i) A minimum 2.5 metre wide footpath and pedestrian shelter; and

(ii) A landscaped area adjacent to the boundary;

(d) Additional primary and secondary street setbacks may be considered where development is providing an associated alfresco space within the setback area;

(e) Development abutting Caves Road shall respond to the prominence and scenic character of Caves Road by addressing the following matters:

(i) Buildings shall not be located within 6 metres of the Caves Road boundary;

(ii) Building design, finishes and materials shall respond to and enhance the scenic character of Caves Road;

(iii) Building services such as bin storage, utilities, storage tanks and the like shall be adequately concealed so they are not visible from Caves Road; and

(iv) Landscape planting shall provide an attractive interface between development and Caves Road;

(f) The upper storey external wall face and/or balcony roofs shall be setback from the ground floor external wall face, in accordance with the following:

(i) Four and/or five storey development: the fourth and fifth storey setback a minimum of 6m on all boundaries.

(g) No residential uses shall be permitted at ground floor fronting Dunn Bay Road, Naturaliste Terrace or Clark Street;

(h) Buildings shall be articulated to break up perceived bulk and provide visual interest, particularly with buildings occupying a large/long site frontage;

(i) Upper levels shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows;

(j) At the ground floor level, development shall address the street with a primary business entrance and a shop front façade;

(k) Ground floor commercial uses shall incorporate transparent glazing for a minimum of 70% of all building frontages to adjacent streets;

(l) Other than sites subject to clause 4.22.2 (c), a pedestrian shelter through the provision of a verandah, awning or the like, shall be provided with a minimum depth of 2.5 metres over the footpath for the full width of the lot frontage;

(m) Roller doors or screens of solid material on shop fronts will not be permitted, and security measures should be located and installed internally behind the glazing line;

(n) No vehicle access ways or car parking shall be provided between buildings and the street, or be visible from the street, unless required to provide access to car parking or loading areas behind or within buildings;

(o) Notwithstanding clause 4.22.2 (n), car parking is supported between buildings and the street on lots fronting Clark Street, and Naturaliste Terrace between Greenacre Road and Cyrillean Way, subject to:

  (i) Being limited to a single row of car parking bays; and

  (ii) Inclusion of a 2 metre wide landscaping area adjacent to the street; and

  (iii) In such case, the rear setback may be 3 metres;

(p) All cross-overs shall be rationalised and strategically placed in locations where they will have the least impact on vehicle, pedestrian and cyclist movement;

(q) Redevelopment sites shall incorporate shared use of car parking and reciprocal access arrangements with adjoining sites;

(r) For all boundaries abutting Reserves 42673, 35758 and 26513 (Dugalup Brook), Reserve 38693 (Lions Park) and Reserve 26512 (Seymour Park), no parking, loading bays, services or utilities are to be located on the public land interface;

(s) Undercroft, decked or roof top car parks shall be located above or behind interactive street frontages at ground level, such as shops or other uses that promote activity and, where car parking is visible from a street or public space, high quality architectural detailing shall be incorporated into the façade and other external walls of all floors;

(t) General plant, such as air-conditioning, television antennas, bins, hot water storage tanks, rain water tanks, satellite dishes and the like are to be adequately concealed and screened from the street or public view;

(u) Signage and advertising shall not adversely detract from the architectural elements of the building, or visually dominate the building or the streetscape generally."

4.23 SERVICE ACCESS IN THE REGIONAL CENTRE, DISTRICT CENTRE, LOCAL CENTRE AND SERVICE COMMERCIAL ZONES

AMD 40 GG 13/06/23

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

4.23.2 Service access shall be provided in accordance with the following:

a) The access way shall be so constructed that vehicles using it may return to a street in forward gear.

b) Where a right-of-way exists at the rear of the lot, an area shall be sealed or paved on the lot so that vehicles, when loading or unloading, shall not remain in the right-of-way. The area shall be of such a size that, if no alternative route exists, vehicles may turn so as to return to a street in forward gear.

c) Insofar as is practical, the access way shall be designed so as to segregate service vehicles, both moving and stationary, from parking areas and access ways provided for customer parking.

4.24 SERVICE COURTS IN THE REGIONAL CENTRE, DISTRICT CENTRE, LOCAL CENTRE AND SERVICE COMMERCIAL ZONES

AMD 40 GG 13/06/23

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

(a) accessible from the rear access provided under clause 4.22;

(b) of an area and dimensions to the satisfaction of the local government but, in any case, shall be not less than 10m² in area with a minimum internal dimension of 3.5 metres; and

(c) screened to the satisfaction of the local government.

4.25 PARKING IN THE REGIONAL CENTRE, DISTRICT CENTRE, LOCAL CENTRE AND SERVICE COMMERCIAL ZONES

AMD 40 GG 13/06/23

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

4.26 CASH-IN-LIEU OF PARKING IN THE REGIONAL CENTRE, DISTRICT CENTRE, LOCAL CENTRE AND SERVICE COMMERCIAL ZONES

AMD 40 GG 13/06/23

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

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

a) constructing, sealing and draining the number of car parking spaces as a consequence of the development; and

b) all associated administration costs to local government and shall not include any costs related to the value or acquisition of land.

4.26.3 In respect to sub-clause 4.25.2, a standard contribution fee for cash-in-lieu of car parking is set in the City's Car Parking Policy. The total contribution fee is calculated by multiplying the contribution fee by every car parking space a development is deficient. The contribution fee is upgraded in line with the Australian Bureau of Statistics Road and Bridge Construction Index on 30 June and 30 December each year.

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

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

4.27 PARKING IN INDUSTRIAL DEVELOPMENT

AMD 40 GG 13/06/23

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

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

4.28 USE OF SETBACK AREAS IN THE LIGHT INDUSTRY AND GENERAL INDUSTRY ZONES

AMD 40 GG 13/06/23

4.28.1 Land between the building setback line and the street alignment in the Light Industry and General Industry zones must not be used for any purpose other than -

a) a means of access;

b) the daily parking of vehicles by employees and customers;

c) the loading and unloading of vehicles;

d) trade display;

e) landscaping.

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

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

a) the trade display does not occupy more than one-fifth of the area of the street setback within which it is proposed to be located; and

b) the trade display is not located closer than 1.5 metres to a road reserve.

4.29 FACTORY UNIT BUILDINGS

AMD 40 GG 13/06/23

Land in the Light Industry and General Industry zones may be used for factory unit buildings, provided that there is not more than one occupancy per industrial unit.

4.30 FACADES IN THE LIGHT INDUSTRY AND GENERAL INDUSTRY ZONES

AMD 40 GG 13/06/23

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

4.31 DEVELOPMENT OF DAMS

AMD 29 GG 7/6/19; AMD 40 GG 13/06/23

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

4.32 CLEARING OF LAND IN RURAL AREAS OR LAND CODED R2, R2.5 OR R5

AMD 40 GG 13/06/23

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

a) associated with implementing approved development;

b) essential for achieving adequate fire protection; or

c) the vegetation is dead, dying or dangerous.

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

4.33 ANCILLARY DWELLING IN RURAL AREAS

AMD 29 GG 7/6/19; AMD 40 GG 13/06/2023;

Where ancillary dwelling is approved in the Rural, Viticulture and Tourism, Rural Residential, Rural Landscape, Conservation or Bushland Protection zone, it must - *AMD 40 GG 13/06/2023*

(a) be integrated in terms of design, colours and materials;

(b) be physically linked by form of roof cover to the single house, with the maximum separation not exceeding 10m;

(c) contain no more than one bedroom;

(d) utilise shared laundry facilities;

(e) not exceed 80m^2 of floor area; and

(f) be for the exclusive use of family members.

4.34 BUILDING ENVELOPES IN RURAL AREAS

AMD 40 GG 13/06/23

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

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

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

4.34.4 In the Conservation zone –

a) all development must be located within an approved building envelope (as may be shown on a Structure Plan, Local Development Plan or approved building envelope plan) or in such other manner that may be identified on the Structure Plan or Local Development Plan. Each building envelope is to be located to the satisfaction of local government which shall, in determining such, ensure -

(i) the preservation of remnant vegetation is maximised;

(ii) the maintenance of landscape values of the site and the general area; and

(iii) there is no adverse or potential impact on watercourses, wetlands, river or estuary systems or groundwater.

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

4.34.5 In the Bushland Protection zone –

a) all development must be located within an approved building envelope (as may be shown on a Structure Plan, Local Development Plan or approved building envelope plan) or in such other manner that may be identified on the Structure Plan or Local Development Plan. Each building envelope is to be located to the satisfaction of the local government which shall, in making its determination, ensure -

(i) where available, a cleared area is used for the location of the building envelope;

(ii) the preservation of remnant vegetation is maximised;

(iii) that the envelope is not located within an area of poorly represented vegetation and will not impact on any declared rare flora and fauna;

(iv) there is no adverse or potential impacts on watercourses, wetlands, river or estuary systems or groundwater; and

(v) maintenance of landscape values of the site and the general area.

b) all building envelopes shall be a maximum area of 1,500m². This building envelope area may be increased to a maximum of 2,000m² subject to the approval of the local government and the Commission where -

(i) an existing cleared area is present that could be incorporated into a building envelope; or

(ii) existing structures on the lot are located in such a way that the total building envelope area already exceeds the maximum.

4.35 BUILDING MATERIALS AND VISUAL AMENITY IN THE RURAL LANDSCAPE AND CONSERVATION ZONES *AMD 40 GG 13/06/23*

In the Rural Landscape and Conservation zones –

(a) Dwellings and incidental development shall comprise walls and roofing constructed of non-reflective materials and in a colour other than white or silver and shall be of colours and textures which are essentially natural and earthy. All such materials shall be compatible with the rural character of the locality. Water storage tanks which are visible from any location outside the lot on which they are situated shall be painted to minimise visibility and to match adjacent dwellings or buildings, and shall be suitably screened by planted vegetation to the satisfaction of the local government.

(b) Radio masts, television antennae, satellite dishes and air conditioners shall be located so that they do not detract from the local visual amenity or cause offence to neighbouring properties.

4.36 SUBDIVISION OF LOTS IN THE RURAL AND VITICULTURE AND TOURISM ZONES
AMD 29 GG 7/6/19; AMD 40 GG 13/06/23

4.36.1 A lot proposed to be created by subdivision for an agricultural purpose shall contain a minimum area of land that actually is useable for commercial farming. Depending upon the circumstances, the area of a lot may be greater than the area necessary for the farm due to remnant and riparian vegetation considered valuable for conservation; streams, dams, wetlands and foreshores; steep terrain and rocky outcrops; setbacks to the above and any environmental buffers within which development or agriculture is not permitted; and existing tourist development. As a general guide, the minimum arable area for a commercial farm that will be recommended by the local government to the Commission is 30 hectares for viticultural and horticultural pursuits.

4.36.2 Where environmental conditions allow, subdivision of rural land into lots comprising a minimum arable area of 40 hectares may be supported by the local government.

4.36.3 In the Rural and Viticulture and Tourism zones, except as provided by clause 4.35.4, the local government shall not support the subdivision of a lot upon which there are two or more dwellings, where the area of any proposed lot would be less than that recommended under the Local Rural Planning Strategy adopted by the local government and endorsed by the Commission.

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

a) where the land is in rural production, that portion of the land cleared and under production or capable of being under production is substantively retained within a single strata lot; or

b) where the land is substantially uncleared and not in rural production, the local government may recommend a more equitable division of the land.

4.36.5 Notwithstanding the provisions of clause 4.35.4, where two or more dwellings are developed on a lot, the local government may recommend the subdivision of land under the *Strata Titles Act 1985*, provided that -

a) the Certificate of Title of the land was registered in the ownership of more than one person prior to 1 July 1990; and

b) the applicants for subdivision were registered as the owners of the land on the Certificate of Title prior to 1 July 1990.

4.37 SETBACK REQUIREMENTS IN THE RURAL AND VITICULTURE AND TOURISM ZONES

AMD 1 GG 04/08/17; AMD 40 GG 13/06/23

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

4.37.2 In the Rural or Viticulture and Tourism zones, a building must not be constructed within 100 metres of Bussell Highway or Caves Road, or 60 metres of Vasse Highway without development approval, which must not be granted unless the local government is satisfied that the development is consistent with all relevant provisions of the Scheme. Where the local government receives such application, it shall forward the application to Main Roads Western Australia for comment and take such comments into consideration when determining the application. *AMD 1 GG 04/08/17*

4.37.4 For the purposes of clause 4.36.3, the term 'landscaping' may include an entry statement provided that -

a) the development is not a structure of urban character;

b) only one entry statement may be developed per lot;

c) the entry statement is subsidiary to any natural vegetation that currently exists and/or proposed planting as part of a landscaping plan;

d) the entry statement is of a design and scale that minimises visual impact and is sympathetic with and submissive to the rural and natural scenic character;

e) the entry statement is constructed of materials, and coloured, to be compatible with the surrounding landscape; and

f) the entry statement does not exceed an average height of 1.2 metres and maximum height of 1.8 metres (from the natural ground level) and does not exceed a cumulative length of 9 metres.

4.38 SPECIAL PROVISIONS RELATING TO THE CONSERVATION ZONE

AMD 29 GG 7/6/19; AMD 40 GG 13/06/23

4.38.1 Development will only be permitted where –

a) it can be demonstrated that such development can be carried out in a manner that minimises risks from natural hazards, functions efficiently and does not detract from the scenic quality of the land; and

b) such development is unlikely to have a significant detrimental effect on the growth of native plant communities, the survival of native wildlife populations and the provision and quality of habitats for both indigenous and migratory species.

4.38.2 In satisfying 4.37.1 above, there is a general presumption that development shall be in a clustered form.

4.38.3 The local government will only recommend support for subdivision where –

a) there is no detrimental impact on the aesthetic, conservation or ecological values of the land and where the objective of retention of these values of the land in perpetuity will be achieved;

b) for a lot 40 hectares or greater at 7 September 1999, subdivision based on a ratio of one lot per 20 hectares, preferably in a clustered form;

c) for a lot less than 40 hectares at 7 September 1999, subdivision of one additional lot, preferably in a clustered form; and

d) the proposal is consistent with State Planning Policy No. 6.1 - Leeuwin-Naturaliste Ridge where applicable.

4.38.4 Clearing of any vegetation on the land will be prohibited, unless required for fire breaks, dwellings or associated outbuildings within defined building envelopes, or to allow for vehicular access to such buildings.

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

4.39 SPECIAL PROVISIONS RELATING TO THE RURAL RESIDENTIAL ZONE

AMD 40 GG 13/06/23

4.39.1 Subject to clause 4.37.2, the provisions of Part 4 of this Scheme relevant to the "Rural" Zone shall apply to all lots greater than 20 hectares within the "Rural Residential" Zone except for the use of "Agriculture - Intensive";

4.39.2 On any lot in the Rural Residential zone, unless specified otherwise on a Structure Plan, buildings shall not be located -

a) within 100 metres of Caves Road, Commonage Road, Wildwood Road, Biddle Road or Hayes Road;
b) within 20 metres of any other road or a front or rear boundary;

c) within 15 metres of a side boundary.

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

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

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

4.39.6 a) No dam or lake shall be developed unless development approval has been granted.

b) No dams or lakes shall be developed unless they are shown on a Structure Plan, or in circumstances where the proposed dam or lake:

(i) will not adversely affect environmental flows within the catchment or downstream of the dam;

(ii) will only capture sufficient water to be used for domestic requirements, and/or, for the irrigation of a domestic garden, or for the purposes of a water supply to an approved land-use on the site;

(iii) is an off stream dam;

(iv) does not exceed a capacity of 1500 cubic metres or comprises a surface area greater than 500 square metres whichever is the lesser; and

(v) will not significantly or unreasonably diminish the flow of water for use by downstream users including the environment.

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

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

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

4.40 SPECIAL PROVISIONS RELATING TO THE RURAL LANDSCAPE ZONE

AMD 40 GG 13/06/23

4.40.1 Subdivision should incorporate a range of lots areas, with an average lot area of not less than 10 hectares and a minimum lot area of 5 hectares using conventional subdivision and providing greater flexibility for lots created by strata or survey strata subdivision, dependent upon the special physical and landscape characteristics of the land and only where it can be clearly established to be consistent with the objectives of the zone. *AMD 29 GG 7/6/19*

4. 40.2 Where the keeping of livestock may be acceptable, stocking rates shall be controlled in order to avoid degradation and erosion of the landscape, and to ensure that the keeping of livestock does not occur where this would be inconsistent with the intent and objectives of the zone. *AMD 29 GG 7/6/19*

4. 40.3 On any lot in the Rural Landscape zone, dwellings and any incidental development shall not be constructed within 30 metres of any stream or creek without development approval.

4. 40.4 On any lot in the Rural Landscape zone, all buildings shall have -

a) a minimum building setback of 30 metres from adjacent road reserves; and

b) a minimum building setback of 20 metres from the front and rear boundaries and 15 metres from side boundaries.

4. 40.5 On any lot in the Rural Landscape zone, in areas of remnant vegetation, fencing will be prohibited except within and on the perimeter of a cleared area. All fencing is to be of farm standard post and wire construction.

4. 40.6 On any lot in the Rural Landscape zone, keeping of stock is not permitted other than on cleared land, where the approval of local government will be required for fencing to allow limited grazing for the purpose of minimising fire risk through fuel reduction measures.

4.41 SPECIAL PROVISIONS RELATING TO THE BUSHLAND PROTECTION ZONE

AMD 40 GG 13/06/23

4.41.1 Subdivision will only be supported where – *AMD 29 GG 7/6/19*

a) there is no detrimental impact on the aesthetic, conservation or biodiversity values of the land and where the objective of retention of these values in perpetuity will be achieved;

b) for lots less than 60 hectares, subdivision of one additional lot;

c) for lots 60 hectares and greater, subdivision based on a ratio of one lot per 20 hectares with a maximum of 3 lots in total;

d) for lots 60 hectares and greater and with a remnant vegetation cover of 50% or more of the total area of the lot, subdivision based on a ratio of one lot per 20 hectares with a maximum of 4 lots in total;

e) a minimum lot area of 3 hectares is achieved;

f) consistent with the Biodiversity Incentive Strategy for Private Land in the Busselton Shire, or the State Planning Policy No. 6.1 – Leeuwin-Naturaliste Ridge, or other similar strategy as may be adopted by the local government and endorsed by the Commission in the future; and

g) consistent with a Structure Plan adopted by local government and endorsed by the Commission.

4.41.2 No further subdivision of lots created pursuant to the objectives and policies of the Bushland Protection zone is permitted. *AMD 29 GG 7/6/19*

4.41.3 Prior to subdivision, subdividers shall undertake a vegetation survey to identify rare, endangered or otherwise significant vegetation within the proposed building envelope and vehicle access areas, in addition to any other area of the lot as deemed appropriate by the local government and provide for its appropriate conservation to the satisfaction of the Department of Parks and Wildlife Department of Biodiversity, Conservation and Attractions and the local government. *AMD 29 GG 7/6/19*

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

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

a) there is no adverse or potential impact on watercourses, wetlands, river or estuary systems or groundwater; and

b) adequate buffers are provided between the agricultural use and vegetated areas, wetlands or watercourses. Where Declared Rare Flora is present, advice from the Department of Parks and Wildlife shall be sought in determining an adequate buffer distance.

4.41.6 In determining development approval for dams (including lakes) on any lot in the Bushland Protection zone, the local government shall ensure -

a) that no riparian or other vegetation is required to be removed for the dam construction; and

b) that the dam shall not result in any damage to vegetation or wetland areas as a result of alterations to the seasonal water regime.

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

4.42 PROHIBITED ADVERTISEMENTS

AMD 40 GG 13/06/23

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

4.43 DEVELOPMENT ALONG MAIN OR ARTERIAL ROADS

AMD 29 GG 7/6/19; AMD 40 GG 13/06/23

Development which is likely to contribute to ribbon development, the spread of town centres, or otherwise detrimentally impact the efficiency of or the rural and natural ambience of main or arterial roads will not be supported by the local government.

PART 5 - SPECIAL CONTROL AREAS

5.1 OPERATION OF SPECIAL CONTROL AREAS

5.1.1 The following special control areas are shown on the Scheme map -

Areas -

Development Investigation	Airport Protection
Special Provision	Port Geographe Development
Landscape Value	Waste Water Exclusion
Wetland	Waste Water Buffer
Coastal Management	Floodway
Special Character	Development Contribution
Drive-Through Facility Control *AMD 29 GG 7/6/19*	

5.1.2 In respect of a special control area shown on a Scheme map, or otherwise set out in the Scheme, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.2 DEVELOPMENT INVESTIGATION AREA

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

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

a) the rezoning of the land consistent with the proposed uses; and

b) the preparation of a comprehensive Structure Plan for the land pursuant to Part 4 of the Deemed Provisions prior to approving any subdivision or development of the land.

5.2.3 Notwithstanding clause 5.2.2 the local government may approve any development in a manner consistent with the underlying zone of any land included in a Development Investigation area without requiring a Structure Plan where, in the opinion of the local government, such development is of a minor nature and will not adversely affect the future subdivision or development of the land within the zone.

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

5.3 SPECIAL PROVISION AREA

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

5.4 LANDSCAPE VALUE AREA

5.4.1 Development within the Landscape Value Area requires the prior development approval of the local government. *AMD 46 GG 30/04/2021*

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

a) whether the development will be compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the locality;

b) whether the development will materially affect any wildlife refuge, significant wetland, coastal environment or any identified site containing Aboriginal archaeological relics; and

c) disturbance to the natural environment, including -

(i) visual effects of clearing for development;

(ii) maintenance of rural character; and

(iii) habitat disturbance.

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

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

a) the siting of the proposed building;

b) the use of prescribed materials on the external surfaces of the building; and

c) the number, type and location of existing trees and shrubs which are to be retained and the extent of landscaping to be carried out on the site.

5.4.5 In clause 5.4.4 -

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

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

5.5 WETLAND AREA

5.5.1 Development within the Wetland Area requires the prior development approval of the local government. *AMD 46 GG 30/07/2021*

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

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

a) the characteristics of the land are different from the general characteristics on which the delineation of the land was based; and

b) there are no other reasonable or practical alternatives in the circumstances.

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

a) the development is essential for the reasonable economic use of the land, the provision of utility services or to reduce the risk of bushfires;

b) the development is proposed to be carried out in a manner which minimises -

(i) visual and scenic impact;

(ii) the risk of soil erosion (including erosion by wind);

(iii) the risk of water pollution, through increased siltation or otherwise;

(iv) the destruction of rare or locally important vegetation systems; and

c) appropriate measures are proposed to retain parts of existing vegetation or to landscape the site.

5.5.5 The local government may require that a statement of environmental effects be prepared in accordance with Schedule 6 to accompany an application for development approval required by this clause to enable the local government to consider fully the environmental effects of the proposed development.

5.5.6 In determining an application for development approval required by this clause, the local government must consider -

a) advice on the proposal as may be provided by the Department of Parks and Wildlife, the Department of Water and the Water Corporation;

b) the environmental effects of the proposed development, including the effect of the proposed development on -

(i) the growth of native plant communities;

(ii) the survival of native wildlife populations;

(iii) the provision and quality of habitats for both indigenous and migratory species; and

(iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area, including acidity, salinity and water quality;

c) whether feasible alternatives to the proposed development (either on other land or by other means) exist and, if so, the reasons given for choosing the proposed development;

d) whether adequate safeguards and rehabilitation measures have been, or will be, taken in respect of the effect of the proposal on the wetland; and

e) the public interest (if any) in the carrying out of the proposal compared with the public interest in the preservation of the wetland.

5.6 COASTAL MANAGEMENT AREA

5.6.1 Development within the Coastal Management Area requires the prior development approval of the local government. *AMD 46 GG 30/07/2021*

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

5.6.3 In deciding whether to grant development approval for development referred to in clause 5.6.2 the local government must consider -

a) the provisions of *State Planning Policy No. 2.6 - State Coastal Planning*;

b) the likelihood of the proposed development adversely affecting, or being adversely affected by, coastal processes;

c) the likelihood of the proposed development adversely affecting any dune or beach of the shoreline or foreshore;

d) the likelihood of the proposed development adversely affecting the landscape or the scenic or environmental quality of the land in the locality;

e) whether adequate safeguards and rehabilitation measures have been, or will be, taken to protect the environment; and

f) any comments made by the Department of Planning and where applicable the Department of Parks and Wildlife.

5.7 SPECIAL CHARACTER AREA

5.7.1. Development within the Special Character Area requires the prior development approval of the local government. *AMD 46 GG 30/07/2021*

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

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

5.8 AIRPORT PROTECTION AREA

5.8.1 Development within the Airport Protection Area requires the prior development approval of the local government. AMD 46 GG 30/07/2021

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

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

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

5.9 PORT GEOGRAPHE DEVELOPMENT AREA

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

a) the need to ensure appropriate standards of development and maintenance are achieved;

b) the need to control and enhance the health, safety, convenience and general welfare and amenity of the locality; and

c) the need to ensure that development control within the Port Geographe Development area is guided by the Port Geographe Development Plan, the Port Geographe Landscape Master Plan and the Port Geographe Village Centre Precinct Plan.

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

a) Subdivision and development of the land within the Port Geographe Development area shall be generally in accordance with the Port Geographe Development Plan, the Port Geographe Village Centre Precinct Plan and the Port Geographe Landscape Master Plan and as amended from time to time and adopted by the local government and endorsed by the Commission.

b) Development of the land for the purposes of grouped dwellings shall be in accordance with the R-Codes and, pursuant to clause 4.3, the provisions of clauses 4.3 (a) and (b) shall not apply to standard residential lots with direct canal frontage in the Port Geographe Development area.

c) Given that the boundary of each water frontage lot will be generally defined as being 0.5 metres beyond the toe of the stabilised canal edge, the maintenance of all water frontage walling, including rip rap, reinforced reeded slopes, beaches and other structures shall be the responsibility of each water frontage lot owner.

d) The minimum lot or site area for the purpose of all residential developments shall exclude the water portion of the lot and shall be calculated on the effective lot area only.

e) The stabilised canal edge, as specified in engineering and landscape drawings approved by the local government, shall be maintained by the owner of the subject water frontage lot in a structurally sound condition, to the satisfaction of the local government, and shall not be altered, extended or removed.

f) For the purpose of applying and enforcing the relevant setback and development standards, the front of any lot is that boundary which abuts the road reserve. The boundary abutting a waterway is the rear of the lot.

g) No building shall be erected closer than 4.5 metres from the landward side of the stabilised canal edge, subject to an average setback of 6.0 metres and the general appearance of the canal being maintained. Engineering certification will also need to be provided with a building licence application ensuring that no additional structural loads are placed on the canal walls.

h) No retaining wall or fencing shall be erected within 1.0 metre of the landward side of the stabilised canal edge.

i) No side or rear fence situated within 6.0 metres of the landward side of the stabilised canal edge shall exceed 1.0 metre in height.

j) No retaining wall, fencing, decking or structure other than those included on the engineering and landscape drawings approved by the local government shall be permitted within the area defined as the stabilised canal edge.

k) Any side or rear fencing situated within 6.0 metres from the landward side of the stabilised canal edge shall be of open grill construction and solid fencing shall not be permitted.

l) All fencing on canal lots shall be of masonry construction only, except for the sections of fencing that are required to be of open grill standard.

m) The local government may permit any dwelling or structure, including retaining wall, stabilised canal edge or fencing, building or outbuilding that does not comply with a standard prescribed in clauses 5.9.2 e) to l) above, provided that -

(i) the local government is satisfied that there will be an improved architectural amenity resulting from reduced setbacks between buildings and the canal frontage in the particular case;

(ii) the local government is satisfied that the overall amenity and appearance of the canal frontage will be maintained or improved;

(iii) a professional structural engineer provides certification as to the structural soundness of the proposed works (i.e. local government is satisfied that no erosion or soil instability will result); and

(iv) the local government has obtained and considered the comments of adjoining and adjacent landowners.

n) All proposed or existing clothes drying areas and utility areas, which, in the opinion of the local government, detract from, or have the potential to detract from, the amenity of either the canal frontage or the road frontage, shall be screened from view to the satisfaction of the local government.

o) The height of buildings on lots adjacent to the future Layman Road and Vasse Estuary shall be limited to 7.5 metres above the finished surface level of the land as specified on approved subdivisional engineering plans.

5.9.3 a) Any modification to the Port Geographe Development Plan shall be subject to the provisions of Part 4 of the Deemed Provisions. *AMD 25 GG 23/03/18*

b) Notwithstanding any modifications made pursuant to clause 5.9.3 a) the Port Geographe Development Plan shall contain at least the following elements:

(i) The requirement for public open space for the development south of Layman Road in accordance with the *Port Geographe Development Plan* endorsed at the Gazettal date of the Scheme.

(ii) Provision of a high level of direct public access to waterways/canals.

(iii) A general presumption against residential lots backing onto conservation/foreshore reserves.

c) The local government must not grant approval for any residential development (i.e. including single houses, grouped dwellings or multiple dwellings) within the Regional Centre, Centre, Local Centre or Tourism zone within the Port Geographe Development area, unless it is satisfied that such development -

(i) is consistent with the overall objectives of the *Port Geographe Village Centre Precinct Plan*;

(ii) will maintain the predominance of business and tourist uses within the zones; and

(iii) is to be developed generally in accordance with the *Port Geographe Village Centre Precinct Plan*.

5.9.4 The following provisions shall apply to the Port Geographe Village Centre Precinct Plan:

a) Development shall be generally in accordance with the *Port Geographe Village Centre Precinct Plan* and *Port Geographe Village Centre Design Guidelines* adopted by the local government to promote innovative development and ensure that the amenity and general appearance of the Port Geographe Village Centre Precinct is of a high standard.

b) A comprehensive range of commercial uses, including uses serving the requirements of marine operators, shall be permitted, together with other residential and tourist accommodation, recreation and community purposes regarded by the local government as being compatible with the intent of the Scheme.

c) The areas identified for residential purposes on the *Port Geographe Village Centre Precinct Plan* shall be consistent with the *Port Geographe Village Centre Design Guidelines*. The local government shall require that the comprehensive development proposals are prepared which take into account -

(i) the effect any proposal will have on the residential amenity of the locality by reason of streetscape, building form, servicing, privacy between buildings, overshadowing and traffic circulation, both on and off-site; and

(ii) any other matter required to be taken into account under the provisions of the R-Codes.

d) Vehicular and pedestrian access and car parking within the centre shall be in accordance with the *Port Geographe Village Centre Precinct Plan* and the Scheme provisions relating to such matters.

e) Landscaping within the centre shall comply with the landscape performance standards and maintenance requirements of the *Port Geographe Landscape Master Plan*.

f) The *Port Geographe Village Centre Precinct Plan* shall incorporate and make provision for the following elements to be created in the precinct:

(i) 3,000m² maximum nett floor area commercial/retail space.

(ii) 200m² minimum constructed floor area community/meeting space.

(iii) 6 boat ramps and parking at the rear for 40 trailer bays.

(iv) 240 car bays located in close proximity to the ramps, incorporating both permanent and temporary bays, part sealed and part informal.

(v) Recreation and public waterfront access and parking adjacent to beach foreshore, harbour and marina areas.

(vi) A mix of residential, tourist and commercial uses developed in accordance with the *Port Geographe Village Centre Design Guidelines*.

g) The local government shall, in considering the *Port Geographe Village Centre Precinct Plan* and any subsequent modifications, be satisfied, prior to adoption, that the following matters have been addressed:

(i) The objectives of the *Port Geographe Village Centre Precinct Plan* have been followed.

(ii) The mix of residential, tourist and business uses, as indicated in the *Port Geographe Village Centre Precinct Plan* and as adopted, have not been adversely affected by any subsequent version of the *Port Geographe Village Centre Precinct Plan*.

(iii) That the marine-related facilities and the marina(s) within the boundary of the Port Geographe Village Centre Precinct are to be developed in accordance with the *Port Geographe Village Centre Precinct Plan* and are in accordance with the objectives and policies of the zone.

(iv) In adopting any subsequent *Port Geographe Village Centre Precinct Plan*, local government shall ensure that adequate public consultation is carried out by the proponents to allow for local community input and government agency responses or, in the case of minor changes, make the decision in its own right.

5.10 WASTE WATER EXCLUSION AREA AND WASTE WATER BUFFER AREA

5.10.1 Development within the Waste Water Exclusion Area and Waste Water Buffer Area requires the prior development approval of the local government.

AMD 46 GG 30/07/2021

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

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

5.11 FLOODWAY AREA

AMD 46 GG 30/07/2021

5.11.1 This clause applies to all land identified within a Floodway area on the Scheme map.

5.11.2 Development within the Floodway Area requires the prior development approval of the local government.

5.11.3 Notwithstanding any other provision of this Scheme, prior to granting development approval for the carrying out of any development on land that is shown on the Scheme map as being within, or partly within, a Floodway area, the local government is to carry out an assessment –

(a) the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge floodwaters;
(b) the safety of the proposed development during flood events; and
(c) whether the proposed development involves any possible risk to life, human safety, or private property in time of flood.

5.11.4 For the purposes of clause 5.11.3, the local government shall consult with, and take into consideration, the advice of the responsible Government agency(s) in relation to flood hazard, the effect of the development on a floodway, and any other measures to offset the effects of flooding.

5.12 DEVELOPMENT CONTRIBUTION AREAS

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

5.12.2 Development contribution areas are shown on the Scheme map as 'DCA' with a purple border and a number and included in Schedule 10. *AMD 28 GG 16/02/2021*

5.12.3 Interpretation

In Clause 5.12, unless the context otherwise requires —

Administrative costs	means such costs as are reasonably incurred for the preparation and implementation of the development contribution plan.
Administrative items'	means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and implement the development contribution plan, including legal, accounting, planning, engineering, and other professional advice.
Cost apportionment schedule	means a schedule prepared and distributed in accordance with clause 5.12.12.
Cost contribution	means the contribution to the cost of infrastructure and administrative costs.
Development contribution area	means an area shown on the Scheme map as DCA with a number and included in Schedule 10.
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 5.12 of the Scheme (as referenced in Schedule 10 to this Scheme).
Development contribution plan report	means a report prepared and distributed in accordance with clause 5.12.12.
Infrastructure	means community infrastructure, including recreational facilities; community purposes; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this Scheme.
Infrastructure costs	means such costs as are reasonably incurred for the acquisition and construction of infrastructure.
Local government	means the local government or local governments in which the development contribution area is located or through which the services and facilities are provided.
Owner	means an owner of land that is located within a development contribution area.

5.12.4 Purpose

The purpose of having development contribution areas is to-

a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;

b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and

c) coordinate the timely provision of Infrastructure.

5.12.5 Development contribution plan required

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

5.12.6 Development contribution plan part of the Scheme

The development contribution plan is incorporated into Schedule 10 as part of this scheme.

5.12.7 Subdivision, strata subdivision and development

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

5.12.8 Guiding principles for development contribution plans

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

a) Need and the nexus

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

b) Transparency

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

c) Equity

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

d) Certainty

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

e) Efficiency

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

f) Consistency

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

g) Right of consultation and review

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

h) Accountable

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

5.12.9 Recommended content of development contribution plans

a) The development contribution plan is to specify -

(i) the development contribution area and associated precincts to which the development contribution plan applies;

(ii) the infrastructure and administrative items to be funded through the development contribution plan;

(iii) the method of determining the cost contribution of each owner; and

(iv) the indicative priority and/or timing for the provision of infrastructure.

5.12.10 Period of development contribution plan

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

5.12.11 Land excluded

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

a) primary regional roads and other regional roads, as determined by the local government;

b) existing public open space;

c) existing government primary and secondary schools; and

d) such other land as is set out in the development contribution plan,

is to be excluded.

5.12.12 Development contribution plan report and cost apportionment schedule

a) Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.

b) The development contribution plan report and the cost apportionment schedule shall set out in detail the calculation of the cost contribution for each owner in the development contribution area, based on the methodology provided in the development contribution plan, and shall take into account any proposed staging of the development.

c) The development contribution plan report and the cost apportionment schedule do not form part of the Scheme, but once adopted by the local government they are subject to review as provided under clause 5.12.13.

5.12.13 Cost contributions based on estimates

a) The determination of infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.

b) Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government-

(i) in the case of land to be acquired, in accordance with clause 5.12.14; and

(ii) in all other cases, in accordance with the best and latest information available to the local government,

until the expenditure on the relevant item of infrastructure or administrative costs has occurred.

c) In certain circumstances as specified in the adopted Development Contribution Plan Report the local government may have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner upon request.

d) Where any cost contribution has been calculated on the basis of an estimated cost, the local government-

(i) is to adjust the cost contribution of any owner in accordance with the annual review of estimated costs; and

(ii) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.

e) Where an owner's cost contribution is adjusted under clause 6.12.13 d), the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.

f) If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.

g) If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined -

(i) by any method agreed between the local government and the owner; or

(ii) if the local government and the owner cannot agree on a method pursuant to a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985* with the costs to be shared equally between the local government and owner.

5.12.14 Valuation

a) Clause 5.12.14 applies in order to determine the value of land to be acquired for the purpose of providing infrastructure.

b) In clause 5.12.14:

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

The net land value is to be determined by a static feasibility valuation model, consistent with the working sheet model contained in State Planning Policy 3.6 *'Development Contributions for Infrastructure'*. As part of that feasibility an appropriate profit and risk factor is to be determined from which a 10 per cent profit factor is to be excluded from the calculation.

'***Valuer***' means a licensed valuer or the Valuer-General as determined by the local government.

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

d) If following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner; the value is to be determined —

(i) by any method agreed between the local government and the owner; or

(ii) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

5.12.15 Liability for cost contributions

a) An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 5.12.

b) An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of -

(i) at the time of seeking clearance of conditions of subdivision or strata subdivision from the local government;
(ii) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;

(iii) prior to the commencement of any development that requires development approval on the owner's land within the development contribution area;

(iv) prior to the final approval and endorsement of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area; and

(v) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

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

c) Notwithstanding clause 5.12.15 b), an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.

d) Where a development contribution plan expires in accordance with clause 5.12.10, an owner's liability to pay the owner's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

5.12.16 Payment of cost contribution

a) The owner, with the agreement of the local government, is to pay the owner's cost contribution by -

(i) cheque or cash;

(ii) transferring to the local government or a public authority land in satisfaction of the cost contribution;

(iii) the provision of physical infrastructure;

(iv) some other method acceptable to the local government; or

(v) any combination of these methods.

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

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

5.12.17 Charge on land

a) The amount of any cost contribution for which an owner is liable under clause 5.12.15, but has not paid, is a charge on the owner's land to which the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

b) The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 5.12.17 a) to permit a dealing and may then re-lodge the caveat to prevent further dealings.

c) If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 5.12.17.

5.12.18 Administration of funds

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

b) Interest earned on cost contributions credited to a reserve account in accordance with clause 5.12.18 a) is to be applied in the development contribution area to which the reserve account relates.

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

5.12.19 Shortfall or excess in cost contributions

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

(i) make good the shortfall;

(ii) enter into agreements with owners to fund the shortfall; or

(iii) raise loans or borrow from a financial institution,

but nothing in paragraph 5.12.19 a) (i) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.

b) If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

5.12.20 Powers of the local government

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

a) acquire any land or buildings within the Scheme area under the provisions of the *Planning and Development Act 2005*; and

b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

5.12.21 Arbitration

Subject to clauses 5.12.14 c) and 5.12.14 d), any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

5.13 DRIVE-THROUGH FACILITY CONTROL AREA

AMD 29 GG 7/6/19

Any proposals incorporating a drive-through facility are not permitted within the Drive-Through Facility Control Area, unless the local government has exercised its discretion by granting development approval after first giving notice in accordance with clause 64 of the Deemed Provisions.

5.14 DESIGNATED BUSHFIRE PRONE AREAS

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

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

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

5.14.4 On receiving a request made under clause 5.14.3, the local government may by notice in writing served on the person who made that request -

a) determine that the land is not within a Designated Bushfire Prone Area; or

c) determine that the land's identification within a Designated Bushfire Prone Area is correct.

5.15 BUILDING HEIGHT AREA – DUNSBOROUGH TOWN CENTRE

AMD 52 GG 31/5/24

Building Heights to be in accordance with Table 2 – R-AC0 Primary Controls (Dunsborough Town Centre) within Clause 4.22.2

PART 6 - DEVELOPMENT OF LAND

6.1 PERMITTED DEVELOPMENT

AMD 25 GG 23/03/18

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

a) the development of any dam, including any associated excavation or filling, even where such development will change the ground level by greater than 0.5 metres or undertaking of any excavation or filling that will change the ground level by 0.5 metres or less, except where the development is -

(i) located in a Coastal Management or Wetland area and including any filling or draining of any land within a Wetland area;

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

(iii) located in the Conservation, Rural Landscape or Bushland Protection zones;

(iv) located on or over any land -

i) below the mean high water mark;

ii) forming part of the bed of a river, creek, lagoon or other natural watercourse shown uncoloured on the Scheme map; or

iii) which has been reclaimed;

(v) located on a public road or unzoned land (shown uncoloured on the Scheme map);

(vi) a dam that -

i) is associated with agriculture - intensive, tourist development or rural residential development; or

ii) retards the flow of any surface water in a defined creek or artificially retards the source of a defined creek;

b) the clearing of vegetation, except where such development is -

(i) located in a Coastal Management area;

(ii) located in a Wetland area, including the damaging of any vegetation;

(iii) located in a Landscape Value area, including the damaging of any vegetation, except for development that is associated with the development of a single house undertaken as permitted development pursuant to the Scheme, is associated with approved development, essential for achieving adequate fire protection, or vegetation that immediately endangers life or property;

(iv) located on land within a Floodway area as identified on the Scheme map or on any other land identified as flood prone land on a map prepared or adopted by the local government or on other land which, in the opinion of

the local government, may be subject to flooding and including the damaging of any vegetation in such areas;

(v) located in the Rural Residential, Conservation, Rural Landscape or Bushland Protection zones and including the damaging of any vegetation in such zones, except for development that is associated with approved development or essential for achieving adequate fire protection;

(vi) located on land coded R2, R2.5 or R5, and including the damaging of any vegetation, except for development that is associated with approved development or essential for achieving adequate fire protection;

(vii) located on or over any land -

i) below the mean high water mark;

ii) forming part of the bed of a river, creek, lagoon or other natural watercourse shown uncoloured on the Scheme map; or

iii) which has been reclaimed;

including the damaging of any vegetation in such areas;

(viii) located on a public road or unzoned land (shown uncoloured on the Scheme map), including the damaging of any vegetation in such areas;

c) the development of a jetty on a canal within the Port Geographe Development area where it is situated wholly within a specified mooring envelope and is in accordance with the design standards approved by the local government and Commission;

d) the erection, placement or display of any advertisement and the use of land or buildings for that purpose as exempted by Schedule 9, except in respect of a place included in the Heritage List or in a heritage area; and

e) development by a local government or a public authority for the purposes of; roads, including the extraction of material for road construction or maintenance, a public work, storm water drainage, landscaping, gardening, bushfire hazard reduction, parking, amenities buildings, river bank stabilization or beach rehabilitation.

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

6.1.2 For the purposes of clause 6.1.1, land uses or development which involve:

a) the extensive application of fertilizers; or

b) the concentration in any location of effluents, including industry - primary production; or

c) private development (excluding public works) on a public road, on a lawfully closed road or on unzoned land (shown uncoloured on the Scheme map);

require development approval pursuant to Part 7 of the Deemed Provisions.

PART 7 - SCHEDULES

Schedule 1 - Interpretations

Division 1 – General definitions used in Scheme

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

Canal Frontage	means a boundary line between the canal and adjacent lots and shall be defined by a surveyed line on the approved Subdivision Plans.
Commission	means the Western Australian Planning Commission established by Part 2 section 7 of the *Planning & Development Act.*
Council	means the Council of the City of Busselton.
Dam	means any man-made structure or excavation designed and constructed to intercept, accumulate and impound water flowing across, through or under any land and includes an off-stream dam, an on-stream dam, a gully-wall dam, a turkey-nest dam, an excavated soak and any structure, excavation or other device designed to act either solely or partly as a nutrient stripping basin.
Drive-through facility	means premises designed, constructed and/or operated so that food and/or drinks, goods or services may be purchased, provided or exchanged with customers while remaining in their vehicle.
Entry Statement	means a structure placed at and denoting the entry point to a defined area or location and includes associated landscaping and structures.
Floodway	means the channel of a river or stream and those portions of the flood plain adjoining the channel which are required to carry and discharge floodwaters, and includes land determined in consultation between the local government and the Department of Water to be a floodway.
Frontage *AMD 29 GG 7/6/19*	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more road reserves, the one to which the building or proposed building faces.
Gazettal Date	means the date when the Scheme is published in the *Gazette* under section 87(4) of the Act and in the case of a non-conforming use, including any amendments thereto and including any amendments to the *Shire of Busselton District Town Planning Scheme No. 20*.
High Water Mark *AMD 1 GG 04/08/17*	in relation to tidal waters, means ordinary high-water mark at spring tides.
Low Water Mark *AMD 1 GG 04/08/17*	in relation to tidal waters, means lowest water mark at spring tides.
Mean High Water Mark *AMD 1 GG 04/08/17*	means the demarcation line shown on the Scheme map as provided by Landgate on the day of 22 June 2015, that identifies the interface of the

	ocean and land, and shall exclude any demarcation of natural inland water systems or man-made harbours/canals.
Mooring Envelope *AMD 29 GG 7/6/19*	means an area designated on the Subdivision Plan and set aside for the construction of a jetty/mooring facility and may be located within a canal or a lot with water frontage or adjacent to a lot with water frontage.
Net Lettable Area ("NLA")	means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas – (a) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building.
Prime Agricultural Land	means land that is identified as being within Class I or II for the purposes of market gardening, orchards or viticulture within the "Busselton/Margaret River, Augusta Land Capability Study" prepared by the Department of Agriculture and Food. Land identified as being within Class I for the purposes of grazing may also be deemed to be Prime Agricultural Land (and subject to the restrictions applying thereto) following specific site assessment and by decision of local government. Land containing remnant vegetation or subject to other environmental or biological influences that render its use for agriculture undesirable is deemed not to be Prime Agricultural Land.
Rural Tourist Accommodation	is defined as comprising Bed & Breakfast Establishments, Caravan Parks & Camping Grounds, Guesthouses and Chalets.
Stabilised Canal Edge	means a structural or other measure which separates a canal from dry land, excluding a separately constructed jetty but which may include a retaining wall, whether vertical or sloping; beaches; reinforced reeded slopes; or other structure indicated on local government approved engineering or landscape drawings and specifications.
Vegetation	means any tree, shrub or plant regardless of condition or age.

Division 2 – Land use terms used in Scheme

Abattoir *AMD 1 GG 04/08/17*	means premises used commercially for the slaughtering of animals for the purposes of consumption as food products.
Advertisement	*DELETED BY AMD 29 GG 7/6/19*
Aged Persons' Home	means a building or group of buildings used primarily as a residence for aged persons and may include a hostel and/or nursing home.
Agriculture – Extensive *AMD 1 GG 04/08/17*	means premises used for the raising of stock or crops, including outbuildings and earthworks, but does not include agriculture - intensive or animal husbandry – intensive.
Agriculture – Intensive *AMD 1 GG 04/08/17*	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following: (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; or (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms).
Amusement Machine	*DELETED BY AMD 29 GG 7/6/19*
Amusement Parlour *AMD 35 GG 2/02/18*	means premises – (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines.
Animal Establishment *AMD 1 GG 04/08/17*	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry - intensive or veterinary centre.
Animal Husbandry - Intensive *AMD 1 GG 04/08/17*	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens.
Applicant	*DELETED BY AMD 29 GG 7/6/19*
Aquaculture	means any fish farming operation for which an aquaculture licence issued pursuant of the provisions of Part VIII of the *Fish Resources Management Act 1994* and Part VI of the *Fish Resources Management Regulations 1995* is required.
Art Gallery *AMD 29 GG 7/6/19*	means premises – (a) that are open to the public; and (b) where artworks are displayed for viewing or sale.
Bed and Breakfast	means a dwelling, used by a resident of the dwelling, to provide accommodation for persons away from their normal place of residence on a short-term commercial basis and includes the provision of breakfast.
Boarding House	*DELETED BY AMD 29 GG 7/6/19*
Boatel	*DELETED BY AMD 29 GG 7/6/19*
Brewery *AMD 1 GG 04/08/17*	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988.*
Building	*DELETED BY AMD 29 GG 7/6/19*
Bulk Store	*DELETED BY AMD 29 GG 7/6/19*

Bulky Goods	*DELETED BY AMD 29 GG 7/6/19*
Bulky Goods Showroom *AMD 21 GG 7/6/19*	means premises – (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes - (i) automotive parts and accessories; (ii) camping, outdoor and recreation goods; (iii) electric light fittings; (iv) animal supplies including equestrian and pet goods; (v) floor and window coverings; (vi) furniture, bedding, furnishings, fabrics, manchester and homewares; (vii) household appliances, electrical goods and home entertainment goods; (viii) party supplies; (ix) office equipment and supplies; (x) babies' and childrens' goods, including play equipment and accessories; (xi) sporting, cycling, leisure, fitness goods and accessories; (xii) swimming pools; **Or** (b) used to sell by retail goods and accessories by retail if - (i) a large area is required for the handling, display or storage of the goods; or (ii) vehicular access is required to the premises for the purpose of collection of purchased goods.
Bus Depot	means a building or place used for the servicing, repair and garaging of buses and other vehicles used for the purposes of a bus service.
Bus Station	*DELETED BY AMD 29 GG 7/6/19*
Caravan Park *AMD 35 GG 02/02/18*	means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1).
Caretaker's Dwelling *AMD 29 GG 7/6/19*	means a dwelling on the same site as a building, operation (including tourist development) or plant and occupied by a caretaker of that building, operation or plant.
Car Park *AMD 29 GG 7/6/19*	means premises used primarily for parking vehicles whether open to the public or not but does not include – (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale.
Chalet *AMD 1 GG 04/08/17*	means a dwelling forming part of a tourist facility that is – (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to accommodate short-term guests with no guest accommodated for periods totalling more than 3 months in any 12 month period.
Chandlery	*DELETED BY AMD 29 GG 7/6/19*
Child Care Premises *AMD 35 GG 02/02/18*	means premises where – (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the *Child Care Services Act 2007* section 4 is provided.
Cinema/Theatre	means premises where the public may view a motion picture or

AMD 29 GG 7/6/19	theatrical production.
Club Premises *AMD 35 GG 02/02/18*	means premises used by a legally constituted club or association or other body of persons united by a common interest.
Communal or Cluster Farming	*DELETED BY AMD 29 GG 7/6/19*
Community Purpose *AMD 35 GG 02/02/18*	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organizations involved in activities for community benefit.
Conservation Tourism	*DELETED BY AMD 29 GG 7/6/19*
Consulting Rooms *AMD 29 GG 7/6/19*	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
Convenience Store *AMD 35 GG 02/02/18*	means premises – (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and (b) operated during hours which include, but may extend beyond, normal trading hours; and (c) the floor area of which does not exceed 300m2 net lettable area.
Corner Shop	means a shop used for the sale of daily grocery needs to persons in the immediate locality, attached to a dwelling and which is operated as an additional use thereto by the permanent tenants of the dwelling.
Discount Department Store	*DELETED BY AMD 21 GG 7/6/19*
Display Home	*DELETED BY AMD 29 GG 7/6/19*
Display Home Centre	*DELETED BY AMD 29 GG 7/6/19*
Dry Industry	*DELETED BY AMD 29 GG 7/6/19*
Dwelling	*DELETED BY AMD 29 GG 7/6/19*
Educational Establishment *AMD 35 GG 02/02/18*	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution.
Exhibition Centre *AMD 1 GG 04/08/17*	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum.
Factory Unit Building	means a building or structure, or group of buildings or structures designed, used or adapted for use as two or more separately occupied production or storage areas.
Fuel Depot *AMD 35 GG 02/02/18*	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used: (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle.
Funeral Parlour *AMD 29 GG 7/6/19*	means premises used – (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services.
Garden Centre *AMD 1 GG 04/08/17;* *AMD 35 GG 02/02/18*	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens.
Generating Works	*DELETED BY AMD 29 GG 7/6/19*
Grouped Dwelling	*DELETED BY AMD 29 GG 7/6/19*

Guesthouse	means a single building on a lot (which may be in addition to any single house already developed) utilised for the purpose of providing holiday accommodation and typically offering full board for guests. The building would be characterised by individual suites which are serviced by centralised dining (not being a public restaurant/café) and other facilities. Suites would not be self-contained, and occupation would generally be reliant on services provided by management.
Health Care Professional	*DELETED BY AMD 1 GG 04/08/17*
High Water Mark *AMD 1 GG 04/08/17*	in relation to tidal waters, means ordinary high-water mark at spring tides.
Holiday Home (Multiple/Grouped Dwelling)	means a grouped dwelling or multiple dwelling, which may also be used for short stay accommodation for hire or reward for no more than six people (but does not include a bed and breakfast, chalet, guesthouse, rural tourist accommodation or tourist accommodation).
Holiday Home (Single House) *AMD 40 GG 13/06/2023*	means a single house (excluding ancillary dwelling), which may also be used for short stay accommodation for hire or reward for no more than 12 people (but does not include a bed and breakfast, chalet, guesthouse, rural tourist accommodation or tourist accommodation).
Home Business *AMD 1 GG 04/08/17*	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of a business, service or profession – (a) does not involve employing more than 2 people not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not involve the retail sale, display or hire of goods of any nature except where those goods are manufactured or produced at the residence; and (d) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (e) does not involve the use of an essential service that is greater that the use normally required in the zone in which the dwelling is located.
Home Occupation *AMD 29 GG 7/6/19*	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation – (a) does not involve employing a person who is not a member of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20 m2; and (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m2; and (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (f) does not — (i) require a greater number of parking spaces than normally required for a single dwelling; or (ii) result in an increase in traffic volume in the neighbourhood; and (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and (h) does not include provision for the fuelling, repair or maintenance

	of motor vehicles; and (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located.
Home Office *AMD 1 GG 04/08/17*	means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation – (a) is solely within the dwelling; and (b) does not entail clients or customers travelling to and from the dwelling; and (c) does not involve the display of a sign on the premises; and (d) does not require any change to the external appearance of the dwelling.
Hospital *AMD 35 GG 02/02/18*	means premises that are a hospital within the meaning given in the *Health Services Act 2016* section 8(4).
Hotel *AMD 1 GG 04/08/17*	means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises.
Incidental development	*DELETED BY AMD 29 GG 7/6/19*
Industry *AMD 29 GG 7/6/19*	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes – (a) the storage of goods; (b) the work of administration or accounting; (c) the selling of goods by wholesale or retail; (d) the provision of amenities for employees; (e) incidental purposes.
Industry – Cottage *AMD 1 GG 04/08/17*	means premises, other than premises used for a home occupation, that are used by the occupier of the premises for the purpose of carrying out a trade producing arts and crafts goods if the carrying out of the trade – (a) will not cause injury to or adversely affect the amenity of the neighbourhood; and (b) if the premises is located in a residential zone - does not employ any person other than a member of the occupier's household; and (c) is compatible with the principal uses to which land in the zone in which the premises is located may be put; and may include the wholesale and appointment only sale of products produced on site.
Industry - Extractive *AMD 35 GG 02/02/18*	means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes –

	(a) the processing of raw materials including crushing, screening, washing, blending or grading; (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration.
Industry - Light *AMD 29 GG 7/6/19*	means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed.
Industry - Primary Production *AMD 1 GG 04/08/17*	means premises used – (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997* (Commonwealth) section 995-1; or (b) for a workshop servicing plant or equipment used in primary production businesses.
Liquor Store – Large *AMD 21 GG 7/6/19*	means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300m^2.
Liquor Store – Small *AMD 21 GG 7/6/19*	means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300m^2.
Lunch Bar *AMD 29 GG 7/6/19*	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 and does not normally trade outside of normal business hours.
Manager's Residence	*DELETED BY AMD 29 GG 7/6/19*
Marina *AMD 29 GG 7/6/19*	means – (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services.
Marine Facilities	*DELETED BY AMD 29 GG 7/6/19*
Marine Filling Station *AMD 35 GG 02/02/18*	means premises used for the storage and supply of liquid fuels and lubricants for marine craft.
Market	means premises used for the display and sale of goods from stalls by independent vendors.
Medical Centre *AMD 21 GG 7/6/19* *AMD 1 GG 04/08/17*	means premises other than a hospital used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care.
Mining Operations *AMD 35 GG 02/02/18*	means premises where mining operations, as that term is defined in the *Mining Act 1987* section 8(1) is carried out.
Motel *AMD 35 GG 02/02/18*	means premises, which may be licensed under the *Liquor Control Act 1988* – (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles.

Motor Vehicle, Boat or Caravan Sales *AMD 29 GG 7/6/19*	means premises used to sell or hire motor vehicles, boats or caravans.
Motor Vehicle Repair *AMD 35 GG 02/02/18*	means premises used for or in connection with – (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or (b) repairs to tyres other than recapping or re-treading of tyres.
Motor Vehicle Wash *AMD 29 GG 7/6/19*	means premises primarily used to wash motor vehicles.
Multiple Dwelling	*DELETED BY AMD 29 GG 7/6/19*
Natural Ground Level	*DELETED BY AMD 29 GG 7/6/19*
Nightclub *AMD 29 GG 7/6/19*	means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988.*
Offensive or Hazardous Industry	*DELETED BY AMD 29 GG 7/6/19*
Office *AMD 35 GG 02/02/18*	means premises used for administration, clerical, technical, professional or similar business activities.
Owner	*DELETED BY AMD 29 GG 7/6/19*
Park Home Park *AMD 1 GG 04/08/17*	means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997* Schedule 8.
Place	*DELETED BY AMD 29 GG 7/6/19*
Place of Assembly	*DELETED BY AMD 29 GG 7/6/19*
Place of Worship *AMD 1 GG 04/08/17*	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple.
Poultry Farm	*DELETED BY AMD 1 GG 04/08/17*
Produce Sales *AMD 1 GG 04/08/17*	means a place, stand or vehicle or other thing which offers for sale to the general public, produce or any commodity which is grown on the land or in the locality and produce or commodity grown on the land or in the locality that is manufactured or packaged on the site upon which the stall is located.
Public Utility	*DELETED BY AMD 29 GG 7/6/19*
Reception Centre	means premises used for hosted functions on formal or ceremonial occasions.
Recreation Agriculture	*DELETED BY AMD 1 GG 04/08/17*
Recreation Area	*DELETED BY AMD 1 GG 04/08/17*
Recreation Establishment	means health farms, religious retreat houses, rest homes, youth camps and the like, but does not include a building or place elsewhere specifically defined in this Schedule or a building or place used or intended for use for a purpose elsewhere specifically defined in this Schedule.
Recreation Facility	*DELETED BY AMD 29 GG 7/6/19*
Recreation Private *AMD 29 GG 7/6/19*	means premises that are – (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge.
Repurposed Dwelling *AMD 10 GG 01/09/17*	means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling.
Research and Development Facility	*DELETED BY AMD 29 GG 7/6/19*
Research Establishment	means a laboratory or other place where scientific or technological development or research is carried out.

Residential Building	*DELETED BY AMD 29 GG 7/6/19*
Resource Recovery Centre *AMD 29 GG 7/6/19*	means premises other than a waste disposal facility used for the recovery of resources from waste.
Restaurant/Café *AMD 35 GG 02/02/18*	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*.
Restricted Premises *AMD 35 GG 02/02/18*	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of – (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*; or (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; (c) smoking-related implements.
Retirement Village	*DELETED BY AMD 29 GG 7/6/19*
Roadside Stall	*DELETED BY AMD 1 GG 04/08/17*
Rural Enterprise	*DELETED BY AMD 1 GG 04/08/17*
Rural Holiday Resort	means any form of Rural Tourist Accommodation, except Caravan Parks & Camping Grounds, comprising more than 10 accommodation units, whether they be rooms, suites or chalets.
Rural Pursuit/Hobby Farm *AMD 1 GG 04/08/17*	means any premises, other than premises used for agriculture – extensive or agriculture – intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household – (a) the rearing, agistment, stabling or training of animals; (b) the keeping of bees; (c) the sale of produce grown solely on the premises.
Rural Worker's Dwelling	*DELETED BY AMD 29 GG 7/6/19*
Salvage Yard	*DELETED BY AMD 29 GG 7/6/19*
Sawmill	*DELETED BY AMD 29 GG 7/6/19*
Second-hand Dwelling *AMD 10 GG 01/09/17*	means a dwelling that has been in a difference location, and has been dismantled and transported to another location, but does not include a new modular or transportable dwelling.
Service Industry	*DELETED BY AMD 29 GG 7/6/19*
Service Station *AMD 1 GG 04/08/17*	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for – (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles.
Shop *AMD 21 GG 7/6/19*	means premises other than a bulky goods showroom, a liquor store – large or a liquor store – small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services.
Showroom	*DELETED BY AMD 21 GG 7/6/19*
Single House	*DELETED BY AMD 29 GG 7/6/19*
Small Bar	means premises the subject of a small bar licence granted under the

AMD 29 GG 7/6/19	*Liquor Control Act 1988.*
Stabilised Surface Level of a Lot	*DELETED BY AMD 29 GG 7/6/19*
Stock & Sale Yard	*DELETED BY AMD 29 GG 7/6/19*
Supermarket	*DELETED BY AMD 21 GG 7/6/19*
Takeaway Food Outlet	means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation primarily off the premises.
Tavern *AMD 35 GG 02/02/18*	means premises the subject of a Tavern Licence granted under the *Liquor Control Act 1988*.
Telecommunications Infrastructure *AMD 29 GG 7/6/19*	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network.
Timber Yard	*DELETED BY AMD 29 GG 7/6/19*
Tourist Accommodation *AMD 1 GG 04/08/17*	means means single occupancy accommodation units, which may be self-contained and may include associated central facilities for the exclusive use of guests, and includes serviced apartments.
Trade Supplies *AMD 29 GG 7/6/19*	means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises – (a) automotive repairs and servicing; (b) building including repair and maintenance; (c) industry; (d) landscape gardening; (e) provision of medical services; (f) primary production; (g) use by government departments or agencies, including local government.
Transport Depot *AMD 35 GG 02/02/18*	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including – (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another.
Tree Farm *AMD 1 GG 04/08/17*	means land used commercially for tree production where trees are planted in blocks of more than one hectare, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* section 5.
The Act	*DELETED BY AMD 29 GG 7/6/19*
Veterinary Centre *AMD 1 GG 04/08/17*	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders.
Warehouse/Storage *AMD 35 GG 02/02/18*	means premises including indoor or outdoor facilities used for - (a) the storage of goods, equipment, plant or materials; or (b) the display or sale by wholesale of goods.

Waste Disposal Facility *AMD 29 GG 7/6/19*	means premises used – (a) for the disposal of waste by landfill; or (b) the incineration of hazardous, clinical or biomedical waste.
Waste Storage Facility *AMD 29 GG 7/6/19*	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.
Waterway Frontage	*DELETED BY AMD 29 GG 7/6/19*
Wind Farm *AMD 1 GG 04/08/17*	means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use.
Winery *AMD 1 GG 04/08/17*	means means premises used for the production of viticultural produce and associated sale of the produce.

Schedule 2 - Additional Uses

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
A1	Lot 9 of Lot 7 of Sussex Location 2, Bunyip Road	The only Land Uses permitted shall be: A. Arts & Crafts studio and sales outlet with associated tearoom wherein the maximum floor area of the building to accommodate these activities shall be 260m² B. Passive recreation activities C. Wildlife and farm displays D. Caretaker's Dwelling E. Rural pursuits and associated farm buildings	Development of the land shall be generally in accordance with the Development Plan endorsed by the Chief Executive Officer.
A2	Lot 11 Corner of Commonage and Genoli Roads, Quindalup	**Land Use** 1. The only Land Uses permitted shall be: A. Kiosk, souvenir shop, information centre and associated tearooms wherein the maximum floor area of the building to accommodate these activities shall be 160m² B. Passive recreation activities C. Rural pursuits and associated farm buildings D. Caretaker's Dwelling and 2. The development of an Arts, Craft and local product showroom and sales use may be permitted subject to local government Approval.	
A3	Portion of Sussex Location 1403 on Diagram 4226, Certificate of Title Vol. 1422 and Folio 611 Rendezvous Road, Vasse	A. 5 chalets B. Rural pursuits and associated farm buildings C. One dwelling house	1. No person shall occupy the chalets for more than 3 months in any one 12 month period. 2. Development of the land shall be generally in accordance with the Development Plan endorsed by the Chief Executive Officer. 3. Buildings shall be designed and constructed of materials which allow them to blend into the landscape of the lot. 4. No tree or substantial vegetation shall be felled or removed from the lot except where - i. required for approved development works ii. required for fire prevention purposes by regulation or by laws; or iii. trees are diseased, dead or dangerous. 5. Effluent disposal systems are to be located a minimum of 100m from the high watermark of the drainage channel. 6. A minimum depth of 2m is to be maintained between the base of each leach drain and groundwater or bedrock. 7. A minimum of 30m clearance is to be maintained between the effluent disposal systems and any bore or well which is intended or available for animal or human consumption.

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
A4	Lot 1, Sussex Location 4526 Hayes Road, Quindalup	1. Pottery Workshop & Sales 2. Arts & Crafts Workshop/Gallery & Sales Tea Room 3. Wine Tasting & Wine Sales	
A5	Lot 1 Gunyulgup Valley Drive/Koorabin Drive, Yallingup	**Tourist Development** The Additional Uses permitted on the specified land are - 1. Chalets & Holiday Cabins 2. Guesthouse 3. Restaurant/Café 4. Public Amusement 5. Recreation - Private 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club Premises	The additional uses specified shall be deemed to be "D" uses for the purpose of Part 4 of the Scheme.
A6	Portion of Lot 1002 Butterly Road, Yallingup, being proposed Lot 9 as shown on the endorsed Structure Plan (Tourism Development Lot.)	The Additional Uses permitted on the specified land are - 1. Chalets & Holiday Cabins 2. Guesthouse 3. Restaurant/Café 4. Public Amusement 5. Recreation - Private 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club Premises	The additional uses specified shall be deemed to be "D" uses for the purpose of Part 4 of the Scheme.
A7	Portion Lot 15 Quedjinup Drive, (being proposed Lots 4, 5, 6 and 7 on DGP 0506.026 Rev 4, dated 1 May 2007), Lots 108, 109, 110 and 111 Bina Place and Lot 66 Buckingham Road, Quedjinup	**Tourist Development** The Additional Uses permitted on the specified land are - 1. Chalet & Holiday Cabins 2. Guesthouse 3. Restaurant/Café 4. Public Amusement 5. Recreation - Private 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery 10. Museum 11. Club Premises	1. The additional uses specified shall be deemed to be "D" uses for the purpose of Part 4 of the Scheme. 2. Chalet within proposed Lot 6 is to be limited to a maximum of 10. 3. Chalet within proposed Lots 5 and 7 is limited to a maximum of 4 per lot. 4. Chalet within proposed Lot 4 is not permitted. 5. Development, other than a single dwelling and ancillary development, within proposed Lots 4, 5, and 7 is limited to only one of the permitted/ specified landuses. 6. Boutique Brewery and Winery are not permitted on proposed Lots 4, 5, 6 and 7.
A8	Lot 111 Nicholson Road/Marrinup Drive, Yallingup	**Tourist Development** The Additional Uses permitted on the specified land are - 1. Chalets & Holiday Cabins 2. Guesthouse 3. Restaurant/Café 4. Public Amusement 5. Recreation - Private 6. Art & Craft Studio 7. Workshop & Sales 8. Boutique Brewery 9. Winery	The additional uses specified shall be deemed to be "D" uses for the purpose of Part 4 of the Scheme.

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
		10. Museum 11. Club Premises	
A9	Lot 21, Sussex Location 1411 Corner of Vasse Yallingup and Marybrook Roads, Marybrook	1. Restaurant/Café 2. Ancillary Tourist Convenience Retail Sales (with a maximum floor area of 50m²) 3. Arts & Crafts Sales	
A10	Lot 3 of Loc 876, Hemsley Rd, Yallingup	1. 15 chalets for Short Stay Accommodation 2. Recreation - Private 3. Caretaker's Dwelling 4. Owner's Dwelling 5. Industry - Cottage, except that employment of up to 3 persons is permitted	
A11	Lot 119 Locke Street, Abbey	Retailing of Fish	1. Limiting of on-site processing to the packaging of ready prepared fish. 2. The Additional Use will only be permitted whilst the subject lot is owned by G G Lear and occupied by G G & R Lear. 3. Should the circumstances specified in Paragraph 2 change, the "Additional Use" zone will be deleted, and the rezoning of the subject lot will revert back to "Residential" only and the use immediately cease.
A12	Lot 13 of Sussex Location 731 Caves Road, Wilyabrup	1. Restaurant/Café 2. Art Gallery & Sales 3. Ancillary Tourist Convenience Retail Sales (maximum floor area of 100m²) 4. Open Air Theatre	1. The use of "Open Air Theatre" to be restricted as follows - (a) Category 1 Events limited to 300 patrons as, and when desired; and (b) Category 2 Events limited to 301-2,500 patrons with each event subject to local government approval, and to occur on a maximum of two days per 12 month period only.
A13	Lot 4 of Sussex Location 2589 Carter Road, Metricup	1. Restaurant/Café 2. Ancillary Tourist Convenience Retail Sales (maximum floor area of 100m²) associated with the lavender industry 3. Arts & Crafts Sales	
A14	Lot 10 Chapman Hill Road, Chapman Hill	**Tourist Development:** 1. Botanical Gardens 2. Restaurant/Café 3. Shops - Arts & Crafts Sales limited to locally produced products (maximum floor area of 100m²) 4. Reception Establishment	
A15	Location 296 Cape Naturaliste Road, Dunsborough	Residential R2.5	1. Subdivision of a range of lot sizes down to an R2.5 standard will be permitted in the central, cleared portion of Loc 296 in accordance with a Structure Plan to be adopted by local government and endorsed by the WA Planning Commission.
A16	Lot 11 Forrest Beach Rd, Wonnerup	Restaurant/Café	
A17	Lot 134 Marrinup Drive, Yallingup	Arts and Crafts Studio, Workshop and Sales	Development of the land shall generally be in accordance with a Development Plan endorsed by the Chief Executive Officer which is to ensure that any development does not establish a commercial frontage to Marrinup Drive.
A18	Lot 2, Metricup Road, Metricup	Tourist Development 1. Tourist Accommodation 2. Restaurant/Café	1. Development to comply with approvals issued by the City of Busselton. 2. Development of the land shall be in accordance with a Structure Plan adopted by local

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
		3. Conference Centre 4. Residence 5. Ancillary and Incidental Uses	government and endorsed by the Western Australian Planning Commission pursuant to Part 4 of the Deemed Provisions. 3. The additional uses specified shall be deemed to be "D" uses for the purposes of Part 4 of the Scheme.
A19	Lot 73 Redgum Way, Vasse	Transport Depot	1. A maximum of 4 trucking vehicles and associated trailers may be garaged on the site at any one time, all of which must be owned by the Harbeck family. 2. Storage on the site is to be restricted to potato crates and fertiliser bins which are owned by Mr & Mrs Harbeck, subject to these items being stored in an area agreed to by local government (only) with that area suitably screened to prevent viewing of the items from surrounding areas. 3. No items (other than referred to in (2) above) that are transported by the said vehicles may be brought back to the property for unloading, sorting, distribution, storage or sale. 4. The "Additional Use" will only be permitted while the subject lot is owned and occupied by G A & M L Harbeck. 5. Should the circumstances specified in paragraph 4 change, the "Additional Use" zone will be deleted, the zoning of subject lot will revert back to "Special Rural" only and the use must immediately cease. 6. Condition 5 must be secured, prior to issue of the City's Development approval, by placing a caveat on the Certificate of Title, Volume 1616, Folio 906. 7. That the subject property is not to be used as base for employment other than members of the Harbeck family.
A20	Lot 4 of Sussex Location 1354, Corner of Canal Rocks & Caves Roads, Yallingup	Restaurant/Café, Caretaker's Dwelling and Guesthouse Accommodation	Development of the land shall be in accordance with a detailed Structure Plan approved by local government which addresses the following matters - • Vehicle access, parking and servicing; • The siting of buildings and storage areas; and • Provisions for landscaping.
A21	Lot 4 of Sussex Location 550 Kaloorup Road, Vasse	1. Museum, Souvenir Shop and Associated Tearoom wherein the maximum floor area of the building to accommodate these activities shall be 160m² 2. Passive Recreation activities 3. Rural Pursuits and Associated Farm Buildings 4. Caretaker's Dwelling 5. Display of Farm Equipment and Demonstration of Farming Practices	1. Development of the land shall be generally in accordance with the Development Plan endorsed by the Chief Executive Officer. 2. The planting and continued maintenance of a multi-row windbreak along the eastern boundary of Lot 4 to the specifications and satisfaction of the Department of Agriculture and Food WA and the Department of Water shall be established on the development of the Tourist Facilities.
A22	Lot 89, Corner of Caves & Quindalup Siding Roads, Quindalup	1. Arts & Crafts 2. Studio, Sales Outlet for goods manufactured in the general locality 3. Tearoom not exceeding 100m² floor area 4. Arts & Crafts Workshop 5. Wildlife Display 6. Caretaker's Dwelling	Development shall be generally in accordance with a Structure Plan approved by local government and endorsed by the Chief Executive Officer.

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
		7. Passive Recreation Activities, including BBQ areas	
A23	Lot 1 of Portion Sussex Location 1298, Corner of Gunyulgup Valley Drive & Caves Road, Yallingup	1. Arts & Crafts Studio and Sales Outlet 2. Workshop for the purposes of manufacturing Arts & Crafts only, wherein the floor area of the building to accommodate these activities shall be 140m² 3. Refreshment servery building with associated outdoor seating with a maximum kitchen servery floor area to be no greater than 20 m² in area	Development of the land shall be generally in accordance with the Structure Plan endorsed by local government and the WA Planning Commission.
A24	Lot 10 Harman's Road South, Wilyabrup	1. Restaurant/Café 2. Recreation - Private 3. Arts & Crafts Workshop 4. Arts & Crafts Sales Outlet (with a maximum floor area of 100m²) 5. One Caretaker's Dwelling	
A25	Lot 1 Corner of Johnson and Pusey Roads, Wilyabrup	1. Production and Sale of Wine and Beer 2. Arts & Crafts Bulky goods showroom and Sales; and 3. One Caretaker's Dwelling	Development of the site shall be generally in accordance with a Structure Plan endorsed by local government and the Western Australian Planning Commission.
A26	Lot 21 Caves Road, Naturaliste	Restaurant/Café	
A27	*Deleted via Amendment No. 54 to DTPS 20 12.4.05*		
A28	Lot 15 Caves Road, Wilyabrup	1. Chalets 2. One Caretaker's Dwelling 3. Accommodation for staff working on the property 4. Reception Establishment	1. Strata titling shall be in accordance with an Approved Plan and no further strata titling will be permitted. 2. Chalets to be used for short stay purposes only. Maximum stay to be 3 months within any 12 month period. 3. Management and maintenance of the short stay chalets to be undertaken by a single manager.
A29	Lot 6 Caves Road, Wilyabrup	1. One Dwelling House 2. One Caretaker's Dwelling 3. Arts & Crafts showroom and Sales 4. Reception Establishment 5. Ancillary Recreation Facilities	
A30	*Deleted Via Amendment No. 108 to DTPS 20 3.10.08*		
A31	Sussex Location 4421 & 4422, North Side of Yallingup Beach Road, Yallingup, only being Caves House and its immediate surrounds as zoned "Special Use No.11 - Hotel"	Backpackers' Accommodation, Camping & Caravan Park, Club Premises, Convenience Store, Community Purpose, Guesthouse, Market, Motel, Hotel, Place of Worship, Recreation - Private, Reception Establishment, Recreation Establishment, Refreshment Room, Rural Tourist Facility, Service Station, Shop, Tourist Accommodation, Tavern, Utility Installation, Winery, Open Space, Landscape Protection	Any development shall have regard for the heritage, landscape, environmental and cultural value of the location and shall be consistent with the principles of the Conservation Plan (September 1996), subsequent amendments and additions thereto, and shall be in accordance with a Structure Plan prepared for the land and endorsed by local government and the Western Australian Planning Commission.
A32	Part Lot 100 Caves Rd, Yallingup	Rural Holiday Resort	1. Development limited to a maximum number of accommodation units equivalent to 22 chalets. 2. Development limited to Strata Lot 1 as shown on

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
			plan dated May 1997.
A33	Portion of Lot 701 of Sussex Location 4211 (being proposed Lot 6 on the Structure Plan as endorsed by the WAPC on 19/02/2010), corner of Curlew Rise and Lot 100 Wisteria Drive, Quindalup	1. Tourist Accommodation 2. Arts & Crafts Sales	1. The Additional Use specified shall be deemed to be an "D" use for the purpose of the Scheme. 2. A maximum of 10 chalets shall be permitted as tourist accommodation. 3. A maximum floor area of 55m^2 shall apply to the Arts & Crafts Sales.
A34	Lots 23 & 24 Bussell Hwy, Busselton	Veterinary Centre	1. Development shall generally be in accordance with the Structure Plan endorsed by the Chief Executive Officer. 2. Overnight accommodation is restricted to animals in emergency situations or those recuperating from surgery or treatment only.
A35	Lot 201 Blum Boulevard, Yalyalup	1. Local Shopping 2. Liquor Store 3. Takeaway Food Outlet 4. Service Station	Total Nett Leasable Floorspace shall not exceed 200m^2.
A36	Portion of Sussex Location 413 Smiths Beach Road, Yallingup	The only use classes that are permissible are those use classes shown by the symbol "P", "D" or "A" in the 'Residential' (zone) column of Table 1 — Zoning Table of the Scheme.	1. For the purposes of Part 4 of the Scheme, the permissibility of each use class is determined by reference to its permissibility in the 'Residential' (zone) column in Table 1 — Zoning Table of the Scheme. 2. The maximum residential density code (R-Code) shall be R25 of the Residential Design Codes (State Planning Policy No. 3.1). The applicable development control and minimum site area per dwelling standards for residential lots shall be based on the respective residential density coding as shown on the endorsed Structure Plan for Sussex Location 413. 3. The applicable development control standards and minimum lot size criteria for non-residential uses, which are permitted under the Scheme, shall be in accordance with the standards specified in the endorsed Structure Plan In addition to the requirements of Part 4 of the Deemed Provisions and Schedule 8 of the Scheme, the following provisions apply to Sussex Location 413 in preparation of a Structure Plan: a. Preparation of a detailed Visual Impact Analysis and Management Plan for the site and to be endorsed by local government. b. Development must be in accordance with Design Guidelines to be prepared for the land in recognition of the outcomes of (a) above, its high landscape value and prominent location to be endorsed by local government prior to any development being approved. c. The Structure Plan must address the Combined Methodologies for Sussex Location 413 Smiths Beach Road, Yallingup as adopted by the City of Busselton.
A37	Portion Location 4208 Corner of Biddle and McLachlan Roads, Quindalup *AMD 11 GG 24/08/18*	1. Guesthouse 2. Recreation - Private 3. Arts & Crafts Studio, Workshop & Sales 4. Permaculture Education and Display 5. Bakery 6. Gallery 7. Chalet	1. The Additional Uses specified shall be deemed to be "D" uses for the purpose of the Scheme. 2. Development is restricted to the Additional Use area depicted on the Scheme map. 3. Chalet limited to a maximum number of six (6) chalets providing a variety of accommodation options to a maximum combined floor area of 900m^2 and reflect a rural tourist character.

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
		8. Restaurant	
A38	Portion Location 4107 Corner of Biddle and Commonage Road, Quindalup	Art & Craft Workshop & Sales; Rural Holiday Resort; Recreation - Private; Restaurant/Café	The additional uses specified shall be deemed to be "D" uses for the purpose of Part 4 of the Scheme.
A39	Portion Location 4207 McLachlan Road, Yallingup	*DELETED BY AMD 34 GG 08/03/19*	
A40	Lot 42 Country Road, Bovell	1. Licensed Restaurant/Café 2. Ancillary Arts & Crafts Sales 3. Guesthouse	1. Development shall be in accordance with a Structure Plan endorsed by the Chief Executive Officer, which shall take into consideration the following - - Retention of stormwater on-site. - Preservation of remnant vegetation. - Buffers to the future bypass. - Development and effluent disposal system setbacks from the Vasse River. 2. Development shall be subject to preparation of a Foreshore Management Plan to the satisfaction of the Chief Executive Officer. 3. Access to the site via Farmhouse Court shall be restricted to private and service vehicles. All other commercial traffic is to gain access to the site via the right-of-way on the eastern boundary. A gate at the entrance to Farmhouse Court shall be constructed to achieve this. 4. Landscaping and revegetation of the portion of the right-of-way adjoining Lot 102 to the satisfaction of local government.
A41	Portion Lot 340 Vasse Hwy, Yalyalup	Aviation Research; Education & Training including Incidental Accommodation	Development shall be in accordance with the Busselton Airport Business Park Structure Plan and the City of Busselton Industrial Development Code.
A42	Lots 397 and 398 Armitage Drive, Geographe	Child Care Premises	
A43	Pt Lot 2/Pt Lot 7 & Lot 4 Bussell Hwy, Gale St, Busselton	Restaurant/Café	
A44	*Deleted Via Amendment No. 84 to DTPS 20 10.06.05*		
A45	Portion of Sussex Location 422 Bunker Bay Road, Naturaliste	Permanent Residential occupation of up to a maximum of 15% of tourist units developed on the site or 30 units whichever is the least, to be dealt with as "D" uses under the Scheme.	1. Any unit developed on the site or approved by local government for use for permanent residential occupation shall form an integrated component of the overall development in terms of the type, style and character of the building, the landscaping of the building and shall be managed on an integrated basis with the overall resort and located to form part of the resort. 2. All development on the site shall ensure the visual integrity of Bunker Bay is retained.
A46	Lot 382 Freycinet Drive, Geographe	Shop, Restaurant/Café	Development shall generally be in accordance with a Structure Plan approved by local government and shall comply with the requirements of local government's Residential Development Policy and comprise a maximum of 6 residential/dwelling units.
A47	Portion of Sussex Location 4422 south side of Yallingup Beach Road, Yallingup, only	Chalet	1. Chalet shall comprise a maximum of 10% of development on the site. 2. Development shall be in accordance with a Structure Plan prepared and adopted pursuant to Part 4 of the Deemed Provisions which shall maximise the retention of vegetation and in particular pine trees on the site and shall have regard to the landscape, cultural values and predominant land use of the site for camping and caravan park.
A48	Lot 33 Caves Road,	Caravan Park and Camping	Development shall be in accordance with local

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
	Marybrook	Grounds	government's Rural Tourist Accommodation Policy.
A49	*Deleted Via Amendment No. 105 to DTPS 20 15.06.12*		
A50	Lot 1 Sheoak and Lagoon Drives, Yallingup	a. Extraction/pressing of olive oil; and b. Tasting and sales of olive oil and sale of associated items.	1. Development shall be in accordance with the Structure Plan adopted for the land and endorsed by the Chief Executive Officer accordingly. 2. The commercial processing and sale of olives not grown on the subject land is prohibited. 3. The proposed tasting and sales area (including the arts and crafts component) to be limited to a maximum floor area of 150m². 4. The sale of arts and crafts is to be limited to locally produced arts and crafts and is to be an incidental use in relation to the tasting and sales of olive oil/olives. 5. The use of the land for tasting and sales of olive oil and associated items and for the sale of arts and crafts shall not commence until a permanent road access to either Biddle Road or Marrinup Drive is constructed and the temporary access via McLachlan Road is discontinued. 6. The retention of the maximum extent of native vegetation as possible shall be maintained on the site in accordance with the Scheme. 7. The planting of native trees and shrubs along part of Sheoak and Lagoon Drives and adjacent to the dams to protect the stream and assist with visual buffering as indicated on the Structure Plan. A landscape Plan is to be submitted with the application for Development approval and shall be implemented prior to the uses occurring on the site. The Landscape Plan shall provide for suitable low native vegetation such as sedges, rushes and shrubs in the setback area adjacent to the east of the eastern-most dam in order to maintain the views of adjacent neighbours. 8. An Effluent Management Plan is to be submitted with the application for Development approval and shall be implemented to the satisfaction of local government.
A51	Lot 111 Millbrook Road, Yallingup	The Additional Use permitted on the specified land is - Chalet	1. The Additional Use specified shall be deemed to be a "D" use for the purposes of Part 4 of the Scheme. 2. The Additional Use, where permitted, shall be developed in accordance with the Structure Plan for the land and in a manner, that is consistent with the maintenance of the rural and historic character of the locality.
A52	*DELETED BY AMD 45 GG 29/01/2021*		
A53	Lot 39 of Location 5 Bussell Highway, West Busselton	The Additional Use permitted on the specified land is – - Training and Consulting Rooms	1. The Additional Use specified shall be deemed to be a "D" use for the purpose of Part 4 of the Scheme. 2. A maximum floor area of 170m² shall be permitted. 3. A maximum of 6 staff shall operate from the premises at any one time. 4. Vehicular access shall be gained from Abbey Street exclusively, with no future access to Bussell Highway.
A54	Lot 226 of portion Sussex Location 161	The only Land Use permitted shall be -	Design of the development to incorporate; 1. A maximum gross floor area of 765m².

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
	on the corner of Bussell Highway and Broadwater Boulevard.	Medical Centre	2. A single storey development of a design and nature that is consistent with the residential character of the surrounding area. 3. Preparation of a Landscaping Plan detailing and showing dense vegetated buffers on all boundaries. 4. Maximisation of the retention of mature trees on the site by relocating car parking spaces and the building if necessary.
A55	Sussex Location 2530 Bussell Highway, Metricup	1. Gallery (public display of wood furniture / crafts) 2. Workshop (manufacture of wood furniture / crafts)	1. The additional uses specified shall be deemed to be "D" uses for the purposes of Part 4 of the Scheme. 2. The gallery is to be confined to the ground floor of the existing dwelling and shall not exceed a gross floor area of 80m². 3. The workshop is to be confined to the existing outbuilding and, in any case, shall not exceed a gross floor area of 190m². 4. The only items displayed in the gallery are to be wood furniture / crafts wholly manufactured on the subject land. 5. Access to all development on the subject land is to be provided by a single crossover access point onto Bussell Highway to the satisfaction of Main Roads WA.
A56	Portion of Lot 9005 Pickmore Circus, West Busselton	1. Bed and Breakfast or Chalets or Guesthouse 2. Restaurant/Café /Reception Centre 3. Single House 4. Caretaker's Dwelling	1. The additional uses specified shall be deemed to be "D" uses for the purpose of Part 4 of the Scheme. 2. No development shall occur on the land prior to preparation of a conservation plan that is approved by the local government 3. Development of the land shall generally be in accordance with a conservation plan approved by the local government.
A57	Lot 1 Cape Naturaliste Road, Dunsborough	Residential R2.5	1. Subdivision and development shall be in accordance with a Structure Plan adopted by local government and endorsed by the Western Australian Planning Commission for the land. No further subdivision shall be permitted.
A58	*Deleted Via Amendment 101 to DTPS 20 30.11.07*		
A59	*This Additional Use is unallocated*		
A60	Lot 342 Cnr Abbeys Farm Road and Brash Road, Yallingup	Tourist Development The Additional Uses that may be considered at Local government's discretion are: 1. Tourist Accommodation. 2. Restaurant/Café. 3. Shop. 4. Rural Enterprise (cellar door Sales) 5. Reception Centre (convention centre). 6. Caretaker's Dwelling. 7. Other facilities ancillary to the overall tourist development which may be considered under Clause 4.3.3 of the Scheme.	1. The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme. 2. Development of the land shall be generally in accordance with the Structure Plan adopted by local government and endorsed by the Western Australian Planning Commission. 3. A maximum of 2 dwellings shall be permitted on the land for the exclusive use of the manager and caretaker only. 4. A maximum of 163 tourist accommodation units shall be permitted on the land. 5. The floor area of the shop shall not exceed 150m² NLA. 6. Cellar door sales shall be limited to wine produced in the South-West region of Western Australia. 7. All development shall be connected to reticulated water and sewerage services. 8. Development of the land shall be in accordance with the Landscape Plan, Drainage Management Plan and Fire Management Plan adopted by local government. 9. Remnant vegetation shall not be removed except in accordance with approved development plans

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
			or Fire Management Plans.
A61	*This Additional Use is unallocated*		
A62	Lot 40 Caudalie Way, Quindalup	Chalet	1. The additional use specified shall be deemed to be a" D" use for the purpose of Part 4 of the Scheme. 2. Subdivision and development of the land shall be in accordance with a Structure Plan adopted by local government and endorsed by the Western Australian Planning Commission pursuant to Part 4 of the Deemed Provisions. 3. Not more than seven (7) 'single keyed' two bedroom chalets, three (3) guest rooms and one (1) caretaker's dwelling comprising a maximum of two bedrooms shall be permitted on the land.
~~A63~~	Lot 60 of Location 5 Naturaliste Terrace, Dunsborough	*DELETED BY AMD 1 GG 04/08/17*	
A64	Lot 181 and portion of Lot 182 West Street, West Busselton *AMD 21 GG 7/6/19*	Shop (Limited to the following shop types: Discount Department Store and Supermarket)	1. The additional use specified shall be deemed to be a "D" use for the purposes of Part 4 of the Scheme. 2. Development shall be in accordance with a Land Use Concept Plan adopted by the Council. 3. The additional Shop use specified is limited to a single discount department store with a gross leasable floor area of not less than 5,000m^2 and not more than 8,000m^2. For the purpose of Additional Use 64 *'Discount Department Store'* means 'a premises wherein a substantial range of consumer goods are kept in a substantial number of different departments and offered for sale by a single retailer but does not include a supermarket nor a supermarket component'. 4. The additional Shop use specified is limited to a single supermarket with a net lettable area of not less than 1,495m^2 and not more than 1,800m^2. For the purpose of Additional Use 64 '*Supermarket'* means 'premises used to sell a range of food and household convenience goods by retail; and may also include up to a maximum 10% of floorspace used to sell a broader range of goods and/or merchandise by retail; but does not include a discount department store, bulky goods showroom or takeaway food outlet'.
A65	*This Additional Use is unallocated*		
A66	Lot 61 Sussex Location 1049 Vidler Road, Naturaliste	Rural Holiday Resort (maximum of 16 accommodation units), Arts and Craft Gallery and a Restaurant/Café.	1. Additional uses specified shall be deemed a "D" use for the purpose of Part 4 of the Scheme. 2. Development of the Additional Uses specified shall be undertaken consistent with a Structure Plan prepared and adopted pursuant to Part 4 of the Deemed Provisions, which shall have regard to the landscape values of the site, the Leeuwin Naturaliste Ridge State Planning Policy, the provisions of the City's Rural Tourist Accommodation Policy and any applicable State Tourist Accommodation Policy. 3. Further subdivision of the land will be limited to strata subdivision of the tourist development. 4. For the purpose of assessing any application for development approval for tourist accommodation, 'Rural Holiday Resort' shall be defined as any form of Rural Tourist Accommodation, except Caravan Parks and Camping Grounds, comprising more than 10

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
			accommodation units, whether they be rooms, suites or chalets but in any event the form of the accommodation shall be single storey and of a rural tourist accommodation character and scale. Guesthouse suites will be self-contained, and the occupation of any unit would generally be reliant on centralised services provided by management. 5. All access to the lot is to be taken from Vidler Road and the existing crossover to Caves Road is to be closed to the satisfaction and specification of MRWA at the proponent's cost. 6. For the purposes of assessing any application for development approval for a restaurant/café, the proposal shall be required to satisfy the objectives of the Rural zone namely objectives (d) and (h) in addition to all other applicable Scheme requirements.
A67	Location 3976 Caves Road, Quindalup	Restaurant/Café	The Additional Use specified shall be deemed to be a "D" use for the purpose of Part 4 of the Scheme.
A68	Lot 3 (House 6) Peel Terrace, Busselton	1. Home Business 2. Office	The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme.
A69	*Deleted via Amendment 88 to DTPS No. 20 04.09.12*		
A70	Lot 143 Eagle Bay Road, Eagle Bay	Restaurant/Café	The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme. 1. The restaurant/café shall be developed as, and remain physically and functionally, an integrated component of the Winery (Sale of beer) and Boutique Brewery facility with shared access. 2. That for the avoidance of doubt, any subdivision of the restaurant/café component would be considered to be in conflict with the requirement for the development to be functionally integrated.
A71	Lot 7 Bussell Highway, Busselton	Medical Centre	The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme.
A72	Lot 772 Coley Road, Yallingup	Restaurant/Café	1. The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme. 2. The Restaurant/café shall be developed as, and remain physically and functionally, an integrated component of the cellar door facility with shared access. 3. For avoidance of doubt in respect to 2 above, any subdivision of the restaurant/café would be considered to be in conflict with the requirement for the development to be functionally integrated. 4. Any development of the additional use will be subject of visual impact assessment consistent with the requirements of the scheme and any adopted local planning policy in place at the time application for development approval is determined.
A73	Lot 8 (House 226) Naturaliste Terrace, Dunsborough	*DELETED BY AMD 1 GG 04/08/17*	
A74	- Lots 202 (1), 201 (3), 2 (5), 3 (7), 26 (8), 4 (9), 25 (10), 5 (11), 24 (12), 21 (13), 37 (14), 4 (15), 38 (16), 3 (17), 2	Guesthouse, Medical Centre, Office, Consulting Rooms, Restaurant/Café, Shop, Tourist Accommodation and Car Park *AMD 40 GG 13/06/23*	1. The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme. 2. 'Shop' land uses may be permitted at ground floor level only and occupy up to 50% of total development floor space, up to a maximum area of 300m2 per lot.

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
	(19), 15-16 (20), 3 (21), 2 (23), and 12-13 (24) Duchess Street, West Busselton; - Lots 200 (29), 28 (37), 27 (41), 34 (43), 1-2 (45), 1 (47), 1 (55), 2 (57), 73 (59), 74 (61), 1-7 and 10-16 (63), 1-5 (69), 6 (71), and 5 (73) Gale Street, West Busselton; - Lots 2-3 (3), 128 (4), 129 (6), 1-3 (7), 1-2 (9), 1-7 (10), 1-6 (11), 130 (14), 30 (16), 29 (18), 28 (20), 27 (22), 26 (24) and 25 (26) Kent Street, West Busselton; - Lots 1 (28), 2, (30), 3 (32), 1 (34), 14 (40), 1-2 (42), 34 (44), 24 (48), 35 (52), 1-10 (54), 39 (58) and 42 (60) West Street, West Busselton; *AMD 1 GG 04/08/17* *AMD 52 GG 31/5/24*		3. A nil setback to the street shall be considered for active frontages. 4. The provisions of Clause 4.24 relating to cash in lieu of car parking shall apply. 5. Urban design guidelines (and/or Special Provisions) shall be prepared and adopted as a Local Planning Policy to address the following matters in relation to any proposed development: • Appropriate building setbacks to prevent or suitably mitigate overshadowing or overlooking of neighbouring properties; • Built form articulation, architectural design, function, bulk, scale, massing, grain, signage, and surveillance (in relation to the streetscape, surrounding buildings, adjoining land uses and the overall character and amenity of the subject development area); • Vehicular access, and the location of crossovers/provision of onsite car parking; • Roofscapes, skylines and service installation sites to ensure minimal visual intrusion.
A75	Pt Lot 4208 Biddle Road, Quindalup	Chalet	1. The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme. 2. Development is restricted to the Additional Use area depicted on the Scheme map. 3. Chalets limited to a maximum number of six (6) chalets providing a variety of accommodation options to a maximum combined floor area of 900m^2 and reflect a rural tourist character.
A76	Pt Lot 4208 Biddle Road, Quindalup	Chalet	1. The Additional Use specified shall be deemed to be a "D" use for the purpose of the Scheme. 2. Development is restricted to the Additional Use area depicted on the Scheme map. 3. Chalets limited to a maximum number of nine (9) chalets providing a variety of accommodation options to a maximum combined floor area of 1350m^2 and reflect a rural tourist character.
A77	Portion Lot 937 Abbey Farm Road, Yallingup	All uses consistent with the 'Viticulture and Tourism' zone.	The Additional Uses specified shall be deemed to be" D" uses for the purposes of the Scheme.
A78	Lots 64 (Vol & Folio 2192 856), 63 (Vol & Folio 2192 855) and 86 (Vol & Folio 1670 402) Bussell Highway; and Lot 87 (Vol & Folio 1421 302) High Street	Convenience Store Educational Establishment Medical Centre Office Recreation - Private Reception Centre Research Establishment Restaurant/Café	1. The Additional Uses specified shall be deemed to be" D" uses for the purposes of the Scheme.
A79	Lot 4 Hemsley Road, Yallingup	Restaurant/Café Tavern	The Restaurant/Café Use specified shall be deemed to be a "D" use for the purpose of the Scheme. 1. That for the avoidance of doubt, any subdivision of the restaurant/café and/or tavern development would be considered to be in conflict with the requirement for the development to be

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
			functionally integrated. 2. The tavern use shall be deemed to be an "A" use for the purposes of the Scheme. A tavern may only be developed where it is complementary to a functioning brewery on the site. A standalone tavern may not be developed on the site; 3. A transport impact assessment is to be submitted with any applications for development approval for a restaurant/café and/or tavern.
A80	Lot 37 (Vol 1580 and Folio 774) West Street, West Busselton *AMD 9 GG 5/2/16*	Office Grouped Dwelling Multiple Dwelling	1. The Additional Uses specified shall be deemed to be deemed to be "D" uses for the purpose of the Scheme. 2. Grouped Dwelling or Multiple Dwelling shall not be located at the ground floor fronting West Street; the area shall be developed for Office and/or commercial uses as permitted by this zone. No car parking is to be located within the building setback area fronting West Street. 3. Any residential development of the site may be developed up to an R60 density.
A82	Portion of Lot 61 Metricup Road, Metricup *AMD 38 GG 14/07/2020*	Winery Brewery Café/Restaurant Produce Sales Chalets	1. All additional uses shall be deemed to be 'D' uses for the purpose of Part 4 of the Scheme. 2. Development is restricted to the Additional Use area depicted on the Scheme map. 3. The Land Uses specified within the Additional Use area shall be limited to an aggregate NLA of 1,500m2, other than – a) Development associated with the use (but not expansion) of existing buildings on the land (as at 1 January 2019); or b) Development of a single House or development ancillary to a Single House. 4. Application(s) submitted for development of the Additional use area shall be referred to the Department of Biodiversity, Conservation and Attractions for comment. 5. Prior to any further development on Lot 61, and in consultation with the Department of Biodiversity, Conservation and Attractions, the existing area subject to a nature conservation covenant shall be extended to include the (approx.) 3-hectare portion of remnant and riparian vegetation, identified as vegetation types OFCcEm and OWCcTI in the Vegetation Assessment and Condition Report dated 18 December 2010. The area of restriction is to be included on the diagram or plan of survey (deposited plan). 6. Prior to any further development on Lot 61 a Weed and Pest Management Plan which has been approved by the relevant authority shall be implemented for the additional (approx.) 3-hectare portion of conservation covenant area. 7. Further development on Lot 61 is to comply with an updated Bushfire Management Plan. 8. No development shall occur within the Development Exclusion Area and outside the building envelope on Lot 60.
A83	Lots 151 (3), 150 (5), 381 (7), 110 (9), 454 (11), 453 (15), 9 (17), 10 (19), 11 (23), 120 (25), 391 (27), 7 (37), 8 (39), 10 (41) and portion of Lot 26 (45) Albert Street,	Service Station Motor Vehicle Wash	The Additional Uses specified shall be deemed to be 'D' uses for the purpose of the Scheme.

No.	PARTICULARS OF LAND	LAND USE PERMITTED/SPECIFIED	CONDITIONS
	Busselton; Portion of Lot 170 (56) Prince Street, Busselton; Portion of Lot 73, Lot 74 (18) and Lot 75 (20) Peel Terrace, Busselton; Lots bound by Albert Street, Stanley Place, Peel Terrace and West Street, Busselton (excluding Lot 229 on Plan 225893); Portion of Lot 1 (No. 61), portion of Lot 1 (No. 64) and Lot 2 (No. 64) Dunn Bay Road, Dunsborough. *AMD 29 GG 7/6/19*		
A84	Portion of Lot 178 on Deposited Plan 408348 *AMD 40 GG 13/06/23*	Convenience Store	The Additional Use specified shall be deemed to be a 'D' use for the purposes of the Scheme.
A85	Units 1 to 5 (Strata Plan 27226) No. 17 Bussell Highway, West Busselton *AMD 40 GG 13/06/23*	Office	The Additional Use specified shall be deemed to be a 'D' use for the purposes of the Scheme.
A86	Lots 51 and 87 to 102 Chieftain Crescent; Lots 86 and 162 Chester Way; Lots 139 to 141 Lorna Street; Lots 1-9 (20), 81 (18) and 115 to 127 Geographe Bay Road; Lots 1 to 17 (3) Dunn Bay Road; Lots 1 & 2 (4), 5 (2), 17, 18, 41 to 43 Prowse Way; Lots 3 and 4 Greenacre Road; and Lot 60 (191) Naturaliste Terrace, Duns borough *AMD 52 GG 31/5/24*	Consulting Rooms Guesthouse Medical Centre Office Restaurant/Café Shop Tourist Accommodation	1. The Additional Uses specified shall be deemed to be "D" uses for the purposes of the Scheme. 2. 'Shop' land uses may be permitted at ground floor level only and occupy up 50% of total development floor space, up to a maximum area of 300m^2 per lot. 3. A nil setback to the street shall be considered for a development that includes one or more of the Additional Uses specified and an active frontage. 4. Active frontages shall comply with the following design requirements: a) Minimum 50% transparent glazing b) Roller doors or screens of solid material will not be permitted 5. The provisions of clause 4.25 relating to cash in lieu of car parking shall apply.

Schedule 3 - Special Provision Areas

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

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			4. Houses and associated buildings shall be contained within a 50 metre x 50 metre fuel-reduced building envelope on each lot. 5. No part of a building (except a chimney) shall be higher than the maximum building height. The maximum building height is a plane parallel to the natural grade of a site at a specified distance measured vertically from the natural ground level prior to earthworks. Maximum building heights shall be those indicated on the Subdivision Guide Plan and shall not exceed 5.0 metres. 6. Building materials and colours must be as approved by local government, in accordance with the following guidelines - • Roofs - Non-reflective materials only • Colours - No primary colours. Range of dark to medium tones of brown/green/olive, deep red/brown, ochre/brown. 7. local government may require, as a condition of subdivision, additional planting and maintenance of indigenous trees and shrubs capable of growing to a height of not less than 2 metres. Additional planting will be required in areas of revegetation shown on the Subdivision Guide Plan. 8. Keeping of stock on any lot in the zone must be approved by local government and, where stock is permitted, adequate measures will be required to prevent incursion into, and damage to, areas of remnant vegetation or replanted areas. 9. The Subdivision Guide Plan(s) required to be prepared for the land shall address visual impacts resulting from required firebreaks and take into consideration the landscape impacts of any development, especially from the proposed tourist road.
SP3	Portion of Lot 340 Vasse Hwy, Yalyalup	Light Industry	1. Subdivision and development shall generally be in accordance with the Busselton Airport Business Park Structure Plan and the City of Busselton Industrial Development Code. 2. The following uses shall not be permitted - - Abattoir - Amusement Parlour - Auctioneer's Premises - Builder's Yard - Depots for the Sale and Distribution of Coal, Coke and Cut Firewood - Industry - Extractive - Fish Processing and Storage - Hardware Store - Laundromat - Marine Collectors Yard - Marine Filling Station - Motor Vehicle, Boat or Caravan Sales - Motor Vehicle Repair - Other Offensive Trade - Prescribed Premises

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
SP4	Lots 1445, 178, 501, 9000, 176, 201, 224 and 634 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse, as identified on the Scheme map. *AMD 36 GG 04/06/2021*	Urban Development	1. A structure plan is to be prepared for the entire Special Provision Area unless demonstrated to the satisfaction of the WAPC, that a separate structure plan for Lots 176, 9000 & 201 Rendezvous Road, Vasse, can be prepared and implemented without prejudicing the provision of the following to the balance of the Special Provision Area: a) reticulated sewerage; and b) integrated road network and hierarchy. 2. Lots 1445, 178, 501, 9000, 176, 201, 224 and 634 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse contain important environmental values including remnant vegetation, potential habitat for Commonwealth and State listed threatened fauna species, ecological linkages and wetlands. Structure planning shall require these values to be retained, managed and protected for conservation purposes. Structure planning is to include comprehensive environmental and water management assessments that investigate, but is not limited to, the following matters in consultation with the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation and the satisfaction of the City of Busselton – a) Identification of vegetation having conservation significance, including survey(s) for Threatened Ecological Communities undertaken in the appropriate flowering season. b) Approved measures to ensure the retention, protection and ongoing management of those remnant vegetated areas having recognised environmental values within 'public open space' and/or conservation areas (as identified on the Structure Plan). Such measures are required to also address linkages and connectivity with contiguous areas of similarly important remnant vegetation on land adjoining the special provision area as well as management measures to ensure the habitat functions of these areas are maintained and, where possible, enhanced. c) Determination of boundaries of geomorphic wetlands and waterways foreshore areas, including identification of appropriate buffers. d) Preparation of a Foreshore Management Plan that includes hydrologically connected wetlands. e) A Local Water Management Strategy is required that establishes a framework to ensure that the quality and quantity of surface and groundwater is maintained post-development and is to address (but not be limited to): i. Flood management (major events); ii. Measures to ensure that existing hydrological and ecological functions of the geomorphic wetlands are not impacted by future development; iii. Mitigation of nutrient loads in surface and groundwater flows into connected waterways and wetlands such as the Broadwater Wetlands (Conservation Category Wetland); iv. Establish groundwater conditions, based on monitoring, and management requirements; v. Development and implementation of a drainage system that addresses upstream stormwater conveyance and flood management;

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			vi. Identify and describe propose measures to capture and treat the minor events; and vii. Outline monitoring and management requirements. 3. Areas identified as having conservation significance (such as wetlands) & buffers) are to be identified on a structure plan as 'Reserve for Conservation' and ceded free of cost to the Crown at the time of subdivision in addition to any public open space land required as a condition of subdivision for residential purposes. 4. Consideration of transitional lot sizes adjacent to areas of existing developed rural residential lots. 5. Prospective conditions of subdivision shall require the preparation of vegetation, fauna, wetland and ASS management plans, the primary objective of which will be to ensure the protection and ongoing management of significant environmental, biodiversity, habitat and cultural values. 6. Prior to subdivision or development, the proponent is to prepare a Development Contribution Plan to the satisfaction of the City of Busselton and WAPC to ensure appropriate and timely contributions towards community facilities, public open space and civil infrastructure on a progressive and staged basis.
SP5	Lots 1 & 2 Tuart Drive, Wonnerup	Rural Residential Conservation	1. Subdivision and development shall not occur prior to approval and adoption of a Subdivision & Structure Plan by local government and the WA Planning Commission. 2. local government will request, as a condition of subdivision, the preparation of a building envelope plan to the satisfaction of the Department of Parks and Wildlife and the City of Busselton to ensure no removal of Tuart trees and to minimise visual impacts of development from Tuart Drive. 3. At the time of making application for subdivision, the subdivider shall be required to submit an Effluent Disposal Management Plan to the satisfaction of the local government and the Department of Health WA.
SP6	Lot 5 & Portion of Lot 50 Eagle Bay Rd, Eagle Bay	Residential (R2 and R2.5)	1. Subdivision and development of the lots shall generally be in accordance with the Subdivision & Structure Plan adopted by local government and approved by the WA Planning Commission. 2. No further subdivision of lots will be supported by the local government. 3. The standard minimum building setbacks shall be 15 metres from the front boundary and 10 metres from all other boundaries where setbacks are not specified on the Subdivision Structure Plan. 4. No building shall be constructed closer to Eagle Bay Road than the setback line shown on the Subdivision & Structure Plan, with the exception of Lots 12, 13 and 14 which shall have a minimum setback of 30 metres from Eagle Bay Road. 5. No effluent disposal area or buildings on lots abutting Meelup Reserve shall be set back less than 40 metres from the common boundary within Meelup Reserve. 6. All outbuildings are to be contiguous with the main dwelling in terms of building materials, colour and form and shall be located within the building envelope indicated for each lot on the Subdivision Guide Plan and shall be limited to single storey development.

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			7. Unless otherwise approved by local government, each dwelling shall be connected to a water storage tank of not less than 135,000 litre capacity. The total catchment for the tank shall be not less than 150 m^2. Water tanks shall be fitted with couplings compatible with Department of Fire and Emergency Services requirements so that the total tank capacity is available for fire fighting purposes at any given time. 8. Rain water storage tanks are to be sited within the building envelope and form part of the dwelling and outbuilding group. Such tanks shall be painted mist green or similar and screened with vegetation to the satisfaction of local government. 9. local government shall require each application for a building licence to be accompanied by a landscaping plan for the lot unless such lot is substantially vegetated, indicating the areas to be subject to tree planting and revegetation in accordance with the Subdivision Structure Plan. 10. Pre-fabricated kit homes, relocated and transportable dwellings are not permitted. 11. Dwelling houses must be limited to a maximum height of 7.5m above the natural ground level at any point, with any second storey (first floor) to comprise a gross floor area of not more than 50% of the gross ground floor area. On Lots 12, 13 and 14 the maximum dwelling height shall be limited to the general tree canopy height on the lot and in any event must not exceed 7.5 m.
SP7	Lots Pt 2, Pt 10, 19 & 20 Vasse Hwy, Yalyalup	Residential (R2 & R5)	1. Duplexes shall not be permitted on any allotment. 2. The local government may require, as a condition of building approval, the planting and maintenance of 20 native trees and/or shrubs per allotment. 3. No building shall be constructed less than 60 metres from Bussell Hwy or 40 metres from Vasse Hwy, provided that the 60 metre setback from Bussell Hwy may be reduced to 50 metres at the discretion of local government where site conditions are appropriate. 4. Development of lots adjacent to the saleyards on Pt Lot 2 shall be subject to the closure or relocation of the saleyards or establishment of an appropriate buffer if necessary.
SP8	Lots 541, 542, 543, 544 and 545 Keel Retreat, Geographe	Residential (R15)	Triplex development of those lots may be permitted subject to compliance with local government's Residential Development Policy.
SP9	*Lots 529 and 530 William Drive, Broadwater*	*Special Use – Aged Persons Housing*	Development of the land shall be in accordance with a Structure Plan prepared and adopted pursuant to Part 4 of the Deemed Provisions with such to specifically address coastal management, habitat protection, landscape issues, provision of adequate foreshore reserves and public access.
SP10	*Deleted AMD 43 GG 30/07/2021*		
SP11	*Deleted via Amendment No. 125 to DTPS 20 20.08.13*		
SP12	*Deleted via Amendment No. 105 to DTPS 20 10.06.12*		
SP13	*Deleted via Amendment No. 105 to DTPS 20 15.06.12*		
SP14	Lot 2 Canal Rocks Road, Yallingup	Conservation	1. At the time of subdivision local government will recommend to the Western Australian Planning Commission that the subdivider prepare and implement a remnant vegetation and rehabilitation plan to the satisfaction of local government and the Department of Parks and Wildlife. 2. Development is restricted to: a) one dwelling and associated outbuildings per lot; b) a proposed 'Bed and Breakfast' as defined under Schedule 1 of the Scheme, with this use being restricted to within the permitted single dwelling to be located on proposed Lot 2; and c) a maximum height of 7.5 metres.

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
SP15	DELETED BY *AMD 48 GG 26/11/2021*		
SP16	Lot 20 being portion Sussex Locations 2316 and 2317; Sussex Location 1611; and, Portion Sussex Location 2318, Ambergate.	Rural Residential & Rural	1. Subdivision and development of the lots shall generally be in accordance with the Structure Plan dated 12 February 2003, adopted by local government and endorsed by the Western Australian Planning Commission, that formed part of Scheme Amendment No. 4 to District Town Planning Scheme 20. 2. The local government will recommend to the Western Australian Planning Commission that no further subdivision of any lots on the Structure Plan be permitted, including those zoned Rural 3. The Subdivider shall prepare an Effluent Disposal and Drainage Management Plan prior to subdivision approval to the satisfaction of the respective Authorities and local government. 4. A covenant shall be placed on each lot to require the provision of alternative onsite effluent disposal systems with nutrient stripping capabilities or aerobic treatment units as a mechanism to ensure environmentally acceptable effluent disposal on the land. The specification for the use of these systems will be completed with each stage of subdivision. 5. The Subdivider shall prepare and implement a Revegetation Plan, that shall include areas of strategic revegetation in addition to those areas on the Structure Plan, to local government's satisfaction, at the time of subdivision. 6. The Busselton Pistol Club has a current Lease over Reserve 28419 and is operative on this site, which adjoins the subject land. As a consequence of the Pistol Club activities, residential development will be prohibited on the adjoining subject land within the 47dB(a)noise contour associated with the Pistol Club. This prohibition will remain in force until the Club ceases operation on Reserve 28419. The Subdivider is aware that any future amendments of the Environmental Protection (Noise) Regulations 1997 may vary the setback for residential development and local government and the Western Australian Planning Commission will be regulated by the legislation of the day and impose the appropriate conditions on the subdivision approvals. 7. The following Clauses apply to the Rural Residential lots: - a) The minimum building setbacks shall be 20 metres from the front and rear boundaries and 10 metres from the side boundaries, with the exception of: i) Chapman Hill Road and Queen Elizabeth Avenue, where the building setback shall be 90 metres; ii) lots containing "Transition Buffers", where the building setback shall be 35 metres from the boundary adjacent the "Transition Buffer"'; and, iii) lots containing "Revegetation Buffers", where the building setback shall be a minimum of 10 metres from the edge of the "Revegetation Buffer" area. iv) Lots containing building envelopes, as required under General Developments Requirements provision 5.32. Development on these lots shall be contained within their nominated building envelopes. b) At the subdivision stage, lots containing remnant vegetation shall have building envelopes located on existing cleared areas or in such a position that limits the removal of remnant vegetation to local government's satisfaction. Onsite inspections may be necessary to identify the most appropriate locations for these building envelopes. c) No existing remnant vegetation shall be removed on the lots without the approval of local government and such an approval will only be considered to accommodate development within a designated building envelope, for fire management access, or safety purposes. d) Reticulated water shall be supplied to each lot.

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			8. The Subdivider shall prepare and implement a Fire Management Plan to the satisfaction of local government and the Department of Fire and Emergency Services, prior to subdivision approval. 9. A Memorial shall be placed on the Title of the rural residential lots stating that the area may be subjected to chemical spray - drift, noise, dust and odour from the nearby farmland as a result of normal farm practices.
SP17	Lot 1 of Location 1354 Caves Road, Yallingup	Conservation	1. Rehabilitation works shall be undertaken in accordance with the Rehabilitation Plan adopted by local government for the land. 2. Subdivision and development shall be in accordance with a Structure Plan and a Fire Management Plan adopted by local government for the land.
SP18	*Deleted via Amendment No. 170 to DTPS20 28.12.12*		
SP19	Portion of Part Lot 11 Hawker Approach, Yalyalup	Residential	1. Single dwellings only permitted on residential lots. 2. No building shall be permitted within 6 metres of a Recreation reserve. 3. Uniform open fencing shall be erected on the boundary between residential lots and a Recreation reserve. 4. WA peppermint trees (*Agonis flexuosa*) shall not be cleared or otherwise removed without the written consent of local government. 5. At the time of subdivision, a memorial shall be placed on all lot titles to advise of the proximity of the Busselton Regional Airport and the potential for noise impacts associated with the operation of the Airport. 6. The 40m wide public open space area/buffer along the western boundary of the school site and between Hawker Approach and Lot 313 shall be revegetated in consultation with the Department of Parks and Wildlife to the satisfaction of the City, prior to the issue of clearance of subdivision. 7. The developer to undertake an eradication plan for arum lilies and noxious weeds to the satisfaction of the local government, prior to the issue of clearance of subdivision.
SP20	Lot 1 Dunn Bay Road, Dunsborough	*DELETED BY AMD 1 GG 04/08/17*	
SP21	Lot 5 of Sussex Location 122 Coley Road, Yallingup	Conservation	1. Subdivision and development shall be generally in accordance with a Structure Plan and the Fire Management Plan as adopted by local government, both forming part of Amendment No. 65 to District Town Planning Scheme 20. 2. Rehabilitation works shall be undertaken prior to issue of clearances for subdivision in accordance with the Rehabilitation / Revegetation Plan adopted by local government for the land. 3. A Weed Management Plan is to be prepared and implemented for the subject land and is to be maintained in perpetuity by the owner and subsequent owners of the property(ies).
SP22	Lot 401 Spindrift Cove, Dunsborough	Residential (R25)	1. Development and subdivision of Lot 401 shall generally be in accordance with the approved DGP as contained within the Amendment documents (Amendment No. 78 to the Shire of Busselton District Town Planning Scheme No. 20). 2. Development and subdivision of Lot 401 shall be restricted to a maximum of 12 dwellings/lots 3. Notwithstanding the applicable R25 density code, the R-Codes requirements for the R30 code may be applied in respect to minimum lot sizes and setbacks.
SP23	Lot 501 Blum Boulevard, Lot 2 Bussell Highway, Lots 9032 and 6 Cable Sands Road, Lot 9034 Joseph Drive, Lots 31 and 32 Lyddy Road,	Urban Development	1. The local government has prepared a draft Noise Management Plan for Busselton Regional Airport, which requires approval by the Environmental Protection Authority. The local government may recommend conditions on the subdivision and development of land requiring noise amelioration measures consistent with the draft Noise Management Plan and subsequently with the Noise

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
	Yalyalup. *AMD 28 GG 16/02/2021* Part of Lot 22 Bussell Hiighway and Part of Lot 76 Neville Hyder Drive, Yalyalup *AMD 43 GG 30/07/2021*		Management Plan as finally approved by the Environment al Protection Authority. 2. Notwithstanding the requirement for a Structure Plan for land in a Development Zone a single integrated Structure Plan shall be required for the whole of Special Provision Area 23.
SP24	Lot 123 Geographe Bay Road and portion of Part Sussex Location 170 Peppermint Drive, Dunsborough	Residential R15 and R30 as per the Scheme map	1. Restrictive covenants apply to the title of lots created from the land and identify a vegetation protection area which serves to prevent the removal of WA peppermint (*Agonis flexuosa*). The purpose of the restrictive covenants is to preserve habitat for Western Ringtail Possum. 2. No vegetation is permitted to be removed from within the area specified in the restrictive covenant as a vegetation protection area unless such removal is first determined by the local government as being necessary for fire protection or safety purposes.
SP25	Lots 1 and 2 of Sussex Location 364 Smiths Beach Road, Yallingup	Tourism	1. Subdivision and development shall be in accordance with the Structure Plan adopted by the local government and endorsed by the Western Australian Planning Commission pursuant to the process and requirements set out under Part 4 of the Deemed Provisions. 2. No further development or subdivision shall be permitted (except survey strata or strata subdivision of tourist accommodation units) apart from that which is shown on the adopted and endorsed Structure Plan. 3. A Structure Plan (including modification) will only be considered by the local government and the Western Australian Planning Commission where a Structure Plan is submitted over the whole of Lots 1 and 2 of Sussex Location 364 Smiths Beach Road, Yallingup and is consistent with the orderly and proper planning for the land and locality.
SP26	Pt Lot 17 and Lot 16 West Street, West Busselton	Service Commercial	1. Development shall be in accordance with a Land Use Concept Plan adopted by local government. 2. Development of the land shall make provision for public access and dual use path connections between Prince Regent Drive and Bussell Hwy and West Street in the first stage of development, at the full cost of the developer and to the satisfaction of the local government. 3. Development shall make provision for a foreshore and drainage reserve incorporating appropriate wetland buffers and providing for long term public access on site in the first stage of development, to the satisfaction of the City. The reserve is to be surrendered to the Crown free of cost for vesting in the local government. 4. A Stormwater and Drainage Management Plan shall be prepared by the developer prior to any subdivision or development that addresses, inter alia, the management of stormwater on site, the provision of nutrient and pollution stripping mechanisms, and avoids adverse impacts on the adjacent wetlands, including during construction, to the satisfaction of the Department of Parks and Wildlife and the local government. 5. Development shall address the interface with adjacent Residential zoned land to ensure an appropriate level of amenity and privacy by achieving low impact development outcomes adjacent to the Residential zoned land to the satisfaction of the local government. 6. Dust and Noise Management Plans are to be prepared and implemented to the satisfaction of the City in order to maintain the amenity of adjoining residential areas.
SP27	Portion of Lot 9101 Bussell Highway, Abbey	Residential	1. Subdivision and development shall be generally in accordance with the Structure Plan adopted for the land.

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			2. No further subdivision of lots shall be permitted. 3. Grouped dwellings, including duplexes, shall not be permitted on any lot.
SP28	*Deleted via Amendment No. 170 to DTPS 20 28.12.12*		
SP29	Lots 501 – 510 Milkman Avenue, Broadwater	Residential (R40)	All dwellings / grouped dwellings are to have direct frontage to the road, with battleaxe development and / or battleaxe subdivision (including survey strata and strata subdivision) prohibited.
SP30	Lots 4012 Nuttman Road, Chapman Hill	Conservation	Subdivision and Development shall be in accordance with the Structure Plan and Fire Management Plan contained within Amendment No. 113 to the Shire of Busselton District Town Planning Scheme No. 20.
SP31	Lot 6, Commonage Road, Quindalup	Light Industry	1. The intent of the Dunsborough Industrial Park is to establish an innovative, industrial estate which caters for a wide range of service and industrial activities together with other urban-based, service commercial and industrial activities which are required to cater for the existing and future industrial and service needs of the Dunsborough and surrounding districts. 2. a) Prior to approving the subdivision or development of land within the Dunsborough Industrial Park, the local government shall require the preparation and adoption, under the provisions of Part 4 of the Deemed Provisions, of a Structure Plan for the land; b) The Structure Plan must obtain the endorsement of the Western Australian Planning Commission prior to coming into effect. c) Where the local government rejects the Structure Plan, or attaches conditions or requires modification which the applicant considers unreasonable, the applicant shall have the right of review pursuant to Part 14 of the Act. d) Prior to exercising any right of review pursuant to Part 14 of the Act, against a decision of local government the proponent shall submit the Structure Plan and local government's resolution to the Western Australian Planning Commission and request the Western Australian Planning Commission to make a determination. e) Where the Commission or local government attaches conditions, or requires modification which the applicant considers unreasonable, the applicant shall have the right of review pursuant to Part 14 of the Act. 3. The local government shall require the Structure Plan to have regard for adjacent lands and such Plan shall show how the land is to be subdivided and developed, including – a) The proposed size and distribution of lots; b) The proposed allocation of land uses, where appropriate; c) The proposed provision and treatment of buffer areas required by the local government to protect the amenity of surrounding land uses; d) The proposed provision and treatment of buffer areas to the sewerage treatment plant situated to the north of the land, in the event that the plant is not relocated; e) The proposed provision and treatment of buffer areas required to protect important watercourses traversing the site; f) The provision to be made for the control and management of stormwaters and the management of nutrients; g) The proposed road system, including road reserve and carriageway widths; h) The proposed provision of community and public utilities and services; i) Any special provisions applying to the subdivision and development of the land where not otherwise provided for by the Scheme; and j) Such other information as, in the circumstances of the

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			case, the local government considers appropriate. 4. a) All necessary buffers to all adjoining lots required as a result of industries located on the Estate shall be provided on Lot 6 of Sussex Location 362 & 802; b) The Plan shall make provision for buffer areas to the eastern and southern boundaries of the site so as to maintain the amenity of adjoining residences.
SP32	Portion of Lot 21 of Sussex Location 171 Caves Road, Quindalup	Special Use No 21	1. Subdivision and development shall generally be in accordance with the Structure Plan endorsed by the City and the Western Australian Planning Commission. 2. A maximum of 5 lots (excluding the proposed conservation reserve) may be created from the subdivision of the land. No further subdivision will be permitted. 3. Single dwellings only permitted on residential lots.
SP33	*DELETED BY AMD 39 GG 14/02/2020*		
SP34	Lots 65, 77, 4516, & 246 Pettit Crescent, West Busselton	Residential R40	1. The land shall be developed at a minimum density equivalent to R30. 2. At the time of development or subdivision, whichever occurs first, an east - west Dual Use Path link being developed for the whole length of the frontage of Lots 65 and 77 in the adjoining reserve to the south, with connectivity to Pettit Crescent and Fairway Drive to the satisfaction of the City of Busselton and the Department of Parks and Wildlife. 3. At the time of development or subdivision, whichever occurs first, a Revegetation Plan being prepared and implemented, to the satisfaction of the City of Busselton and the Department of Parks and Wildlife, for the balance of the Reserve (Lots 427 and 391). 4. Development shall not detract from the visual amenity of the area having regard to the cumulative visual effect of the development adjacent to a Landscape Value Area. Building design, where applicable, is to address and allow for visual surveillance of the Reserve to the south. 5. Fencing associated with residential development adjoining the Reserve is to be of a uniform, open style design for that portion above 1.2m and is to be provided by the developer at the time of development or subdivision, whichever occurs first. 6. A Stormwater and Drainage Management Plan shall be prepared for the site and implemented to the satisfaction of the City of Busselton and Department of Water at the subdivision or application for development approval stage, whichever occurs first.
SP35	Lot 6 (9) Brown Street, Busselton	Regional Centre	Notwithstanding the provisions contained within clause 4.2 and clause 4.21 of the Scheme, the City may consider the development of the entire site for residential purposes equivalent to an R80 density or alternatively a mixed-use development to an equivalent density.
SP36	Lots 9501 and 205 Vasse Highway, Lots 9009, 1602, 76 and portion of Lot 74 Neville Hyder Drive, Lots 300, 11 and 17 Vasse Highway and portion of Lot 75 Bussell Highway, Yalyalup *AMD 28 GG 16/02/2021*	Industrial Development	1. Prior to lodgement of a subdivision application, a drainage management framework shall be prepared for Lots 9009, 205, 74 and 75 that outlines a coordinated approach to, and demonstrates acceptable measures for, stormwater management, to the satisfaction of the City of Busselton and Department of Water and Environmental Regulation. 2. The 'Local Commercial Centre and Service Station precinct' is intended to accommodate uses for convenience goods and services to cater for workers and visitors to the industrial park generally consistent with uses permissible in the Business zone but the following uses will also be prohibited – Bed and Breakfast, Hotel, Transport Depot, Motel, Single House, Grouped Dwelling, Multiple Dwelling and Tourist Accommodation. 3. Notwithstanding the requirements for a Structure Plan for land in a Development Zone a single integrated Structure Plan shall be required for the whole of Special Provision Area 36.
SP37	*Deleted via Amendment No. 162 to DTPS 20 03.10.13*		
SP38	Lot 22 Caves Road,	Viticulture/Touri	1. Subdivision and development is to be generally in accordance

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	Wilyabrup	sm Conservation	with a Structure Plan and a Fire Management Plan for the site as adopted by the local government and approved by the Western Australian Planning Commission (WAPC). 2. No existing remnant vegetation shall be removed from the 'Conservation' zoned lot, other than for compliance with an approved Fire Management Plan, vehicle access to buildings associated with approved development, clearing for approved development within a building envelope and provision of service infrastructure. 3. Remnant vegetation within the 'Conservation' zoned lot shall be the subject of a conservation covenant to be implemented at the time of subdivision, to the satisfaction of the relevant administering authority. 4. As a condition of subdivision, the subdivider is to prepare and implement to the satisfaction of the covenanting authority: a) A regeneration, rehabilitation and revegetation plan which addresses Western Grey Kangaroo management/exclusion; and b) A weed and pest management plan for the 'Conservation' zoned lot.
SP39	Lots 163, 161, 7, 9, 35, 15, 51, 50, 33, 11, 4, 3, 1, 2363, 2364, 2365 and portion of Lots 2191, 2192 and 2193 Queen Elizabeth Avenue, Lot 301 Busselton Bypass and Lots 2, 126, 22, 804 and portion of Lot 57 Chapman Hill Road, Busselton *AMD 28 GG 16/02/2021*	Urban Development Rural	1. The Local Development Plan for the Village Centre shall include the following requirements to the satisfaction of the City of Busselton and WAPC: a) initial retail facilities to be located at the entrance (northern end) of the Village Centre; b) identification of a Department Store site and proposed interim land use including the method of land use transition and a shop retail floorspace threshold that is not to be exceeded until such time as the interim use had been developed; c) provision for bulky goods retailing in addition to shop retail development; and d) inclusion of an education/technology precinct. 2. Retail floor space within the Village Centre shall be limited to 14,000m2 NLA. 3. Retail floor space within the Village Centre shall not exceed 9,000m2 NLA or accommodate a Discount Department Store until the following has occurred: a) The development of two Discount Department Stores in the Busselton City Centre, b) The development of a minimum 50,000m2 of shop retail NLA in the Busselton City Centre; and c) Confirmation of compliance with a City-level hierarchy as established in an adopted Commercial Strategy of Local Planning Strategy for the City. 4. For the purposes of Special Provision Area 39, 'Department Store' shall be defined as 'a single large shop retail store organised into departments offering a variety of merchandise; commonly part of a retail chain with NLA of greater than 5,000m2. 5. For the purposes of Special Provision Area 39, 'City Centre' is defined as the land bound by Marine Terrace, Brown Street, Peel Terrace and West Street. 6. Retail floor space within the Local Centre shall not exceed 500m2 NLA until the Village Centre has a developed retail floor space of a minimum 5,000m2 NLA. 7. Any application for subdivision shall be accompanied by an Urban Water Management Plan (UWMP) applicable to the application ara that has been adopted/endorsed by the City of Busselton on advice from the Department of Water and Environmental Regulation. The UWMP is to provide particular consideration to the usage and impact of drainage outcomes on the northern bushland and wetland area. 8. All development and subdivision shall meet the requirements and objectives of an approved Water Quality Improvement Plan for the Vasse Wonnerup Wetlands and Geographe Bay to the

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			satisfaction of the City of Busselton and Department of Water and Environmental Regulation. 9. Notwithstanding the requirements for a Structure Plan for land in a Development Zone a single integrated Structure Plan shall be required for the whole of Special Provision Area 39. 10. A Development Contribution Plan shall be prepared to the satisfaction of the City of Busselton and WAPC. The DCP is to be prepared in consultation with all landowners in Special Provision Area 39 and is to comprehensively address the staging of development and the equitable provision of community facilities, public open space and civil infrastructure. Contributions shall be made by all landowners within Special Provision Area 39 in accordance with the requirements of the endorsed DCP.
SP40	Lots 6 and 8 Causeway Road, Busselton	Residential R40/R60	1. As a condition of subdivision or development approval, whichever occurs first, the Recreation Reserve shall be ceded to the Crown free of cost and without any payment of compensation by the Crown. 2. At the time of subdivision or development, whichever occurs first, an east - west dual use path link being constructed within the Recreation Reserve to the south, for the whole length of the frontage of Lots 6 and 8, with connectivity to Causeway Road to the satisfaction of the City of Busselton. 3. Subdivision or development at a density less than R40 shall not be permitted. 4. Prior to submission of an application for subdivision or development approval, a Structure Plan shall be prepared, assessed and if considered acceptable, adopted pursuant to Part 4 of the Deemed Provisions, except that it will not require endorsement by the Western Australian Planning Commission. 5. In addition to the matters set out in Part 4 of the Deemed Provisions, the DGP shall address the following: a) Design measures to minimise the visual impact of the development on Causeway Road and the adjoining park to the southeast; b) Appropriate setbacks to Causeway Road and the adjoining park, given the prominent location of the site to the main entry to town; c) Building mass and height, noting that low rise development is to be achieved for buildings immediately abutting Causeway Road and the adjoining park; d) controls in relation to building appearance, including exterior finish of buildings; consolidation and integration of vehicle access, and appropriate fencing treatment; e) Building design is to address and allow for visual surveillance of the park to the east and the Recreation Reserve; f) Appropriate landscaping, including landscaping improvements for the adjoining park to the satisfaction of the City of Busselton; and g) The provision of a Local Water Management Strategy. 6. Development at a density of R60 will only be supported where the land is amalgamated to enable an integrated development of the whole site.
SP41	Lots 15, 16, 24 & 38 Duchess Street, West Busselton *AMD 1 GG 04/08/17*	1. Residential R40/R60	1. Subdivision or development at a density less than R40 shall not be permitted. 2. Development at a density of R60 will only be supported where the land is amalgamated to enable an integrated development of the whole site. 3. Prior to development approval stage, a detailed area plan shall be submitted for consideration and endorsement of the City of Busselton, which shall address the following matters to the satisfaction of the City- a) Building mass and height, noting that a two storey height

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			limit is to be achieved for development along the common boundaries shared with Lot 37, unless Lot 37 is incorporated within the development or development is sufficiently separated by vehicle access ways; b) Controls in relation to building appearance, including exterior finish of buildings; consolidation and integration of vehicle access with rear loading arrangements; and appropriate fencing treatment.
SP42	Lot 9050 Clubhouse Drive, Lot 5000 Waterville Road, Lots 9070 and 5006 Dunsborough Lakes Drive, Lot 40 Dunsborough Lakes Drive, Lots 41, 1150 and 9069 Commonage Road and land bound by Commonage Road, Inverness Avenue, Dunsborough Lakes Drive and St Michaels Parkway, Dunsborough. *AMD 27 GG 29/06/18;* *AMD 28 GG 16/02/2021*	Urban Development Special Use 24	1. Land designated 'Tourist' on the Dunsborough Lakes Estate Structure Plan can be developed to permit up to 25% of units as 'unrestricted length of stay' to the satisfaction of the City. No other unit shall be occupied for more than a total of 3 months in any 12 month period. 2. Development of the unrestricted length of stay component shall occur on the basis of no more than one unit for every three restricted stay units that have been developed. 3. Salinity and nutrient monitoring of groundwater and surface water shall be carried out by the developer and reported to the City of Busselton, the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation every 12 months. Local Development Plans will not be considered unless a salinity and nutrient monitoring report has been submitted to the local government at every 12 month interval. 4. Notwithstanding the requirements for a Structure Plan for land in a Development Zone a single integrated Structure Plan shall be required for the whole of Special Provision Area 42.
SP43	Land generally bound by the Bussleton Bypass, New River Ramble, Smokebox Avenue and Pickmore Circus, West Busselton *AMD 28 GG 16/02/2021*	Urban Development Residential	1. Clause 4.3.1 does not apply to land within Special Provision Area 43. 2. Notwithstanding the requirement for a Structure Plan for land in a Development Zone a single integrated Structure Plan shall be required for the whole of Special Provision Area 43.
SP44	Lot 3001 (Reserve 38558), Portion Lot 338 (Portion Reserve 8485), Lots 340 (Vol/Fol 601/96A), Lot 343 (Portion Reserve 37207), Lot 400 (Reserve 38872), Lot 405 (Portion Reserve 37207), Lot 418 (Reserve 28535), Lot 431 and 432, Lot 448 (Reserve 46187), Portion Lot 500 (Reserve 49652), Portion of Scout and Geographe Bay Road Reserves.	Special Use No. 3 (Busselton Foreshore)	1. The intent of the 'Special Use No. 3 (Busselton Foreshore)' zone is to facilitate the planned, progressive renewal and revitalisation of the Busselton Foreshore in accordance with a broad community vision. 2. Development of the land shall be generally in accordance with a Structure Plan for the land adopted by local government and endorsed by the Western Australian Planning Commission pursuant to the Scheme. 3. The provisions of the endorsed Structure Plan apply to the land as if its provisions were incorporated into the Scheme and are binding and enforceable in the same manner as those provisions included in the Scheme. 4. The preparation of the Structure Plan, required by special provision 2, shall be guided by the City of Busselton endorsed 'Busselton Foreshore Master Plan'.
SP45	*Deleted via Amendment No. 174 to DTPS 20 15.11.12*		
SP46	Lot 111 Dunn Bay Road, Dunsborough	*DELETED BY AMD 1 GG 04/08/17*	
SP47	Lot 11 Chapman Hill Road, Ambergate	*DELETED BY AMD 21 GG 7/6/19*	
SP48	Lot 11 and portion of Lot 803 Chapman Hill Road, Bovell *AMD 21 GG 7/6/19;* *AMD 28 GG 16/02/2021*	Industrial Development	1. The intent of this special provision area is to enable the use and development of the site as a service commercial and mixed light industrial precinct. 2. The following uses shall be 'P' uses – • Bus Depot • Convenience Store • Educational Establishment • Lunch Bar

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			• Industry – Light • Fuel Depot • Medical Centre • Motor Vehicle, Boat or Caravan Sales • Motor Vehicle Repair • Motor Vehicle Wash • Research Establishment • Garden Centre • Recreation – Private • Service Station • Bulky Goods Showroom • Transport Depot • Veterinary Centre • Warehouse/Storage All other uses are not permitted. 3. Notwithstanding Part 4 of the deemed provisions of the Scheme, the Structure Plan shall include the following details and development shall also comply with: a) no direct vehicular access to lots from Chapman Hill Road or Busselton Bypass; b) vehicular access to the precinct shall be limited to controlled, shared access points from Chapman Hill Road and the Ambergate North entry road only; c) service roads and shared, coordinated parking and access shall be provided within the land and along the service road frontage; d) protection of sites of heritage, conservation or environmental significance; e) built form and presentation guidelines to ensure the appropriate design and siting of buildings; f) particular design requirements for landmark buildings to be located at the corner of the Busselton Bypass and Chapman Hill Road and the corner of the Ambergate North entry road and Chapman Hill Road; and g) other information considered relevant by the local government. 4. All development that adjoins the Busselton Bypass shall have a minimum 24m building setback. 5. Notwithstanding the requirements for a structure Plan for land in a Development Zone a single integrated Structure Plan shall be required for the whole of Special Provision Area 48.
SP49	Lot 202 Dunn Bay Road, Dunsborough	*DELETED BY AMD 1 GG 04/08/17*	
SP50	Lot 9004 Layman Road, Geographe	Residential R40	1. Fences along the Layman Road frontage shall generally be avoided, there will be appropriate landscaping along the Layman Road frontage and wherever practicable dwellings shall have direct frontage to the roads adjoining the site. 2. No vehicular access to the site from Layman Road. 3. Car parking and service areas shall not be located adjacent to the Layman Road frontage. 4. An area internal to the development area shall be set aside as communal open space for future residents. 5. To the extent of any conflict, these special provisions and the controls applicable to development at 'R40' residential density as set out in the Residential Design Codes of WA, shall prevail over the provisions of the Port Geographe Development Plan.
SP51	*Deleted via Amendment No. 181 to DTPS 20 26.06.13*		
SP52	Lots 64 (Vol & Folio 2192 856), 63 (Vol & Folio 2192 855) and 86 (Vol & Folio 1670 402) Bussell Highway; and Lot 87 (Vol & Folio 1421 302) High Street	Residential R40	1. Notwithstanding the provisions contained within clause 4.2 of the Scheme, the City may consider the development of the entire site for commercial purposes, residential purposes equivalent to an R40 density or alternatively a mixed-use development to a maximum plot ratio of 0.6. 2. Building setbacks applicable to the development shall be a minimum 2 metres from the property boundaries abutting

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			Bussell Highway and High Street on existing lots 63, 86 and 87 and tapering back to 4 metres on existing lot 64. All other building setbacks applicable to the development, including commercial components, shall be in accordance with the R-Code designation for the land. 3. Parking shall not be provided along the frontages of Bussell Highway or High Street. 4. The interface of development with the western and northern boundaries of the site shall be appropriately designed and landscaped to ameliorate any potential impacts of building bulk on the adjoining properties. 5. Development of the additional land uses, or R40 Residential development shall only be supported where the whole of the land is amalgamated to allow for the integrated development of the site. 6. Development of the additional land uses, or R40 Residential development shall be based on a maximum of one access point to Bussell Highway.
SP53	Lot 21 Commonage Road, Dunsborough	Rural	1. The local government may approve the use of up to, but no more than, 15% of any future caravan sites developed on-site with no restriction on length of stay. The remainder of the caravan sites shall be for short-stay use only and subject to length of stay restrictions limiting occupancy to no more than 3 months in any 12 month period. 2. The caravan sites provided for use on an 'unrestricted length of stay' basis shall be proportionate to the total number of short-stay caravan sites developed at any given time. 3. Sites to be utilised on an 'unrestricted length of stay' basis are to be clearly identified at development approval stage, and shall be consolidated into one or more portions of the site so as to effectively manage any potential conflict between short-stay and unrestricted stay occupant.
SP54	Portion of Lot 25 Forrest Beach Road, Wonnerup	Conservation	1. Subdivision and development shall be in accordance with the Structure Plan adopted by local government and endorsed by the Western Australian Planning Commission. 2. A maximum of 6 lots may be created from the subdivision of the land. No further subdivision or strata subdivision will be permitted. 3. Tourist development on the proposed Lot 6 is to be limited to a single Guesthouse which shall be an “A” use for the purpose of the Scheme, under one roof, with a maximum of 12 suites (notwithstanding any determination under Schedule 1) that are not self contained and are serviced by a common dining area (not available to the public). This Guesthouse is to be located within a designated building envelope of no greater than 2500m² as shown on the DGP. No strata subdivision of guest suites will be permitted. 4. Assessment of any Guesthouse proposal will have regard to the City’s Rural Tourist Accommodation Policy outside those issues listed in 3. above. 5. Subdivision and development are to accord with the obligations outlined in the approved foreshore management plan and related conservation covenant. 6. The maximum height for any development is 6 metres above natural ground level. 7. All development is to be limited to a single storey. 8. Use of prescribed materials and dark tones for all development is required as identified under the Landscape Value Area Scheme provisions. 9. All areas reserved as ‘Recreation’ are to be ceded free of cost to the Crown at the subdivision stage.
SP55	Lots fronting Cockatoo Loop, Tortoise Rise and Bendjar Grove, Vasse *AMD 28 GG 16/02/2021*	Residential	Clause 4.3.1 of the Scheme does not apply to land within Special Provision Area 55.

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
SP56	Lots 1-42 Little Colin Street, Broadwater *AMD 2 GG 17/7/15*	Tourism	Notwithstanding any other provision of the Scheme, an unrestricted length of stay is permissible for 22 of the 23 accommodation units on Strata Lots 21, 23-27, 29, 35 and 38 on Strata Plan 40537 (endorsed 19 February 2008) and (proposed) Strata Lots 44 and 45 on Strata Plan 40537 (approved 03 May 2013).
SP57	Lot 3 Bussell Highway *AMD 6 GG 27/5/16*	Special Use No. 2 - Broadwater Development Area	1. The 'development area' of the land is defined as per the Department of Environment's 'Approval to Clear' dated 8th April 2014. 2. Development or subdivision across the 'development area' portion of the land can be up to a maximum residential density of R40. 3. Land use permissibility for the 'development area' portion of the site shall be as per the Residential zone. 4. Vehicular and future road access to and from the site is limited to Bell Drive only. 5. Prior to subdivision or development, a structure plan is to be approved by the Western Australian Planning Commission. The structure plan is required to be accompanied by - a) an updated Bushfire Management Plan to the satisfaction of the Local Government and Department of Fire and Emergency Services; b) a 'Local Water Management Strategy' to the satisfaction of the Department of Water; c) a 'Western Ringtail Possum Impact Management Plan' to the satisfaction of the Department of Parks and Wildlife; and d) a Traffic Impact Assessment to the satisfaction of the Local Government. 6. Prior to subdivision or development, the portion of land contained within the 'development area' is to be appropriately zoned to reflect the zoning/use proposed by the Commission approved structure plan. The portion of land outside the 'development area' is to be reserved 'Recreation' 7. At the time of subdivision, or prior to development, the required 'Recreation' reserve is to be vested in the Crown and ceded free of cost and without any payment of compensation by the Crown.
SP58	700 Caves Road, Marybrook *AMD 5 GG 24/3/16*	Tourism	Notwithstanding any other provision of the Scheme, an unrestricted length of stay is permissible for Lots 6-15 as shown on the current Strata Plan 46392 (approved on 8 September 2005), with up to two accommodation units, both of which may be unrestricted length of stay, being able to be developed on each lot
SP60	Lot 2761 (Volume 2214 and Folio 197) Commonage Road, Quindalup *AMD 17 GG 19/8/16*	Rural	1. That local government may approve the use of up to, but not more than, 15% of caravan sites developed on-site with no restriction on length of stay. The remainder of the caravan sites shall be for short-stay use only and subject to length of stay restrictions to no more than 3 months in any 12 month period. 2. The caravan sites provided for use on an unrestricted length of stay basis shall be proportionate to the total number of short-stay caravan sites developed at any given time. 3. Upon gazettal of Scheme Amendment No. 17, sites to be utilised on an "unrestricted length of stay" basis are to be clearly identified by lodgment and approval of an application for development approval.
SP62	Lots 500 and 502 Bussell Highway *AMD 20 GG 22/12/17*	Residential R40	Prior to subdivision or development, a structure plan is to be prepared by the proponent and approved pursuant to the requirements of the scheme. The Structure Plan in part, is to specifically address the protection of Western Ringtail Possum habitat on the site.
SP63	Land bound by the Busselton Bypass in the north, Queen Elizabeth Avenue to the east and Rendezvous Road to the south; and with Lots 44 to 50 Belltonia Way, and Lot	Rural Residential	1. A District Structure Plan (DSP) shall be prepared for the Special Provision area, which shall determine as a minimum, indicative layout, residential density, strategic road integration and public open space provision. 2. Notwithstanding provision 1, a district structure plan may be prepared specifically for Lots 242-249 Kookaburra Way prior to the general DSP for Special Provision Area 63 being prepared. Should this occur, the specific district structure plan for these lots

<table>
<tr><th>No.</th><th>PARTICULARS OF LAND</th><th>ZONE</th><th>SPECIAL PROVISIONS</th></tr>
<tr><td></td><td>348 Rendezvous Road, forming the western boundary.

AMD 29 GG 7/6/19</td><td></td><td>must integrate with the approved structure plan for neighbouring Lot 2 Kookaburra Way.
3. Any DSP that is prepared shall identify precincts for which further local structure planning is required prior to any consideration for subdivision approval.
4. Subdivision of land shall be generally in accordance with a Local Structure Plan for the land approved by the Western Australian Planning Commission pursuant to Schedule 2 (Deemed Provisions) of the Planning and Development (Local Planning Schemes) Regulations 2015.</td></tr>
<tr><td>SP64</td><td>Northerly Street, Vasse

AMD 28 GG 16/02/2021</td><td>Urban Development</td><td>1. The ‘Shop’ retail floor space shall be limited to a net lettable area of 1,150m^2 to be allocated across the eastern and western precincts as follows –

Allocated Shop Retail Floorspace (m^2 NLA)
<table>
<tr><th>Lot No.</th><th>East</th><th>West</th></tr>
<tr><td>Lot 3 (Vol 1739 & Folio 662)</td><td>100m^2</td><td>-</td></tr>
<tr><td>Lot 21 (Vol 1670 & Folio 209)</td><td>100m^2</td><td>-</td></tr>
<tr><td>Lots 2 (Vol 1149 & Folio 421), 50 (Vol 1003 & Folio 757) & 51 (Vol 1149 & Folio 422)</td><td>319m^2</td><td>-</td></tr>
<tr><td>Lots 2 (Vol 1470 & Folio 802) & 21 (Vol 1999 & Folio 434)</td><td>-</td><td>437m^2</td></tr>
<tr><td>Lot 19 (Vol 4 & Folio 122A)</td><td>-</td><td>194m^2</td></tr>
<tr><td>Total (1,150m^2)</td><td>519m^2</td><td>631m^2</td></tr>
</table>
2. ‘Shop’ retail shall have the same definition as that set out in the Scheme.
3. The permissibility of land uses shall be in accordance with the ‘Local/Neighbourhood Centre’ zone but the following uses shall be ‘X’ uses, ‘Hospital’, ‘Marina’, ‘Marine Filling Station’, ‘Motor Vehicle, Boat or Caravan Sales’, ‘Restricted Premises’ and ‘Transport Depot’.
4. Main street retail/commercial development (with residential opportunities at upper levels) shall provide direct pedestrian access and deliver a high level of pedestrian amenity.
5. Changes in building height, façade treatments, building materials and the location of iconic landmark buildings in strategic locations will be encouraged to create visual interest and contribute positively to the streetscape.
6. Where development is proposed along the boundary of existing development adjacent to the Urban Development Zone, it shall be setback as per the setback requirements applicable to the lowest residential coding of the adjacent lots.
7. Significant redevelopment is to consolidate access points, and where possible, be located over common boundaries to facilitate reciprocal access to properties.
8. Direct vehicle access to Northerly Street from the indicative secondary access points will not be supported.
9. Off-street parking is to be located behind, and sleeved by, buildings facing Northerly Street.
10. Prior to development, stormwater and groundwater management, including management of the 100yr ARI event, is to be determined in consultation with the City of Busselton and having regard to Local Planning Policy.</td></tr>
<tr><td>SP65</td><td>Land generally bound by Reserve 48251, Reserve 50351, Northerly Street and Bussell Highway, Vasse

AMD 28 GG 16/02/2021</td><td>Urban Development</td><td>The maximum recommended retail floor space allowable shall generally be limited to 4, 650m^2 (NLA).</td></tr>
</table>

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
SP66	Land generally bound by Busselton Bypass, Northerly Street, Kaloorup Road, Heritage Drive, Caprock Crescent and Cottage Drive, Vasse *AMD 28 GG 16/02/2021*	Residential Special Use 31	1. With the exception of lots coded R30 or R40 (as identified for strata development potential on a Local Development Plan) clause 4.3.1 of the Scheme does not apply to land within this Special Provision Area. 2. Garages or carports accessed from the primary street shall be setback a minimum of 6.0m from the street boundary and, where possible, be a greater setback than the front building elevation to ensure that the garage is not a prominent feature of the streetscape.
SP67	Land generally bound by Bussell Highway, Lynwood Street, Reserve 48251 and Reserve 50351, Vasse *AMD 28 GG 16/02/2021*	Residential Special Use 31	1. For lots with a rear drainage easement, the front setback to the dwelling may be reduced to a minimum of 4 metres. No further setback averaging will apply. The front setback to the garage is to comply with the requirements of the R-Codes.' 2. With the exception of sub-clause 4.3.1(f), clause 4.3.1 does not apply to land within this Special Provision Area.
SP68	Lot 9558 Napoleon Promenade, Lots 4000 and 9000 Yebble Drive, Lot 9521 Bussell Highway, Lots 9052 and 221 Northerly Street, Lot 461 Florence Road and Lot 250 Kaloorup Road, Vasse. *AMD 28 GG 16/02/2021*	Urban Development Industrial Development	1. Notwithstanding the requirement for a structure plan for land in a Development Zone a single integrated Structure Plan shall be required for the whole of Special Provision Area 68. 2. Lot 221 Northerly Street, Vasse contains important environmental values including, but not limited to, poorly represented vegetation and habitat for Western Ringtail Possum (*Pseudocheirus occidentalis*) and Black Cockatoo species (*Calyptohynchus latirostis*, *Calyptohynchus baudinii* and *Calyptohynchus bandsi naso*). Future structure planning should require these environmental values to be retained, managed and protected for conservation purposes. 3. For residential areas of SP68 a minimum front setback of 4 metres applies to dwellings and structures (excluding driveways) to facilitate provision of drainage.
SP69	Lots 9501 and 585 Port Lane, Geographe *AMD 28 GG 16/02/2021*	Urban Development	1. Prior to subdivision or development, the proponent is to prepare a Development Contribution Plan to the satisfaction of the City of Busselton and WAPC to ensure appropriate and timely contributions towards community facilities, public open space and civil infrastructure on a progressive and staged basis. 2. All habitable buildings are to achieve a minimum finished floor level of 3.4m AHD. 3. Prior to subdivision or development, the proponent is to demonstrate to the satisfaction of local government, Department of Planning, Lands and Heritage, and Department of Transport that any proposed engineering, planning and/or building design measures used to achieve the minimum 3.4m AHD finished floor level will adequately mitigate against envisaged coastal process (e.g. inundation) pursuant to the requirements of State Planning Policy 2.6 - State Coastal Planning Policy; and will achieve the envisaged planning and development outcomes in accordance with the endorsed Structure Plan applicable to the land. 4. As a condition(s) of subdivision or development, the proponent will be required to: • prepare an Emergency Evacuation Plan (EEP) to the satisfaction of the local government; • provide prospective purchasers with a copy of the EEP; and • impose a notification on titles advising of the EEP and that a copy can be obtained from the local government's office.
SP71	Portion Lot 30 Millbrook Road, Yallingup (Proposed Lot 8 on the associated Structure Plan) *AMD 45 GG 29/01/2021*	Rural Residential	The objectives of these provisions are to: i. Support the development of tourism and visitor oriented land uses on the land; ii. Ensure that such development is of a scope and scale, and is sensitively located, so as to be consistent with the preservation of a high level of amenity for the surrounding rural-residential area; iii. Through supporting the development of tourism and visitor orientated uses on the land, assist in the preservation, activation and adaptive re-use of the significant heritage assets and values of the land;

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			iv. To achieve a mixed land-use outcome, which is consistent with, and complementary to, the scale, built form, distribution and design of the heritage buildings on the site. 1. The following uses shall be deemed to be 'A' uses for the purposes of Part 4 of the Scheme: • Art Gallery • Chalet • Exhibition Centre • Hotel • Small Bar • Tourist Accommodation 2. Development within the Special Provision Area shall be limited to 2,500 m^2NLA, other than – i. Development associated with the use (but not expansion) of existing buildings on the land (as at 1 January 2019); or ii. Development of a Single House or development ancillary to a Single House; or iii. Use of a Single House or development ancillary to a Single House as a Holiday Home (Single House), Bed and Breakfast, Home Business, Home Occupation or Home Office. 3. The following use specific NLA floor space restrictions apply in conjunction with the 2,500 m^2 total floor space restriction referred to in special provision 2: • Chalets – maximum of 10 chalets at a maximum of 150 m^2 each (that is, total 1,500 m^2) • Tourist Accommodation – maximum 1,500 m^2. • Hotel – maximum 700 m^2. • Restaurant/Café and Small Bar – combined maximum total floor space of 350 m^2. • Art Gallery – maximum 1,500 m^2. • Exhibition Centre – maximum 1,500 m^2. 4. Any development that would involve any significant presence on site of persons not residing or being temporarily accommodated on the site (such as Chalets or a Guesthouse) should be located in the north-west portion of the Special Provision Area, in proximity to the key heritage assets. 5. In considering an application for development approval the City must have due regard to traffic management and noise management plans that the applicant must prepare and submit with any development application. 6. Prior to development a Local Development Plan is to be prepared which addresses the following matters: i. Existing character values at the site; ii. The need for high quality design and location of any new buildings; iii. The proximity of State Listed heritage assets; iv. Location of car parking, pedestrian access and vehicular/service access areas; v. Amenity of the locality and surrounds; and vi. Landscape values and visual management considerations.
SP72	Part of Lot 7 (No. 86) Forrest Beach Road, Wonnerup *AMD 37 GG 23/10/2020*	Conservation	All dwellings on Lot 7 (No.86) Forrest Beach Road, Wonnerup must meet the following standards: 1. A minimum finished floor level of 3.8 metres AHD for coastal inundation protection; 2. Effluent disposal is to be via an alternative treatment unit (ATU) effluent disposal system with secondary treatment unless otherwise determined by the local government or Department of Health; 3. At least 1.5 metre vertical separation between the highest winter groundwater level and the discharge point of the on-site effluent disposal system; 4. Appropriate landscaping and screening of the new development.

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
SP73	Lot 590 Spinnaker Boulevard, Geographe *AMD 28 GG 16/02/2021*	Urban Development	1. Prior to subdivision or development, the proponent is to prepare a Development Contribution Plan to the satisfaction of the City of Busselton and WAPC to ensure appropriate and timely contributions towards community facilities, public open space and civil infrastructure on a progressive and staged basis. 2. The land is to be filled and retained to ensure a minimum finished floor level of 3.8m AHD can be achieved (i.e. a minimum fill level of 3.7m AHD); and 3. The retaining walls associated with the above-mentioned filling of the land shall be designed and certified by a coastal engineer to withstand the anticipated coastal processes as determined by State Planning Policy 2.6 State Coastal Planning Policy, to the satisfaction of the local government in consultation with the Department of Transport.
SP74	Lot 612 Spinnaker Boulevard, Geographe *AMD 28 GG 16/02/2021*	Urban Development	1. Prior to subdivision or development, the proponent is to prepare a Development Contribution Plan to the satisfaction of the City of Busselton and WAPC to ensure appropriate and timely contributions towards community facilities, public open space and civil infrastructure on a progressive and staged basis. 2. The land is to be filled and retained to ensure a minimum finished floor level of 3.8m AHD can be achieved (i.e. a minimum fill level of 3.7m AHD); and 3. The retaining walls associated with the above-mentioned filling of the land shall be designed and certified by a coastal engineer to withstand the anticipated coastal processes as determined by State Planning Policy 2.6 State Coastal Planning Policy, to the satisfaction of the local government in consultation with the Department of Transport; and 4. No buildings are permitted within the 'Building Exclusion Area' as depicted on the endorsed Structure Plan Map pertaining to the subject land.
SP75	Lot 9002 Layman Road, Geographe *AMD 28 GG 16/02/2021*	Urban Development	1. Prior to subdivision or development, the proponent is to prepare a Development Contribution Plan to the satisfaction of the City of Busselton and WAPC to ensure appropriate and timely contributions towards community facilities, public open space and civil infrastructure on a progressive and staged basis.
SP76	As identified on the Scheme map *AMD 55 8/03/2024*	Urban Development	1. In addition to the information to be included in a structure plan outlined in Clause 16 of the Deemed Provisions and specified in the Leeuwin-Naturaliste Sub Regional Strategy for this area, the structure plan is to set out the following: i. Measures to retain, manage, and enhance environmental values associated with the Special Provision Area including remnant vegetation, potential fauna habitat, ecological linkages, and wetlands. ii. Measures to provide linkages and connectivity with contiguous areas of remnant vegetation on land adjoining the Special Provision Area. ii. Management measures to ensure habitat functions within the Special Provision area are maintained and, where possible, enhanced. iv. Provision of vegetated buffers to ensure visual screening and separation of development from main roads adjoining the Special Provision Area. v. Measures to provide for the safe and efficient movement of pedestrians and cyclists to, from, and within the Special Provision Area, including crossings of main roads adjoining the Special Provision Area. 2. i. All development on land or lots affected by coastal inundation requires prior development approval of the local government. ii. All habitable development on land or lots affected by coastal inundation is to have a minimum finished floor level of 3.0 metres AHD.

No.	PARTICULARS OF LAND	ZONE	SPECIAL PROVISIONS
			iii. A notification on title advising of coastal hazard risk is to be applied as a condition of subdivision or development, for all land or lots affected by coastal inundation.
SP77	Lot 200 (1676) Caves Road, Dunsborough *AMD 59 GG 3/11/2023*	Tourism	Notwithstanding any other provisions of the Scheme, an unrestricted length of stay is permissible for strata lots 6-13 and 48-51 as shown on Strata Plan 50936 (WAPC ref 165-21).
SP78	Lot 2883 Puzey Road, Wilyabrup *AMD 54 GG 2/2/2024*	Viticulture/ Tourism	For Lots 20, 21, 31, 37, 46 and 47, as shown on the current Strata Plan 54626 (approved on 24 December 2021), one Chalet per lot is permitted as unrestricted length of stay.

Schedule 4 - Special Character Areas

1. QUINDALUP SPECIAL CHARACTER AREA

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

(a) All residential development, including the development of two grouped dwellings at a density of R20 within Sectors 1 and 2, and that part of Section 3 containing Ollis Street and the northern side of Wilson Street, as described in the Quindalup Special Character Area Policy, shall comply with the standards of the R12.5 Code of the R-Codes, with the exception that front setbacks in the area shall be a minimum of 10 metres;

(b) Local government will only permit the construction of grouped housing development of three or more dwellings at a density not exceeding R12.5 with a minimum lot size of 2,400m^2.

(c) No residential development shall exceed a maximum height limit of two storeys or a maximum of 9 metres, with the exception that no building is to exceed crown/canopy height of peppermint trees in the immediate vicinity of the proposed dwelling. The height of buildings to be measured vertically from any given point of the building to the natural surface level of the site;

(d) In the determination of any application for development approval within the Quindalup Special Character Area Policy, local government shall have regard for the provisions of that policy.

2. YALLINGUP SPECIAL CHARACTER AREA

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

(a) Local government may permit group housing development at Density R20 on sites comprising 900m^2 or more where it is satisfied that -

  (i) buildings shall have an appearance of lightweight construction and fit with the site topography which will normally require the use of a stumped construction;

  (ii) Site coverage should be no more than 40% of the lot area and, where possible, remnant vegetation should be used to reduce the visual mass/bulk of dwellings;

  (iii) Clearing shall only be permitted within approved footprint areas and the immediate surrounds;

  (iv) Building style shall be reflective of, and sensitive to, the existing residential character through the use of prominent windows, lightweight and prominent balconies, relatively steep and multi-pitched roofs.

(b) No residential development shall exceed a maximum height of 10 metres measured vertically from natural ground level at any point of the building except for Lot 105 Dawson Drive, which shall be limited to a maximum height that ensures that the building will not intrude into the skyline created by the dunal system when viewed from beach areas;

(c) In the determination of any application for development approval within the Yallingup Special Character Area, local government shall have regard for the general provision of that policy.

3. OLD DUNSBOROUGH SPECIAL CHARACTER AREA

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

(a) Notwithstanding any other provision of the Scheme, grouped dwellings shall be developed at a density not greater than R25.

(b) Buildings shall be restricted to a maximum height of 7.5 metres (measured perpendicularly from the highest point of the building to the natural ground level) for land within 150 metres of the mean High Water Mark, and 9.0 metres elsewhere.

(c) Primary street setbacks shall be a minimum of 10.0 metres in Policy Area 1 pursuant to the Old Dunsborough Special Character Area Policy (i.e. generally lots fronting the foreshore from Vincent Street, Bayview Crescent and Hurford Street). Elsewhere, the primary street setback shall be a minimum of 7.5 metres unless adjoining development and/or site conditions indicate that a minimum setback of 6.0 metres would be appropriate.

(d) Amalgamation of lots to create grouped dwelling sites will not generally be supported in order to retain, as far as possible, the single residential scale and character of development in the area.

4. ADELAIDE STREET SPECIAL CHARACTER AREA

Front and Side Setbacks

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

Building Form, Proportions & Style

(a) New commercial development on lots facing Adelaide Street should preferably be accommodated within existing buildings, which may be retrofitted or extended to accommodate the change of use. Any building extensions should preferably take place (i) behind the existing dwelling, or (ii) at an upper level, but set back from the front building line by at least 3.0 m.

(b) In the case of new commercial or residential buildings facing Adelaide Street, their form and style shall be compatible with surrounding and nearby buildings in regard to their type of construction, and their form, style and detailing.

(c) New development, alterations or extensions to existing buildings is to have a compatible scale and proportion to surrounding development when viewed from the street.

Landscaping

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

5. EAGLE BAY SPECIAL CHARACTER AREA

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

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

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

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

(b) Incidental development shall be setback from front and neighbouring boundaries, including boundaries which interface with coastal foreshore and other public reserves, to protect the prevailing amenity of the locality in accordance with Table 1.

(c) Where a lot abuts a foreshore or public open space reserve, the setback applicable to development shall be no less than the required front setback distance in order to retain the natural amenity of the Reserve and avoid the encroachment of development on the reserve area.

(d) The applicable height limits will be 7.5 metres within 150 metres of the mean high water mark and 9.0 metres for all other areas unless otherwise determined by zoning provisions, a Structure Plan.

AMD 1 GG 04/08/17

Schedule 5 – Special Uses

AMD 29 GG 7/6/19; AMD 44 GG 14/08/2020

No.	Description of land	Special Use	Conditions
1.	*As identified on the Scheme map*	*Aged Person Housing*	*Nil.*
2.	*As identified on the Scheme map*	*Broadwater Development Area*	*Development must be in accordance with the requirements of the Broadwater Development Area and Special Provision 57.*
3.	*As identified on the Scheme map*	*Busselton Foreshore*	*Development must be in accordance with Special Provision No. 44.*
4.	*As identified on the Scheme map*	*Busselton Regional Airport*	*Nil.*
5.	*As identified on the Scheme map*	*Caravan Park*	*Nil.*
6.	*As identified on the Scheme map*	*Child Care*	*Nil.*
7.	*As identified on the Scheme map*	*Church Site, Educational Establishment, Child Care and Hall*	*Nil.*
8.	*As identified on the Scheme map*	*Community Purposes*	*Nil.*
9.	*As identified on the Scheme map*	*Church Site*	*Nil.*
10.	*As identified on the Scheme map*	*Educational Establishment*	*Nil.*
11.	*As identified on the Scheme map*	*Hotel*	*Nil.*
12.	*As identified on the Scheme map*	*Hall*	*Nil.*
13.	*As identified on the Scheme map*	*Hostel*	*Nil.*
14.	*As identified on the Scheme map*	*Historical Precinct*	*Nil.*
15.	*DELETED BY AMD 43 GG 30/07/2021*		
16.	*As identified on the Scheme map*	*Service Station*	*Nil.*
17.	*As identified on the Scheme map*	The following land uses are "D" discretionary – g. Service Station h. Warehouse/Storage i. Shop. j. Restaurant/Café k. Garden Centre *l.* Takeaway Food Outlet	1. The Shop land use is limited to a maximum gross floor area of 500 m2. 2. The Takeaway Food Outlet is limited to a maximum gross floor area of 100 m2. 3. The overall site is limited to a maximum gross floor area of 1,700 m2. 4. Notwithstanding clause 4.5.1, development which exceeds these areas is expressly prohibited. 5. Buildings shall not be located within 20m of the Causeway Road boundary. 6. New development shall respond to the prominence of the site on Causeway Road, as an entry corridor to Busselton, by addressing the following matters a) Buildings shall be articulated to break up perceived bulk and provide visual interest when viewed from Causeway Road and Bussell Highway; b) Building textures and elements shall maintain and enhance the scenic character of Causeway Road; c) Building materials shall include a mix of transparent glazing and opaque materials, with no blank facades visible from Causeway Road;

No.	Description of land	Special Use	Conditions
			d) Building services such as bin storage, utilities, storage tanks, firefighting equipment and the like shall be adequately concealed so they are not visible from Causeway Road and Bussell Highway; e) Landscape planting shall provide an attractive interface between buildings and car parking areas when viewed from Causeway Road, without impeding vehicle sightlines.
18.	*As identified on the Scheme map*	*Telephone Exchange*	*Nil.*
19.	*As identified on the Scheme map*	*Waste Disposal*	*Nil.*
20.	*As identified on the Scheme map*	*Waterfowl Study*	*Nil.*
21.	*As identified on the Scheme map*	*Blank*	*Nil.*
22.	*DELETED BY AMD 28 GG 16/02/2021*		
23.	*DELETED BY AMD 28 GG 16/02/2021*		
24.	*As identified on the Scheme map*	*Dunsborough Lakes Development Area*	*Development must be in accordance with Special Provision 42.*
25.	*DELETED BY AMD 28 GG 16/02/2021*		
26.	*DELETED BY AMD 28 GG 16/02/2021*		
27.	*As identified on the Scheme map*	*Yalyalup Development*	*Development must be in accordance with Special Provision 23.*
28.	*As identified on the Scheme map*	*Yalyalup Deferred Development*	*Development must be in accordance with Special Provision 23.*
29.	*DELETED BY AMD 28 GG 16/02/2021*		
30.	*Lot 48 (No. 26) Causeway Road, Busselton;* *Lot 49 (No. 28) Causeway Road, Busselton;* *Lot 69 (No. 10) Rosemary Drive, Busselton; and* *Lot 100 (No. 15) Southern Drive, Busselton.* *AMD 44 GG 14/08/2020*	*The following land uses are 'P' Permitted:* *a. Aged Persons Home;* *b. Club Premises;* *c. Community Purpose;* *d. Grouped & Multiple Dwellings;* *e. Consulting Rooms;* *f. Residential Building.* *The following land uses are 'D' Discretionary:* *a. Medical Centre;* *b. Reception Centre, and* *c. Office.*	*1. Development is limited to a total plot ratio of 2.0.* *2. Notwithstanding Clause 4.8 of the Scheme and the 'R-AC3' density code, a maximum building height of 4 storeys (to maximum height of 15m above natural greound level) is applicable to development on the site.* *3. Development within 10m of a lot boundary, which abuts land that is zoned Residential, is limited to 2 storeys (to maximum height of 9m above natural ground level).* *4. All other development controls are to be a sper 'R-AC3' under State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments.*
31.	*Lot 1001 Oaks Drive, Vasse* *AMD 28 GG 16/02/2021*	*Single House* *Restaurant/Café* *Industry – Cottage* *Convenience Store*	*The special use specified shall be deemed to be a 'D' use for the purposes of the Scheme.*
32.	*Lot 1131 Data Way, Kealy* *AMD 28 GG 16/02/2021*	*Aged Persons Home* *Park Home Park*	*The special use specified shall be deemed to be a 'D' use for the purposes of the Scheme.*
33.	*Lot 5001 Clubhouse Drive, Dunsborough* *AMD 28 GG 16/02/2021*	*Private Recreation*	*The special use specified shall be deemed to be a 'P' use for the purposes of the Scheme.*

No.	Description of land	Special Use	Conditions
34.	*Lot 4002 Dunsborough Lakes Drive, Dunsborough* *AMD 28 GG 16/02/2021*	*Office*	*The special use specified shall be deemed to be a 'P' use for the purposes of the Scheme.*

Schedule 6 - Wetland Areas (Directions for Matters to be included in a Statement of Environmental Effects)

The following matters are to be included -

1. A full description of the proposed development.

2. A statement of the objectives of the proposed development.

3. A full description of the existing environment likely to be affected by the proposed development if carried out.

4. An identification and analysis of the likely interactions between the proposed development if carried out.

5. An identification and analysis of the likely interactions between the proposed development and the environment.

6. An analysis of the likely environmental impacts or consequences of carrying out the proposed development, including the effect on -

   (a) the growth of native plant communities;

   (b) the survival of native wildlife populations;

   (c) the provision and quality of habitats for both indigenous and migratory species; and

   (d) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area, including acidity, salinity and water quality.

7. Whether adequate safeguards and rehabilitation measures have been, or will be, taken to protect the environment.

8. Any feasible alternatives to the carrying out of the proposed development and the reasons for choosing the latter.

9. The consequences of not carrying out the proposed development.

10. Details of any wetlands surrounding the land to which the application for development approval relates and the appropriateness of imposing conditions requiring the carrying out of works to preserve or enhance the value of those surrounding wetlands.

Schedule 7 - Environmental Conditions

No.	PARTICULARS OF LAND	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS
EC1	Portions of Sussex Locations 221, 241, 248 and Part 657 and Lots 1, 2, Part 3 and 173 Bussell Highway, Lot 175 Rendezvous Road, Lots 3, 37 and 174 Kaloorup Road, Part Lot 159, portion of Lot 160 and portion of Sussex Location 4324 Yallingup Siding Road and Part Sussex Location 5, portion of Sussex Location 5252 and Lot 20 Dowell Road, Vasse	October 15, 2004	1 Contamination 1-1 Areas of soil and groundwater contamination resulting from previous activities in the District Town Planning Scheme No. 20 Amendment No. 1 shall be identified and remediated to a standard suitable for the intended land uses. 1-2 Any subdivision or application for development approval for land in the District Town Planning Scheme No. 20 Amendment No. 1 that has been utilised for farming practices creating the potential for contamination shall be accompanied by a report of an investigation of the area to determine the nature and extent of any soil and groundwater contamination, to the requirements of the Department of Environment Regulation. The site is determined to be contaminated if substances occur in the soil or groundwater at concentrations above background levels and where assessment indicates it poses, or has the potential to pose, an unacceptable risk to human health or the environment. 1-3 If unacceptable soil or groundwater contamination is identified by the investigation referred to in condition 1-2, a remediation program shall be prepared and implemented and if necessary, a management plan shall be prepared, to the requirements of the Office of the Environmental Protection Authority, prior to subdivision. 1-4 The management plan referred to in condition 1-3 shall be implemented. 2 Wetland Management Plan 2-1 Prior to ground disturbing activities the developer shall prepare a Wetland Management Plan for the wetlands and buffers to meet the following objectives; "to maintain and, where possible enhance the integrity, functions and environmental values of the wetland". The Wetland Management Plans shall be prepared to the requirements of the responsible authority in consultation with the Office of the Environmental Protection Authority and on advice of the Department of Parks and Wildlife and the Department of Water. Each plan shall include - (i) A description of the wetland including its ecosystem, attributes and values; (ii) Management objectives, including the protection of the water regime that supports the wetland; (iii) Management actions to ensure that the management objectives are achieved including control of access through fencing and paths.

No.	PARTICULARS OF LAND	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS
			(iv) Measures to ensure that where there are impacts to a wetland or its buffer caused by development then there will be a net gain in environmental value for the remaining wetland to offset these impacts; (v) A monitoring programme, including definition of performance criteria and analysis procedures, to demonstrate whether the management objectives are being met; (vi) Contingency plans to be implemented in the event that performance criteria are not met; and (vii) Identification of responsibilities for implementation of the plan. 3 Drainage and Nutrient Management 3-1 Prior to ground disturbing activities, a Drainage and Nutrient Management Plan over the whole of the subject land to ensure that the rate, quantity and quality of water leaving the subject land will not adversely impact on Geographe Bay or wetlands on or in the vicinity of the subject land to the requirements of the local government with the concurrence of the Department of Water on advice from the Office of the Environmental Protection Authority. This plan shall incorporate - (i) Water Sensitive Urban Design best management practices to achieve the best removal of pollutants and nutrients from surface water and groundwater discharges from the subject land; (ii) Water Sensitive Urban Design best management practices to maximise stormwater detention on site; (iii) Mechanisms to minimise erosion during and after the development phase; (iv) Mechanisms to protect the water regimes of the lakes protected under the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 situated on and nearby the subject land, including water quality and water level; and to ensure that there shall be no direct drainage to the "Franklin" wetland from the proposed adjacent industrial area. (v) A monitoring and reporting programme for nutrient concentration in surface water and groundwater discharges from the subject land; (vi) Contingency measures to be implemented in the event that pollution and nutrient removal and stormwater detention are not achieving Water Sensitive Urban Design best practice; and (vii) Identification of responsibilities for implementation of the Drainage and Nutrient Management Plan.

Schedule 8 - Provisions Applying to Sussex Location 413 Smiths Beach Road, Yallingup

1. The provisions of this schedule apply to Sussex Location 413 Smiths Beach Road, Yallingup only.

2. A Structure Plan prepared for the land by the City or the landowner must include the following associated plans or reports:

   (a) Design and Settlement Guidelines.

   (b) A Fire Hazard and Fire Risk Assessment Plan and Preliminary Fire Management Plan for the land that is in accordance with Western Australian Planning Commission (WAPC) policy and Department of Fire and Emergency Services (DFES) guidelines on bush fire protection and is consistent with the intent of -

      (i) retaining remnant vegetation wherever possible, and the need to protect the visual amenity, natural landscape and environmental values of the land; and

      (ii) preserving the natural environmental values of the Leeuwin Naturaliste National Park, while also complementing the fire management regimes of the National Park.

   (c) A comprehensive Landscaping and Rehabilitation Plan.

   (d) An Archaeological and Aboriginal Heritage Survey undertaken by an appropriately qualified consultant.

   (e) A Community Facilities and Infrastructure Contribution Principles Plan that specifies the basis for determination of contributions to be made to fund community facilities and infrastructure within the locality as a direct result of development of the land.

   (f) Where applicable, a Coastal Planning Strategy or Foreshore Management Plan prepared in accordance with State Planning Policy No. 2.6 — State Coastal Planning Policy.

   (g) A Visual Landscape Assessment for the whole of the land.

   (h) Drainage.

   (i) Movement and car parking.

   (j) Solar orientation.

   (k) Landscape and environmental values.

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

3. In addition to the requirements described in Part 4 of the Deemed Provisions, a Structure Plan must also address and have due regard to -

   (a) relevant provisions of State Planning Policy No. 6.1 — Leeuwin-Naturaliste Ridge Policy (LNRSPP), State Planning Policy No. 2.6 — State Coastal Planning Policy, State Planning Policy No. 1 — State Planning Framework Policy and any other relevant State Planning Policies approved pursuant to Part 3 of the *Planning and Development Act 2005*.;

   (b) relevant provisions of the Scheme and any relevant local planning policies adopted pursuant to the Scheme;

   (c) the City of Busselton Rural Strategy; and

   (d) in relation to Sussex Location 413 Smiths Beach Road, Yallingup, the Combined Methodologies adopted by the City for the preparation of a Structure Plan.

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

   (a) overriding need to protect the visual amenity, natural landscape and environmental values of the area; and

   (b) provisions and policies described in 3 above.

5. In relation to Sussex Location 413 Smiths Beach Road, Yallingup a Structure Plan must:

   (a) Designate areas to be excluded from the Identified Developable Land Area(s) such as Principal Ridge Protection Area pursuant to the LNRSPP, National Park, public open space requirements or similar purposes.

   (b) Establish the primary tourism function of the site.

   (c) Ensure that land identified for subdivision and development of the Identified Developable Land Area(s) is designated so that a ratio of not less than seventy percent (70%) of the overall Identified Developable Land Area(s) be used for tourist uses, as may be granted development approval in the 'Tourism' zone, and not more than thirty percent (30%) residential development be achieved from the overall Identified Developable Land Area(s).

   (d) Ensure that the density, scale and nature of all development has due regard to the landscape and environmental value of that area.

   (e) Provide for a range of tourist development accessible by the broader community which may include, but not be limited to, campsites, hostels/backpacker accommodation, chalets, lodges, guesthouses and other low-impact development.

   (f) In relation to the Identified Developable Area designated for residential use, a range of residential densities to be shown in clearly delineated residential cells with the maximum residential density code (R-Code) being R25 as per the Residential Design Codes (State Planning Policy No. 3.1).

   (g) Provide integrated recreational facilities that promote visitor and resident interaction and also consider areas for local convenience shopping and services.

   (h) Ensure that where reasonably possible all utilities and services on the land are contained within the Identified Developable Land Area(s).

   (i) Ensure that all development is connected to reticulated water, sewerage and power unless the local government and other relevant responsible authorities are satisfied that suitable alternative technologies can be implemented.

   (j) Ensure all development is assessed for their direct and indirect impact on the natural environmental values and management of the adjacent National Park.

6. Following receipt of a Structure Plan the City shall within 90 days either determine that the Structure Plan -

   (a) addresses the requirements of Part 7 and other provisions of the Scheme and shall cause the Structure Plan to be advertised for a minimum period of 28 days with all expenses incurred by the local government in carrying out advertising to be paid by the proponent; or

   (b) is not to be advertised until further details or modifications, as required by the local government in its determination, have been provided or undertaken; or

(c) does not address the requirements of Part 7 and other requirements of the Scheme, however, the failure to meet the requirements is considered by the local government to be of a nature that would still allow advertising to the community for a minimum period of 28 days, with all expenses incurred by the local government in carrying out advertising to be paid by the proponent; or

(d) is not satisfactory for advertising and refuse it, with the reasons for this decision to be provided to the proponent.

With respect to Sussex Location 413 Smiths Beach Road, Yallingup for the purpose of clause 6(a) and 6(c) of Schedule 8 above the minimum advertising period shall be 60 days.

7. Where the local government advertises a Structure Plan in accordance with clause 6(a) or 6(c) of Schedule 8, the local government must consider any submissions made and may either -

(a) refuse to adopt the Structure Plan and provide reasons for its decision to the applicant; or

(b) adopt the Structure Plan with or without modification and subject to such conditions as it thinks fit; or

(c) seek more information from the proponent.

8. Any amendment(s) to a Structure Plan to which Schedule 8 applies shall for the purposes of the scheme be a Structure Plan.

9. With respect to Sussex Location 413 Smiths Beach Road, Yallingup only, a Structure Plan prepared pursuant to the relevant specific provisions above shall be deemed refused where a decision in respect of that application is not conveyed to the owner by the local government within 240 days of receipt of it by the local government or such additional time period agreed in writing with the owner.

10. Notwithstanding that a Structure Plan, including an amendment to a Structure Plan, may be deemed to be refused under clause 9 of Schedule 8, the local government may make a decision in respect of the application.

Schedule 9 - Exempted Advertisements

(A) Subject to (B) below, the following advertisements located on privately owned land are exempt from requiring development approval:

1. A For Sale Sign or an Institutional Sign less than 2.2m^2 in size, with a maximum width / length of 2.0 metres, provided that there is no more than 1 For Sale Sign or an Institutional Sign on each street frontage of a lot.

2. An advertisement less than 0.2m^2 in size erected or affixed on the street alignment or between that alignment and the building line to indicate the name and occupation or profession of the occupier of the property.

3. Advertisements affixed inside or painted on a shop window by the occupier thereof and relating to the business carried on therein.

4. Advertisements which are not visible from a public space outside the boundaries of a property.

5. Advertisements containing changeable public notices or information not larger than 0.7 metres by 0.9 metres in size located on advertising pillars or panels approved by or which have the prior approval of the City for the purposes of displaying public notices or information.

6. A Wall Sign on a residential multiple dwelling or grouped dwelling indicating the name of the building provided that the advertisement comprises of letters and numbers only, and those letters and numbers do not individually exceed 300mm in height.

7. Advertisements used solely for the direction and/or control of people, animals and/or vehicles or to indicate the name, and/or street number of a premises, providing the area of any such advertisement is less than 0.2m^2 in size and the advertisement is located wholly within the boundaries of land owned by a person who erected or who maintains the advertisement.

8. An advertisement that is required by the Builders Registration Board or other government or statutory bodies or authorities on building sites, providing any such advertisement is less than 1.5m^2 in size and that any such advertisement is removed within 7 days of completion of the building works on the building site.

9. An advertisement which is a heritage or memorial plaque not exceeding 1m^2 in size.

10. An advertisement which does nothing other than indicate an exit or exits, warn of the existence of a hazard or indicate that smoking is prohibited on particular premises and which does not exceed 0.5m^2 in size.

11. An Information Panel erected within a site used or occupied by a tourist, recreational, cultural, religious or other community organisation that does not exceed 2.0m^2 in size or 1.5 metres in height. *AMD 1 GG 04/08/17*

12. An advertisement not exceeding 0.6m^2 in size that advertises an approved non-residential land use within the Residential zone.

13. A Display Home Sign in the Residential zone not exceeding 2m^2 in size.

14. An advertisement attached to or painted on the wall of a building other than a residential building that identifies the name of the building or business operating from the building, where the total area of advertising is not greater than 5m^2 per wall.

15. All advertisements affixed to any shop, bulky goods showroom or other uses appropriate to a shopping area, below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building.

16. Advertisements within any lot or on any building that is situated in an Industrial Area provided:

(a) Advertisements applied to or affixed to the walls of the building do not:

(i) exceed a maximum of four advertisements per building;

(ii) exceed an area of $6m^2$ for individual advertisements;

(iii) exceed a maximum total area of $10m^2$ per building;

(iv) project above the eaves or the ridge of the roof of the building;

(v) project from a building whether or not those advertisements are connected to a pole, wall or other building; and

(b) free standing advertisements do not exceed:

(i) a maximum of two free-standing advertisements per lot;

(ii) 5m in height above ground level; and

(iii) a maximum total area of $15m^2$ per lot.

(B) Any advertisement will require development approval if it:

1. Advertises goods or services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located.

Note: Advertisements that advertise goods and services which are not produced, displayed or offered for sale, or which is otherwise not relevant to, the land upon which the advertisement is located, are prohibited as specified by clause 4.41. *AMD 1 GG 04/08/17*

2. Is located so as to cause an unreasonable impediment to the safe operation of an adjoining road or footpath.

3. Is likely to be confused with or mistaken for an official traffic light or sign or so as to contravene the *Main Roads Act 1930* or the Regulations made thereunder.

4. Is located more than 3 metres above the ground level immediately adjacent to it (where a specific height limit is not specified at (A) (1)-(16) above).

5. Is located upon or inside a vehicle adapted and exhibited to primarily facilitate advertising.

6 Is in the form of a balloon or air blimp.

7. Is located to form a part of, or is attached or affixed to a fence or wall which is forward of the approved building setback for any lot in the Light Industry or General Industry zone.

8. Is located underneath a verandah and does not afford a minimum head clearance of 2.75 metres above the ground level immediately adjacent."

9. Is in the form of -

(a) A digital display, illumination, or radio:

(b) An animation or movement in is design or structure; or

(c) Retro-reflective or fluorescent materials in its design or structure.

AMD 53 GG 17/03/2023

(C) For the purpose of interpreting the intent of the provisions of this Schedule, the terms and expressions outlined below shall have the following meanings:

Wall Sign	means a sign attached to or otherwise displayed on a building or a structure no part of which projects further than 0.3m from that building or structure other than an advertisement that is displayed on, above or below a verandah or a verandah facia.

Display Home Sign	means a sign erected on a lot on which a dwelling is erected where the lot and dwelling have been approved as meeting the City's requirements for a display home.
For Sale Sign	means a sign indicating that the property or premises whereon the sign is affixed, are for sale, for letting or to be auctioned.
Industrial Area	means an area zoned Light Industry or General Industry or zoned primarily for the purpose of industrial or light industrial land use under the Scheme.
Information Panel	means a panel used for displaying government notices or announcements of a religious, educational, cultural, recreational or similar character which are for the benefit of the public generally or particular sections of the public.
Institutional Sign	means a sign erected or placed on any private property, public place or building used for or in connection with a medical or dental surgery, clinic, hospital, rest home, home for the aged, or other institution or place of a similar nature.

Schedule 10 - Development Contribution Area

Ref No:	**DCA 1 – Community Infrastructure**
Area:	As depicted on the Scheme map (Sheet 34)
Relationship to other planning instruments	The Development Contribution Plan generally conforms to the City of Busselton Strategic Plan 2010 – 2020, City of Busselton Leisure Services Plan and the City of Busselton Cultural Plan.
Infrastructure and administrative items to be funded	**District Facilities** Busselton to Dunsborough Recreation Trail - Dual Use Path Dunsborough to Yallingup Recreation Trail - Dual Use Path Rails to Trails recreation trail Lower South West Learning and Information Facility Regional Gallery Facility upgrade to former Agriculture Bank Building Cultural/Performing Arts Centre Foreshore facilities (toilet block and car park) and Playgrounds Geographe Leisure Centre (group fitness centre) Environmental protection, management and implementation Dunsborough Sport and Recreation Zone including a 6.5 hectare playing field for district facilities Public Art Youth Centre District Community Centre (incorporated in new City Administration Centre) Boat Ramps New active playing fields and development of regional sporting headquarters for soccer and cricket **Local Facilities (Busselton)** Beachfront amenities - BBQs etc Foreshore Facilities (toilet block and car park) Playgrounds Lou Weston Oval (lighting, resurfacing etc) Sir Stewart Bovell Park (resurfacing, road improvements, additional playing fields) - local use **Local Facilities (Dunsborough including Quindalup, Eagle Bay, Commonage and Yallingup)** Dunsborough Hall kitchen upgrade Beachfront amenities – BBQs etc Playgrounds Foreshore facilities (toilet block and car park) Naturaliste Community and Cultural Centre (new gym facility) Redevelopment of playing fields Eagle Bay to Rocky Point Path **Local Facilities (Broadwater)** Foreshore facilities (toilet block and car park) Playgrounds Beachfront amenities BBQs etc Boat ramp Local Community Centre (in partnership with DCD) **Local Facilities (Geographe)** Playgrounds Beachfront amenities - BBQs etc Foreshore facilities (toilet block and car park) Sports playing field (NB: covered by Port Geographe DCP) Administrative costs including- Costs to prepare and administer the Contribution Plan during the period of operation (including legal expenses, valuation fees, cost of design and cost estimates, proportion of staff salaries, computer software or hardware required for the purpose of administering the plan).

	Cost to prepare and review estimates including the costs for appropriately qualified independent persons. Costs to prepare and update the Community Infrastructure Cost Contribution Schedule and 'Cost Apportionment' Schedule.
Method for calculating cost contributions	The City's Plan for the District identifies the needs that impact on the Development Contribution Plan. The cost contributions outlined in this plan have been derived based on the need for the facilities generated by the additional development in the Development Contribution Plan. This calculation excludes the: • demand for a facility that is generated by the current population in existing dwellings; • land required for public roads, public open space, drainage and other uses not including residential development; • existing dwelling(s) on an existing lot. A cost contribution is to be applied only once and at the first available stage of development or subdivision since the coming into effect of the Development Contribution Plan. However, where a contribution is not applied at the earliest stage, a contribution may still be applied at the next available stage where appropriate. *AMD 28 GG 16/02/2021* Cost contributions shall be calculated on the number of new lots and/or accommodation units/dwelling units proposed, as follows: • Where a subdivision is proposed, cost contributions will be sought on a per lot basis at the subdivision approval stage; or • Where residential dwellings/units and/or accommodation units are proposed without concurrent subdivision, cost contributions will be sought on a per dwelling/unit basis at the development approval stage; and • Where a lot may have further subdivision potential (for example, as a grouped dwelling site or conventional freehold subdivision), cost contributions will also be required at the next development stage where additional dwellings or lots are proposed; • Cost contributions applying to development of "Aged or dependent persons' dwellings" or "Single bedroom dwellings" pursuant to the Residential Design Codes shall be calculated on the number of dwelling units permitted prior to the application of the variations permissible under clause 5.1.1 C1.4i of the Residential Design Codes. • A cost contribution rate of 50% of the full dwelling/lot rate will apply to lots/units used for the purpose of tourist accommodation and "Aged Persons' Home" in any zone other than the Residential zone. Notwithstanding the definition of 'lot' as contained in the Residential Design Codes, for the purposes of calculating cost contribution liability within DCA1, the term lot will be inclusive of green title, survey strata and built strata subdivisions.
Period of operation	Until 30 June 2026. *AMD 51 GG 17/09/2021*
Priority and timing	In accordance with the City of Busselton Strategic Plan 2010-2020 and subsequent revisions of this document.
Review process	The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment areas since the last review and the degree of development potential still existing. The estimated community infrastructure costs contained in the Community Infrastructure Cost Apportionment Schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by an appropriately qualified independent person.

Participants and contributions	In accordance with the Scheme Map and the Community Infrastructure Cost Apportionment Schedule adopted by the local government for DCA 1.
Ref No:	**DCA 2 – Yalyalup** *AMD 28 GG 16/02/2021*
Area	As identified on the Scheme map
Relationship to other planning instruments	The Development Contribution Plan operates in association with the endorsed Yalyalup Structure Plan and endorsed Lot 18 Vasse Highway ('Via Vasse') Structure Plan and generally conforms with the Long Term Financial Plan
Infrastructure and administrative items to be funded	• Multi-purpose Community Centre • Active Open Space (land costs for playing fields and development, reticulation and lighting of playing fields as a senior oval facility, capital cost of pavilion and parking and ancillary facilities) • Preparation of the Development Contribution Plan • District Facilities: o Busselton to Dunsborough Recreation Trail o Dunsborough to Yallingup Recreation Trail o Rails to Trails o Cultural Performing Arts Centre o Lower S/W Learning and Information Facility o Regional Gallery Facility upgrade o Youth Centre o Foreshore facilities and playgrounds o Boat Ramps o Environmental protection, management and implementation o Active playing fields and regional sporting headquarters for soccer and cricket
Method for calculating contributions	Contributions are apportioned to individual developers based on the proportion of the dwelling yield of their development to the total dwelling yield in the Development Contribution Area.
Period of operation	Ten years from the commencement of the operation of the Development Contribution Plan or until completion of the subdivision and development, if sooner
Priority and timing	As set out in the Development Contribution Plan
Review Process	Ten years from the commencement of the operation of the Development Contribution Plan or within that period, when appropriate, having regard to the rate of development.
Ref No:	**DCA 3 – Old Broadwater Farm** *AMD 28 GG 16/02/2021*
Area	As identified on the Scheme map
Relationship to other planning instruments	The Development Contribution Plan operates in association with the endorsed Old Broadwater Farm Structure Plan and generally conforms with the City of Busselton Strategic Plan 2010 – 2020, City of Busselton Leisure Services Plan, the City of Busselton Cultural Plan and the Long Term Financial Plan.
Infrastructure and administrative items to be funded	District - Community Infrastructure: • Busselton to Dunsborough Recreation Trail • Dunsborough to Yallingup Recreation Trail • Rails to Trails • Cultural Performing Arts Centre • Lower S/W Learning and Information Facility • Regional Gallery Facility upgrade • Youth Centre • Foreshore facilities and playgrounds • Geographe Leisure Centre (group fitness centre) • Boat Ramps • Environmental protection, management and implementation • Public Art • District Community Centre • Dunsborough Sport and Recreation Zone (6.5 hectare playing field for district facility)

	• Active playing fields and regional sporting headquarters for soccer and cricket • Administration of the Development Contribution Plan
Method for calculating contributions	Costs as set out in Schedule 2 of the Development Contribution Plan are apportioned to the developer and are based on the dwelling yield of the development in the Development Contribution Plan Area.
Period of operation	Ten years from the commencement of the operation of the Development Contribution Plan or until completion of the subdivision and development, if sooner.
Priority and timing	As set out in the Development Contribution Plan
Review process	Ten years from the commencement of the operation of the Development Contribution Plan or within that period, when appropriate, having regard to the rate of development.
Ref No:	**DCA 4 – Vasse** *AMD 28 GG 16/02/2021*
Area	As identified on the Scheme map
Relationship to other planning instruments	The Developer Contribution Plan operates in association with the endorsed Vasse Structure Plan, the endorsed Vasse Townsite Structure Plan, the endorsed Heron Lake Structure Plan, the endorsed Vasse Village Centre Structure Plan and generally conforms to the Long Term Financial Plan.
Infrastructure and administrative items to be funded	• Upgrading of Newtown Oval • Development of a consolidated and integrated active open space facility adjacent to the Cape Naturaliste College to be known as the 'Vasse Sporting Complex' • Community purposes site adjacent to the Village Centre
Method for calculating contributions	Developers within the Development Contribution Area will provide contributions based on a per lot basis at subdivision clearance stage and requirements for ceding land or development of infrastructure in association with specified stages of subdivision.
Period of operation	Ten years from the commencement of the operation of the Development Contribution Plan or until completion of the subdivision and development, if sooner.
Priority and timing	As set out in the Development Contribution Plan
Review process	Ten years from the commencement of the operation of the Development Contribution Plan or within that period, when appropriate, having regard to the rate of development.
Ref No:	**DCA 5 – Dunsborough Lakes** *AMD 28 GG 16/02/2021*
Area	As identified on the Scheme map
Relationship to other planning instruments	The Development Contribution Plan operates in association with the endorsed Dunsborough Lakes Structure Plan and generally conforms with the Long Term Financial Plan.
Infrastructure and administrative items to be funded	• Ceding of land for public purposes (primary school site) and district open space • Development of district level active open space, including playing fields, change rooms, pavilion and related infrastructure such as parking and lighting.
Method for calculating contributions	Cost contributions are apportioned to the developer and are based on the estimated dwelling yield of the development in the Development Contribution Area
Period of operation	Ten years from the commencement of the operation of the Development Contribution Plan or until completion of the subdivision and development, if sooner
Priority and timing	As set out in the Development Contribution Plan
Review process	Ten years from the commencement of the operation of the Development Contribution Plan or within that period, when appropriate, having regard to the rate of development

ADOPTION

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

……..
SHIRE PRESIDENT

……..
CHIEF EXECUTIVE OFFICER

FINAL APPROVAL

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

……..
MAYOR

……..
CHIEF EXECUTIVE OFFICER

Recommended/Submitted for Final Approval

……..
DELEGATED UNDER S.16 OF THE
PLANNING & DEVELOPMENT ACT 2005

DATE.....

Final Approval Granted

……..
MINISTER FOR PLANNING

DATE.....