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CITY OF ALBANY

Local Planning Scheme No. 1

Updated to include AMD 36 GG 08/03/2022



**Department of Planning,
Lands and Heritage**

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
28 April 2014

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Consultation with the respective Local Government Authority should be made to view a legal version of the Scheme.

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

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CITY OF ALBANY LPS 1 - TEXT AMENDMENTS

AMDT NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
	28 April 2014	06/05/2014	ML	LPS 1 Gazetted
13	10/06/16	14/06/16	RO	<p>Table of Contents, Part 11 – replace “ADVERTISEMENTS” with ‘ADVERTISEMENTS’.</p> <p>Table of Contents – after the section headed “SCHEDULES”, insert a new section listing “TABLES”.</p> <p>Clause 4.2.3(a) – replace “developed for the desirable ultimate long-term use” with ‘fully-serviced urban development’.</p> <p>Table 1: Zoning Table – Animal Establishment – replace “X” with ‘D’ in the Priority Agriculture zone.</p> <p>Table 1: Zoning Table – Bed and Breakfast/Farmstay – replace “D” with ‘X’ in the Hotel/Motel zone.</p> <p>Table 1: Zoning Table – Exhibition Centre – replace “X” with ‘A’ in the General Agriculture and Priority Agriculture zones.</p> <p>Table 1: Zoning Table – insert a new row between “Holiday Accommodation” and “Home Business” with ‘Holiday House’ in the Land Use column; a ‘P’ in the Tourist Residential zone; a ‘D’ in the Residential, Regional Centre, Rural Small Holding and Rural Village zones; an ‘A’ in the Yakamia Creek, Regional Centre Mixed Use, General Agriculture and Priority Agriculture zones; and an ‘X’ in all other zones.</p> <p>Table 1: Zoning Table, ‘Grouped Dwelling’ row and ‘General Agriculture’ and ‘Priority Agriculture’ columns by inserting ‘³’ after each ‘X’ and inserting a new Table Note ‘³’.</p> <p>Table 1: Zoning Table – Multiple Dwelling – replace “D” with ‘X’ in the Caravan and Camping zone.</p> <p>Table 1: Zoning Table – Place of Worship – replace “X” with ‘A’ in the Light Industry and Local Centre zones.</p> <p>Table 1: Zoning Table – Reception Centre – replace “X” with ‘A’ in the General Agriculture and Priority Agriculture zones.</p> <p>Table 1: Zoning Table – Residential Building – replace “X” with ‘A’ in the Regional Centre Mixed Use zone.</p> <p>Table 1: Zoning Table – Restaurant – replace “X” with ‘A’ in the General Agriculture and Priority Agriculture zones.</p> <p>Insertion of ‘⁴’ after the ‘D’ in the “Shop” row and “Regional Centre Mixed Business” column in Table 1: Zoning Table and insertion of an additional note ‘⁴’ at the end of the “Table Notes” at the bottom of the Zoning Table.</p> <p>Table 1: Zoning Table – Insert a new row between “Single House” and “Storage” with ‘Small Bar’ in the Land Use column; a ‘D’ in the Regional Centre and Regional Centre Mixed Use zones; an ‘A’ in the Tourist Residential, Hotel/Motel, Clubs & Institutions, Neighbourhood Centre, Local Centre, General Agriculture and Priority Agriculture zones; and an ‘X’ in all other zones.</p> <p>Table 1: Zoning Table – Tavern – replace “X” with ‘A’ in the General Agriculture and Priority Agriculture zones.</p> <p>Modify Clause 5.4.1.1.</p> <p>Table 2: Floorspace Limits for Neighbourhood Centres – replace “Shopping Centre Name” with ‘Locality’; “Albany Centro” with ‘Lange (Brooks Garden)’; and “North Road” with ‘Yakamia (North Road)’ in the first column and delete “1003, 1004 and 1005” from the “Description of Affected” Land column.</p> <p>Clause 5.5.12.6 – insert a comma following the word “panel”.</p> <p>Sub-clause 5.5.13.2.1(a) – replace “form” with ‘from’.</p> <p>Subclause 5.5.13.2.2(c) – replace “20” with ‘15’ in bullet point two.</p> <p>Clause 5.5.13.2.2 Fire Protection – insert a new sub-clause.</p> <p>Clause 5.5.13.2.10 Water Supply – insert ‘(a)’ at the start of the existing clause and replace the full stop at the end with ‘; or’ and insert a new sub-clause (b).</p>

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				<p>Section 5.5.13 Rural Residential Zone – insert a new clause 5.5.13.4.</p> <p>Sub-clause 5.5.15.2.3(b) – replace “20” with ‘15’ in bullet point two.</p> <p>Clause 5.5.15.2.3 Fire Protection – insert a new sub-clause (f).</p> <p>Modify Clause 5.5.16.1.</p> <p>Modify Clause 5.5.16.4.</p> <p>Sub-clause 5.5.18.2.2(b) – replace “20” with ‘15’ in bullet point two.</p> <p>Clause 5.5.18.2.2 – modify sub-clause ‘(i)’ and delete sub-clause ‘(j)’.</p> <p>Clause 5.5.18.2.14(a) – replace “Rural Residential” with ‘Special Residential’.</p> <p>Sub-clause 5.5.18.2.14(a)(ii) – replace “Schedule 16” with ‘Schedule 15’.</p> <p>Section 5.5.18 Special Residential Zone – insert new clause 5.5.18.4.</p> <p>Table 7: Site Requirements – insert a new row between “Caravan Park” and “Regional Centre”.</p> <p>Table 8: Landscaping Requirements – insert a new row between “Caravan Park” and “Regional Centre”.</p> <p>Clause 5.9.1.3 – delete clause.</p> <p>Schedule 1, Part 2 – Land Use Definitions – insert a new land use definition between “holiday accommodation” and “home business” for ‘holiday house’.</p> <p>Schedule 1, Part 2 – Land Use Definitions – modify part (v) of the definition of “home occupation”.</p> <p>Schedule 1, Part 2 – Land Use Definitions – modify the definition of “shop”.</p> <p>Schedule 1, Part 2 – Land Use Definitions – insert a new land use definition between “single house” and “storage” for “small bar”</p> <p>Schedule 2 – Additional Uses, No. AU8 – replace “Portion Lot 30 Nanarup Road, Kalgan” with ‘Lot 32 Nanarup Road, Kalgan’ in the “Description of Land” column.</p> <p>Schedule 4 – Special Use Zones, No. SU15 – insert ‘Tavern ‘D’ and ‘Small Bar ‘D’ into the “Special Use” column under “Entertainment Precinct”; ‘Holiday Accommodation ‘D’, ‘Hotel ‘D’, ‘Small Bar ‘D’ and ‘Tavern ‘A’ into the “Special Use” column under “Accommodation Precinct”; ‘Holiday Accommodation ‘D’, ‘Small Bar ‘D’ and ‘Tavern ‘A’ into the “Special Use” column under “Commercial Precinct”; and ‘Small Bar ‘D’ and ‘Tavern ‘A’ into the “Special Use” column under “Town Jetty”.</p> <p>Schedule 12 – Conservation Zone Provisions, No. CZ1, provision 3.1 – bullet point “Caretaker’s Accommodation” at the beginning of the second paragraph and replace the bullet points before the subsequent sub-provisions with letters (a-f).</p> <p>Schedule 12 – Conservation Zone Provisions, No. CZ1, modify provision 4.5.</p> <p>Schedule 12 – Conservation Zone Provisions, no. CZ1, sub-provision 5.6(ii) – replace “approval of a development” with ‘approval for the development of a dwelling’.</p> <p>Schedule 14 – Rural Residential Zone No. RR29, sub-provision 5(a) – replace “40 metres from any front boundary” with ‘40 metres from Roberts Road’.</p> <p>Schedule 14 – Rural Residential Zone No. RR29, provision 8 – relocate existing provision 8 under provision 5 and renumber as provision 6; renumber existing provisions 6 and 7 as provisions 7 and 8 respectively.</p> <p>Schedule 14 – Rural Residential Zone No. RR30, provision 4, bullet point 5 – replace “the provisions under “4.0” below” with ‘the provisions of clause 5.5.13.2.8 of the Scheme’ and replace “Clause 5.1” with ‘provision 6(a) below’.</p> <p>Schedule 14 – Rural Residential Zone No. RR35, sub-provision 6(c) – replace “Lot 410” with ‘Lot 401’.</p>

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				<p>Schedule 15 – Special Residential Zone No. SR8, provision 4 – insert a new bullet point and 'Holiday House' under "The following land uses are 'D' discretionary uses".</p> <p><u>Map Alterations:</u></p> <p>Rezone a portion of Lot 200 Kitson Street and Reserve 30599 Roundhay Road, Gledhow from the Parks Recreation local scheme reserve to the General Industry zone and a portion of adjoining Lot 0 from the Parks and Recreation local scheme reserve to the Local Roads local scheme reserve, as depicted on the corresponding Scheme Amendment Map.</p> <p>Transfer Reserve 25385 Drummond Street, Lockyer from the Parks and Recreation local scheme reserve to the Clubs and Institutions zone, as depicted on the corresponding Scheme Amendment Map.</p> <p>Transfer Lot 49 Stead Road, Centennial Park from the Local Road local scheme reserve to the Regional Centre Mixed Business zone, as depicted on the corresponding Scheme Amendment Map.</p> <p>Include the designation 'IA1' on Lot 392 Chester Pass Road, Walmsley (Ardess Industrial Estate), as depicted on the corresponding Scheme Amendment Map.</p> <p>Replace the designation "RR1" on the Millbrook Rural Residential area with 'RR3B', as depicted on the corresponding Scheme Amendment Map.</p> <p>Transfer Lot 4440 Pony Club Road, Willyung from the Parks and Recreation local scheme reserve to the Special Residential zone, as depicted on the corresponding Scheme Amendment Map.</p> <p>Rezone portions of Lot 12 Bushby Road and Lots 21, 23, 24 and 25 Shell Bay Road, Lower King from the Residential zone to the Parks and Recreation local scheme reserve, as depicted on the corresponding Scheme Amendment Map.</p> <p>Rezone a portion of Lot 33 Nanarup Road, Kalgan from the General Agriculture zone and Additional Use Site No. AU8 to the Rural Residential zone and a portion of Lot 32 Nanarup Road, Kalgan from the Rural Residential zone to the General Agriculture zone and Additional Use Site No. AU8, as depicted on the corresponding Scheme Amendment Map.</p> <p>Rezone Lot 2 Station Street, Youngs Siding from the Residential zone to the Local Centre zone, as depicted on the corresponding Scheme Amendment Map.</p> <p>Replace the designation "RR43" on the Torbay Hill, Kronkup Rural Residential area with 'RR44', as depicted on the corresponding Scheme Amendment Map.</p> <p>Replace the designation "1C" on the Cape Riche Rural Residential area with 'RR1C', as depicted on the corresponding Scheme Amendment Map.</p> <p>Transfer a portion of Lot 214 Parker Brook Road, Drome from the General Agriculture zone to the Public Use local scheme reserve, as depicted on the corresponding Scheme Amendment Map.</p> <p>Include a Public Drinking Water Sources Special Control Area boundary around the Angove Creek Public Drinking Water Source Area, as depicted on the corresponding Scheme Amendment Map.</p>
8	17/06/16	22/06/16	MLD	<ol style="list-style-type: none"> 1. Rezone Lot 103 Cockburn road, Mira Mar on Deposited Plan 300002 from "Residential R30" to: Regional Centre Mixed Business" in accordance with the Scheme Amendment Map. 2. Rezone Lot 104 Campbell Road, Mira Mar on Deposited Plan 300002 from "Residential R30" with 'Additional Use AU17 Medical Centre' to "Regional Centre Mixed Business" in accordance with the Scheme Amendment Map. 3. Amend the Scheme Map accordingly.

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2	05/08/16	11/08/16	MLD	<p>1. Reserve a portion of Lot 3000 Emu Point Drive, Collingwood Park and Lot 3001 on Deposited Plan 51548 (currently zoned 'Future Urban') and a portion of Lot 1523 Emu Point Drive, Emu Point (currently zoned 'Future Urban') for 'Parks and Recreation', and amend the Scheme Maps accordingly;</p> <p>2. Transfer a portion of Lot 3000 Emu Point Drive, Collingwood Park from the 'Parks and Recreation' local scheme reserve to the 'Future Urban' zone, and amend the Scheme Maps accordingly.</p>
16	05/08/16	13/10/16	MLD	<p>Modify Schedule 4 - Special Use Zone No. SU17, condition 1 to include 'Park Home Park' as a land use with 'D' permissibility.</p> <p>Modify Schedule 4 - Special Use Zone No. SU17, to insert a new condition 6.</p>
11	30/09/16	07/10/16	AC	<p>Rezone Lot 312 on Deposited Plan 144712 and Lot 1315 on deposited Plan 400795 Cockburn Road Mira Mar from "Residential R30" to "Regional Centre Mixed Use" with R30 density code and "A31" designation in accordance with the Scheme Amendment Map.</p> <p>Schedule 2 – Additional Uses, Insert AU31 - Lots 312 and 1315 Cockburn Road, Mira Mar.</p> <p>Amend scheme map accordingly.</p>
1	24/01/17	30/01/17	GM	<p>Rezoned Lot 8888 Flinders Parade, Middleton Beach from the 'Hotel/Motel' and 'Tourist Residential' zones to 'Special Use Zone SU25'.</p> <p>Rezoned Lots 660 and 661 Marine Terrace, Middleton Beach from the 'Tourist Residential' zone to 'Special Use Zone SU25'.</p> <p>Rezoned portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive from 'Priority Road' and Local Road Reserves to 'Special Use Zone SU25'.</p> <p>Amended Schedule 4 – Special Use Zones by inserting 'Special Use SU25'.</p> <p>Added land use definition 'single attached dwelling' to the City of Albany Local Planning Scheme No.1.</p> <p>Scheme Maps amended accordingly.</p>
10	10/02/17	15/02/17	GM	<p>Rezoned Lot 11 (No.264) Nanarup Road, Kalgan from 'Residential R1' to 'Special Residential Zone SR21'.</p> <p>Scheme Maps amended accordingly.</p> <p>Inserted provisions relating to the subdivision, development and use of Special Residential Area No. 21 into Schedule 15 of the Scheme Text.</p>
18	10/02/17	15/02/17	GM	<p>Rezoned Lots 201, 202 and 203 Chester Pass Road from 'General Agriculture' to 'Special Use Zone SU23'.</p> <p>Amended Schedule 4 - Special Use Zones No 23.</p> <p>Scheme Maps amended accordingly.</p>
19	17/02/17	23/02/17	GM	<p>Rezoned Lot 1005 Catalina Road, Lange from 'Future Urban' to 'Residential R25'.</p> <p>Rezoned Lots 25, 29, portions of Lots 60 and 9101 on Deposited Plan 406224 and Lots 6, 91, 93, 97, 98, 100 and 101 on Deposited Plan 73991 from 'Future Urban' to 'Residential R30'.</p> <p>Rezoned Lots 23, 24, 26, 27, 28, 30, 31, 52 to 59, 92 and portions of Lots 60 and 9101 on Deposited Plan 406224 and Lots 94, 95, 96, 99 and 102 on Deposited Plan 73991 from 'Future Urban' to 'Residential R20'.</p> <p>Designated portions of Lot 9101 on Deposited Plan 406224 as 'Parks and Recreation' reserve and 'Local Road' reserve.</p> <p>Designated Vaughan Vista, Isongerup Street and Brooks Garden Boulevard as 'Local Road' reserves.</p> <p>Designated a portion of Brooks Garden Boulevard as 'Public Use - Utility' reserve.</p> <p>Scheme Maps amended accordingly.</p>

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21	11/07/17	17/07/17	GM	Rezoned Lots 16, 17 & 541 Mercer Road and Lots 38, 371 & 372 Catalina Road Lange from the General Agriculture zone to the Future Urban Zone.
17	12/09/17	20/09/17	MLD	Rezoning 107 (Lot 36) Catalina Road, Lange from 'Public use: Government' Local Scheme Reserve to the 'Residential' zone with an applicable density code of 'R30'. Amend Scheme Map accordingly.
14	24/10/17	2/11/17	MLD	Rezone Lots 1447, 3 and 72 Frederick Street, Albany from the 'Residential' zone to the 'Regional Centre Mixed Use' zone; Rezone Lot 144 Frederick Street, Albany from the 'Parks and recreation' reserve to the 'Regional Centre Mixed Use' zone; and Amend the Scheme maps accordingly
25	12/01/18	23/01/18	MLD	Rezoning a 2.7785ha portion of Lot 1000 (No. 16) Lockheed Road, Lange from 'General Agriculture' zone to 'Future Urban' zone. Amend scheme map accordingly.
4	01/06/18	30/07/18	MLD	Designating an Additional Use Site over Lot 104 Rocky Crossing Road, Willyung including Additional Uses of Plant and Equipment Storage and Maintenance, Office (Incidental), Mobile Asphalt Plant, and Storage of materials associated with the preparation and production of asphalt on Lot 104 Rocky Crossing Road, Willyung. Amending Schedule 2 - Additional Uses to incorporate provisions relating to Lot 104 Rocky Crossing Road, Willyung. Amend the scheme maps accordingly.
22	30/10/18	30/10/18	MLD	Creating a new 'Environmental Conservation' reserve. Adding a notation to the Scheme Map legend. Adding Planning Objectives for the 'Environmental Conservation' reserve to clause 3.6 of the Scheme Text. Rezoning Lot 1 Jason Road and Lot 476 Sibbald Road, Bayonet Head from 'General Agriculture' zone to 'Future Urban' zone. Amending the Scheme Maps accordingly.
28	18/1/19	21/1/19	HB	Designating Lot 312 Bay View Drive as an 'Additional Uses' site No. 33 and including it in Schedule 2 of the Scheme Text. Amending the Scheme Maps accordingly.
7	14/05/19	15/05/19	MLD	Rezone Lots 1 and 973 Nanarup Road, Lower King from the General Agriculture zone to the Rural Residential zone, designated as 'RR45' and amending in Schedule 14 – Rural Residential zone of the Scheme text. Designate a portion of Lot 973 as an Additional Uses Site and incorporate it within Schedule 2 – Additional Uses of the Scheme Text. Designate Lot 1 as an Additional Uses Site and incorporate it within Schedule 2 – Additional Uses of the Scheme Text. Amend Scheme maps accordingly.
29	24/05/19	29/05/19	HB	Text Amendment – Replacing and Introducing New Provisions consistent with the Model Provisions contained in the <i>Planning and Development (Local Planning Schemes) Regulations 2016</i> .
33	28/06/19	02/07/19	GM	Incorporating portion of Lot 1, Frenchman Bay Road within 'Additional Uses' site no. 33. Amending 'Schedule 2 – Additional Uses (CL 4.5) No. AU 33' by including Lot 1 Frenchman Bay Road, Little Grove (northern portion as identified on the Scheme Map) within the second column under 'Description of Land'. Amending 'Schedule 2 – Additional Uses (CL 4.5) No. AU 33' Condition II within the fourth column under 'Conditions' by replacing the R 30 code

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				with the R 40 code. Amending Schedule 2 – Additional Uses (CL 4.5) No. AU 33 Condition I. Amending the Scheme Maps accordingly.
27	02/07/2021	20/07/2021	MLD	<p>Transferring Lot 84 Harding Road, Lots 85 and 86 Home Road, and Lots 87 and 98 Frenchman Bay Road, Robinson from Schedule 14 Rural Residential Zone area No. 29 and Residential Zone to Rural Residential Zone Area No. 43.</p> <p>Renaming Schedule 14 Rural Residential Zone Area No. 43 Specified Rural Residential Zone from 'Lot 114 Frenchman Bay Road Robinson' to 'Lot 114 Frenchman Bay Road Robinson and Lot 84 Harding Road, Lots 85 and 86 Home Road, and Lots 87 and 98 Frenchman Bay Road'</p> <p>Modify Provision 1 of Schedule 14.</p> <p>Within Provisions 2 and 11 of Schedule 14 Rural Residential Zone Area No. 43 replacing 'Subdivision Guide Plan' with 'Local Structure Plan.</p> <p>Modify Provision 6 of Schedule 14 – No. 43</p> <p>Modify Provision 7 of Schedule 14 – No. 43</p> <p>Replace existing Provision 9 of Schedule 14 – No. 43</p> <p>Modify Provision 13 of Schedule 14 No. 43</p> <p>Placing Provision 17 of Schedule 14 Rural Residential Zone Area No. 43 under the heading of 'Notification of Prospective Owners', and replacing Provision 17 of Schedule 14 Rural Residential Zone Area No. 43.</p> <p>Replace Provision 18 of Schedule 14 Rural Residential Zone Area No. 43</p> <p>Replace Provision 19 of Schedule 14 Rural Residential Zone Area No. 43</p> <p>Updates the maps accordingly.</p>
35	03/08/2021	20/08/2021	HB	<p>Rezone Lot 5780 Down Road South, Drome, from 'Priority Agriculture' zone to 'Special Use – SU26' zone;</p> <p>Add the following to Schedule 4 - SU26, Lot 5780 Down Road South – Recreation -Private Club Premises, with conditions.</p> <p>Add precinct plan to Schedule 4.</p> <p>Amend the scheme map accordingly.</p>
9	24/08/2021	03/09/2021	HB	<p>Rezone Lot 5 Lowanna Drive, portion of Lot 9 and 110 George Street and Lot 16 South Coast Highway, Gledhow from "General Agriculture" zone to "Rural Residential" zone.</p> <p>Include Lot 5 Lowanna Drive, Lots 9 and 110 George Street, Lot 16 South Coast Highway, Lot 203 Charles Street, and Lots 200, 201 and 202 Pearson Place, Gledhow within Schedule 14 – Specified Rural Residential Zone No.22 (RR22).</p> <p>Modify Special Provisions Applying to Specified Rural Residential Zone column within Schedule 14 – Specified Rural Residential Zone No.22 (RR22) as follows:</p> <p>Modify Provision 1 to read:1.</p> <p>(a) Subdivision of RR22 shall generally be in accordance with the Lowanna Drive Subdivision Guide Plan, endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>(b) Subdivision and development of land bound by South Coast Highway, George Street, Lowanna Drive and Charles Street, shall generally be in accordance with the Gledhow Local Structure Plan, endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>Place a heading prior to Provision 5 (a) as follows: <u>Lowanna Drive Subdivision Guide Plan</u></p>

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				<p>Modify Provision 5 (a) (i) to remove the reference to George Street. Place a new heading subsequent to Provision 5 (b) as follows: <u>Gledhow Local Structure Plan</u></p> <p>Insert additional points on Special Provisions Applying to Specified Rural Residential Zone column within Schedule 14 – Specified Rural Residential Zone No. 22 (RR22) as follows:</p> <p>6.</p> <p>(a) All habitable buildings within the Gledhow Local Structure Plan shall be located outside of the acoustic setback zone. Non-habitable buildings shall be set back a minimum of 20m from the future ring road reserve and South Coast Highway.</p> <p>(b) A restrictive covenant shall be placed on the Certificate of Title of Lots 15, 16 and 17 South Coast Highway at the full expense of the landowner/ applicant, is to specify:</p> <p>(i) Lots 15 and 16 "Access to and from South Coast Highway is to be via a single constructed crossover"</p> <p>(ii) Lot 17 "Access to and from South Coast Highway is not permitted. Access to and from Lot 17 is to be via Charles Street."</p> <p>(c) A restrictive covenant shall be placed on the Certificate of Title of Lots 8, 9, 110 and 15 preventing vehicular access onto George Street at the full expense of the landowner/applicant.</p> <p>(d) At the subdivision stage of Lots 8, 9, 110 George Street, Lots 15, 16 and 17 South Coast Highway, a notification is to be placed on the Certificate of Title advising the lot(s) are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.</p> <p>Amend the Scheme Map to partially designate Lots, 9 and 110 George Street to Rural Residential Zone No.22 (RR22) in accordance with the Gledhow Local Structure Plan, and retain the remaining portion of each lot as General Agriculture as indicated on Gledhow Local Structure Plan.</p>
6	21/09/2021	09/10/2021	HB	<p>Rezoning of Lot 105 and a portion of Lot 106 Nanarup Road, Lower King, from the 'General Agriculture' zone to the 'Special Residential' zone (SR22).</p> <p>Transfer a portion of Lot 106 Nanarup Road, Lower King, from the 'General Agriculture' zone to the 'Parks and Recreation' Reserve.</p> <p>Include Lots 105 & 106 Nanarup Road, Lower King, within Schedule 15 – Special Residential Zones Area No. 22.</p> <p>Amend the Scheme Maps accordingly.</p> <p>Insert the special provisions for the Special Residential zone as per the SR22 - Lots 105 and 106 Nanarup/Kula Roads, Lower King Special Residential Zone with special provisions applied to Specialised Residential zones.</p>
36	08/03/2022	15/03/2022	GM	<p>In Schedule 4 Special Use Zones, for Special Use Zone No.23 (SU23), delete the Special Uses of "Aged Persons' Village" and "Nursing Home".</p> <p>In Schedule 4 for SU23, add the Special Uses of:</p> <ul style="list-style-type: none"> • Child Care Premises • Community Purpose • Recreation-Private <p>In Schedule 4 for SU23, modify the "Conditions" column by:</p> <ul style="list-style-type: none"> • Add "as a 'D' use" after "Local Government" in Condition 1. • Replace "Structure Plan and/or Local Development Plan and Design Guidelines" with "Local Development Plan" in Condition 1. • Replace "Design Guidelines" with "Local Development Plan" in Condition 2. • Replace 'Design Guidelines' with 'Local Development Plan' in Condition 2.

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				<ul style="list-style-type: none"> • Insert 'A child care premises shall be limited in area and incidental to the predominant use of the land as determined by the 'local government'. • Insert 'any development application for Child Care Premises is to be accompanied by an assessment against State Planning Policy 5.4 Road and Rail Noise'. <p>Rezone a portion of Lot 1004 Viastra Drive, Lange from 'Special Use (SU23)' to 'Highway Commercial'.</p> <p>Within clause 4.8 site and development requirements insert new clause 4.8.11 and a table.</p> <p>In Schedule 4 special Use Zones, for Special Use Zone No. 23, insert 'Portion' before Lot 1004 Viastra Drive, Lange, in Description of Land.</p>

LOCAL PLANNING SCHEME NO. 1



Initiated at the Ordinary Local Government Meeting dated 17 February 2009

City of Albany
Local Planning Scheme No. 1

[Regs 11(1)(a), 27]

Preamble

This Local Planning Scheme of the City of Albany consists of this Scheme Text and the Scheme Maps. The Scheme Text should be read with the Local Planning Strategy for the City of Albany.

The Scheme divides the Local Government district into zones to identify areas for particular uses and identifies land reserved for public purposes. Most importantly, the Scheme controls the types of uses and development allowed in different zones. There are particular controls included for heritage and special control areas. The Scheme Text also sets out the requirements for development approval non-conforming uses.

Scheme Details

The City of Albany Local Planning Scheme No. 1.

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

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Part 1 – Preliminary

1.1 CITATION

1.1.1 This local planning scheme is the City of Albany Local Planning Scheme No. 1.

1.2 COMMENCEMENT

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

1.3 SCHEME REVOKED

1.3.1 The following Schemes are revoked:

Scheme	Gazettal Date
Town of Albany Town Planning Scheme No. 1A	30 December 1983
Shire of Albany Town Planning Scheme No. 2	26 October 1976
Shire of Albany Town Planning Scheme No. 3	15 February 1980
Shire of Albany Town Planning Scheme No. 3.2B	10 April 1980
Shire of Albany Town Planning Scheme No. 7	7 November 1978

1.4 NOTES DO NOT FORM PART OF SCHEME

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

1.5 RESPONSIBLE AUTHORITY

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

1.6 SCHEME AREA

The Scheme applies to the Scheme area which covers the entire Local Government district of the City of Albany, as shown on the Scheme Map.

1.7 CONTENTS OF THE SCHEME

- 1.7.1 In addition to the provisions set out in this document (the scheme text), this Scheme includes the following —
- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2);
 - (b) Supplemental Provisions contained in Schedule A;
 - (c) Schedule 1-15; and

(d) the Scheme Map.

1.7.2 The Scheme is to be read in conjunction with the Albany Local Planning Strategy (ALPS).

Note: The Scheme relies upon the objectives and recommendations of related strategic planning documents including the Lower Great Southern Strategy and adopted Structure Plans to assist the City in the planning of Albany.

1.8 PURPOSES OF THE SCHEME

The purposes of the Scheme are to:

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

1.9 THE AIMS OF THE SCHEME

The aims of the Scheme are:

- (a) Implement the findings of the *Albany Local Planning Strategy* (ALPS) within the City.
- (b) Control, regulate, guide and coordinate public and private development, the use of land and buildings, the erection of buildings, and the carrying out of works in order to achieve a high quality of life for residents, appropriate educational opportunities, social wellbeing, high levels of amenity, sustainable economic growth, quality built and natural environments and the protection of natural and cultural resources for the residents and visitors to the City.
- (c) Promote the sustainable management of all-natural resources including water, land, minerals and basic raw materials to prevent land degradation and integrate land and catchment management principles with land use planning decisions.
- (d) Promote a network of reserves and vegetated corridors throughout the City to protect areas of high conservation or scenic values and create corridors for fauna and flora linkages.
- (e) Define by zoning and reservation the future land use and the types of development permitted on land to assist in guiding decisions of investors, public authorities, residents and business people.
- (f) Promote a hierarchy of commercial activity within a framework which consolidates central area functions, promotes strong neighbourhood centres, rehabilitates and revitalises existing premises and enhances the shopping experience and social interaction for residents and visitors to the City.

- (g) Define the transport and infrastructure networks for the City including regional and local rail, road, air and infrastructure requirements and to provide for the protection of alignments for future roads, transport and infrastructure corridors and sites.
- (h) Define a framework of controls and buffer areas for land uses such as the port, airport, speedway, major extractive industries, infrastructure facilities and other similar activities to ensure the designated land use is not compromised by the development of noise-sensitive developments such as residential housing or create potential nuisance claims (noise, odour, chemicals).
- (i) Protect historic buildings, areas and precincts and promote Aboriginal and European heritage awareness.
- (j) Retain the sense of place and protect from inappropriate development those natural and built qualities that differentiate Albany from other places.
- (k) Provide for increased population growth within the City by establishing controls for the co-ordinated planning and development of land to be used for residential purposes allowing for complimentary uses to provide a range of services to meet the needs of the local residents.
- (l) Promote a diversity of activity and those rural developments that maximise the productive use of the region's agricultural resources.
- (m) Respond to the changing needs of the City through the provision of social, administrative and land use initiatives which support the retention and growth of rural townsites, the urban population and advance sustainable land use practices.
- (n) Set aside adequate land to accommodate the employment and industrial needs of residents within the scheme area.
- (o) Promote opportunities for new and value-added industries and businesses, particularly those industrial and business activities that create synergies with existing activities.
- (p) To improve the overall sustainability of buildings within the City through the incorporation of the measures including reduced energy use and recycling/reuse of water.

Note: The ALPS has not been assessed by the Environmental Protection Authority and any proposed development that will potentially have a significant impact on the environment is required to be referred to the Environmental Protection Authority under s.38 of the Environmental Protection Act 1986.

1.10 DEFINITIONS

- 1.10.1 Unless the context otherwise requires, words and expressions used in the Scheme have the same meanings as they have:
- (a) In the *Planning and Development Act 2005*; or
 - (b) If they are not defined in that Act:
 - (i) In the Dictionary of defined words and expressions in Schedule 1 and Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015*; or
 - (ii) In the *R-Codes*.

- 1.10.2 If there is a conflict between the meanings of a word or expression in the Dictionary of defined words and expressions in Schedule 1, Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* and the meaning of that word or expression in the *R-Codes*:
- (a) In the case of residential development, the definition in the *R-Codes* prevails; and
 - (b) In any other case the definition in Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* prevails.

1.11 RELATIONSHIP WITH LOCAL LAWS

Where a provision of the Scheme is inconsistent with a Local Law, the provision of the Scheme prevails to the extent of the inconsistency.

1.12 RELATIONSHIP WITH OTHER SCHEMES

There are no other Schemes of the City of Albany 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

2.3.1 In this clause —

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

Western Australian Road Hierarchy means the document of that name available on the website maintained by the Department of Main Roads.

2.3.2 Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

2.3.3 The objectives of each local reserve are as follows –

Table 1 – Reserve Objectives

Reserve Name	Objectives
Environmental conservation	<ul style="list-style-type: none">To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
Local Road	<ul style="list-style-type: none">To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Priority Road	<ul style="list-style-type: none">To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Major Road	<ul style="list-style-type: none">To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.

Reserve Name	Objectives
Rail	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Parks and recreation	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of public recreational facilities.
Public use	<ul style="list-style-type: none"> To provide for a range of essential physical and community infrastructure.

2.4 ADDITIONAL USES FOR LOCAL RESERVES

There are no additional uses for land in local reserves that apply to this scheme.

2.5 USES AND DEVELOPMENT OF LOCAL RESERVES

2.5.1 A person must not:

- (a) Use a Local Reserve; or
- (b) Commence or carry out development on a Local Reserve;

without first having obtained development approval in accordance with *the Planning and Development (Local Planning Schemes) Regulations 2015*.

2.5.2 In determining an application for development approval the Local Government is to have due regard to:

- (a) The matters set out in Schedule 2 Part 9 cl.67 *Planning and Development (Local Planning Schemes) Regulations 2015*; and
- (b) The ultimate purpose intended for the Reserve.

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

2.6 USES AND DEVELOPMENT OF CLOSED LOCAL ROAD RESERVES

Where all or part of a local road reserve has been closed and disposed of by the Crown to an adjoining landowner, the Local Government may grant development approval for the disposed land to be used and/or developed in a manner consistent with the zoning of the adjoining property.

2.7 ENVIRONMENTAL CONSERVATION

The objectives of the local reserve are as follows –

AMD 22 GG 30/10/18

Table A - Reserve Objectives

Reserve name	Objectives
Environmental conservation	<ul style="list-style-type: none">• To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.• To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.'

Part 3 – Zones and Use of Land

3.1 ZONES

- 3.1.1 The Scheme area is classified into the zones shown on the Scheme Map.
- 3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend on the Scheme Map.

3.2 OBJECTIVES OF THE ZONES

The objectives of the zones are:

3.2.1 Residential Zone

- (a) Maintain the character and amenity of established residential areas and ensure that new development, including alterations and additions, is sympathetic with the character and amenity of those areas;
- (b) Promote and safeguard the health, safety and convenience of residential areas and inhabitants by:
 - (i) Providing for increased dwelling density and encouraging urban renewal and consolidation in areas where land is sufficiently close to existing or planned facilities and infrastructure available to service the development;
 - (ii) Providing a range of lot sizes in appropriate locations to meet the needs of the City and its anticipated growth in population;
 - (iii) Providing for adaptable housing in areas where facilities are available to meet the needs of aged and disabled residents within the City;
 - (iv) Identifying those areas where a residential land use development requires additional development control standards to safeguard residents against an adjoining non-compatible land use activity or hazard;
 - (v) Encourage high standards of innovative housing design, which recognise the need for privacy and energy efficient design, whilst ensuring the building bulk and scale is compatible with adjoining sites; and
 - (vi) In low density areas, ensure that development (including dwellings, structures, outbuildings and access) are sited and designed to:
 - (a) Minimises the clearing of stands of remnant vegetation and promotes the replanting of endemic vegetation species;
 - (b) Enhance the visual amenity of the area; and
 - (c) Avoid areas affected by natural hazards or other impacts (including bushfire risk and/or floodplains, heavy haulage routes and the like) to reduce the potential for harm to buildings and their occupants.

3.2.2 Tourist Residential Zone

- (a) Provide land that has a range of land uses that encourage a variety of attractions, facilities and services to meet the needs of tourists and local residents;
- (b) Set aside high value tourism land in close proximity to and within easy access of areas of high environmental, social or scenic value and to protect that land from competing land uses;
- (c) Ensure that developments within the zone:
 - (i) Are complimentary to the environment into which they are placed;
 - (ii) Are sustainable, diversify the range of amenities provided for tourists and contribute to the City's tourism product;
 - (iii) Provide for the needs of tourists within the site; and
 - (iv) Create a complete holiday experience for the visitor;
- (d) Encourage the conversion of existing residential buildings into a tourism product; and
- (e) Retain heritage buildings, features and characteristics for the protection of Albany's historic values.

3.2.3 Future Urban Zone

- (a) Maintain viable uses for existing lots until the land is required to be fully-serviced urban development; *AMD 13 GG 10/06/16*
- (b) Preserve individual land parcels with their maximum area, so that the land will not be prematurely fragmented and future development options compromised;
- (c) Maintain and enhance the physical characteristics, environmental qualities and scenic qualities in the locality;
- (d) Permit limited development which is in keeping with the existing character of the locality and compatible with the likely future use of the land for urban or other purposes as determined by the Local Government following the preparation of a Structure Plan; and
- (e) Provide for structure planning of land within the zone to guide and coordinate land use and infrastructure provision where multiple ownerships or larger parcels of land requiring the staging of development is involved so that:
 - (i) Future urban land is not fragmented or developed in such a way as to make urban development more costly or difficult;
 - (ii) Development does not create an unreasonable or uneconomic demand for agencies to provide or extend public infrastructure or services;
 - (iii) There is equitable sharing of the costs of infrastructure between owners and to ensure that cost contributions are only required towards such infrastructure as is reasonably required as a result of the subdivision and development of land; and
 - (iv) Servicing agencies and Local Government can coordinate the timely provision of infrastructure to support the subdivision and development.

3.2.4 Yakamia Creek Zone

To provide for large residential lots adjacent to the Yakamia Creek which:

- (a) Provide for residential and limited incidental land uses which:
 - (i) Are compatible with the preservation and protection of Yakamia Creek;
 - (ii) Do not visually detract from the landscape and the visual amenity of the locality; and
 - (iii) Allow for uses and development that are 'fit for purpose' and that minimise any on-site or off-site impacts such as nutrient loss, drainage and potential land use conflicts; and
- (b) Provide for home business, industry – cottage and rural pursuits where part-time and full-time income may be derived on individual lots from speciality agricultural production and small-scale value adding activities.

3.2.5 Hotel/Motel Zone

- (a) Ensure sites are used for tourism purposes only; and
- (b) To protect the current and future supply of motel or hotel sites to meet the current and the anticipated need for tourism accommodation.

3.2.6 Caravan and Camping Zone

- (a) Recognise the broader social and economic importance and potential environmental benefits of the caravan park industry and protect sites from competing land uses;
- (b) Offer facilities for the tourist market by providing caravan, camping, chalet and other facilities for persons travelling between and to destinations by car;
- (c) Prevent the conversion of the land to permanent structures and permanent residential occupation except where the land or part of the land is approved for Park Home Park development; and
- (d) Provide for a range of incidental uses (for example play equipment, laundry facilities) to support the use of the site.

3.2.7 Clubs and Institutions Zone

- (a) Provide for the development or establishment of uses to satisfy the general cultural, religious, education, health, recreational and other needs of the community; and
- (b) Provide for the establishment and ongoing use of a diverse range of activities which are either private or publicly owned, and the associated infrastructure to fulfil community requirements.

3.2.8 Regional Centre Zone

- (a) Provide for a broad range of commercial, entertainment, administrative, government, cultural, inner-city residential and social activities, consistent with the zone's status as the regional centre for the Great Southern region;

- (b) Ensure that development within the zone recognises and complements surrounding land uses and existing streetscape elements, in particular:
 - (i) The height, scale, character and fine-grained nature of buildings;
 - (ii) Incorporates spaces for public art, social interaction and street activities that add vibrancy and vitality to the City;
 - (iii) Promotes the renovation, adaptation and re-use of recognised heritage buildings and places; and
 - (iv) Weather protection.
- (c) Support and promote transport modes to and access through the zone to achieve better travel efficiency and develop synergies between streets and parking areas;
- (d) Ensure adequate provision is made for the parking of vehicles and the landscaping of lots; and
- (e) Retain heritage buildings, features and characteristics for the protection of Albany's historic values.

3.2.9 Regional Centre Mixed Business Zone

- (a) Provide for the development of offices, service industries, trades, wholesaling, showrooms, bulky goods outlets and other large-format retail in conjunction with limited residential uses;
- (b) Preclude 'Main Street' style developments and confine retailing to bulky goods and large-format stand alone category based outlets which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot be conveniently or economically accommodated in other commercial or industrial related zones;
- (c) Preclude development of those main-street retail uses which would normally be located in the Regional Centre zone by prescribing minimum floor areas and restricting retail developments to larger format stand-alone businesses;
- (d) Ensure that the built form of site development is robust, to enable future adaptability and re-use;
- (e) Ensure new development presents an attractive street façade to enhance the visual amenity of surrounding areas;
- (f) Ensure the cumulative off-site impacts of new residential, commercial and industrial development, particularly noise, traffic and parking impacts, are appropriately managed so that the area continues to provide a high quality living environment; and
- (g) Preclude the establishment of new uses which would clearly conflict with existing or approved residential uses.

3.2.10 Regional Centre Mixed Use Zone

- (a) Provide and promote the co-location and integration of land use activities such as residential, offices, administrative and government services within the zone;
- (b) Preclude the establishment of retail uses; and

- (c) Ensure that development complements and integrates with surrounding land uses and existing streetscape elements, in particular by:
 - (i) Maintaining a built form with height, scale, character and setbacks of a residential nature,
 - (ii) Providing a transition in land uses between the Regional Centre and Residential zones in close proximity to the CBD,
 - (iii) Providing rear of lot car parking areas, and
 - (iv) Promoting the renovation, adaptation and re-use of heritage and character buildings within the zone.

3.2.11 Highway Commercial Zone

- (a) Provide along the main transport spines into the CBD, a range of services and activities that support the main CBD commercial areas including automotive trades, car sales, showrooms, vehicle servicing and repairs, storage and similar activities that cannot be accommodated in other commercial or industrial related zones;
- (b) Ensure that the lot sizes, the built form and layout of the development is robust and adaptable, and the built form provides attractive, complementary street façades and adjoining developments promote the joint use of crossovers and parking areas; and
- (c) Restrict the sizes and location of signs and encourage landscaping of front setbacks to improve the amenity of highway commercial areas.

3.2.12 Neighbourhood Centre Zone

- (a) Provide for a range of retail and service activities that cater for the weekly shopping and service needs of the local community, which are located within the community they are seeking to serve, are adjacent to public transport routes and are compatible with the surrounding uses;
- (b) Provide an activity centre for the co-location and integration of complementary services such as offices, medical and welfare services within or adjacent to the zone to improve usage by the community; and
- (c) Control the amount of net lettable floorspace available within identified neighbourhood centres in accordance with the recommendations of the Activity Centres Planning Strategy.

3.2.13 Local Centre Zone

- (a) To provide small-scale local shopping facilities catering for the daily convenience retailing (including fuel) and service needs of the local community, which are compatible with the surrounding residential uses; and
- (b) Control the amount of net lettable floorspace available within identified local centres in accordance with the recommendations of the Activity Centres Planning Strategy.

3.2.14 General Industry Zone

- (a) Provide for the establishment of industries, including medium and large-scale activities on land which provides for manufacturing, processing, fabrication, storage and distribution of goods, utilities and communications and associated uses that contribute to Albany's economic growth and its regional centre status within the Great Southern region;
- (b) Restrict retail activities from premises to those activities that are incidental to the primary industrial function on the site;
- (c) Provide for any required buffer areas around land uses in accordance with the Environmental Protection Authority's *Guidance Statement No. 3 – Separation Distances Between Industrial and Sensitive Land Uses* and regulate development within the buffer area to ensure compatibility with the industrial activities and surrounding land uses; and
- (d) Restrict the sizes and location of signs and encourage on-site landscaping to improve the visual amenity within the zone.

3.2.15 Light Industry Zone

- (a) Allow for the establishment of light and service industries which provide for a range of small-scale manufacturing, processing or service activities;
- (b) Permit retail activities from premises where the retailing is incidental to the primary industrial/service function on the site;
- (c) Provide a zoning over the Centennial Park industrial area to facilitate the conversion of industrial sites and introduction of appropriately designed and located residential uses in selected areas subject to satisfactory traffic, environmental and acoustic analysis;
- (d) Ensure that buildings within the zone complement the streetscape and the uses are compatible with existing adjoining land uses; and
- (e) Restrict the size and location of signs and encourage on-site landscaping to improve visual amenity within the zone.

3.2.16 Port Industry Zone

- (a) Recognise the Port's historical significance and economic importance to the region;
- (b) Recognise and protect the operations of the Albany Port;
- (c) Support the Albany Port to facilitate trade and economic growth; and
- (d) Support the Albany Port to plan for future growth and development of the port.

3.2.17 Rural Residential Zone

- (a) Create small rural land holdings for residents who wish to enjoy a residential lifestyle within a rural landscape and environment; and
- (b) Provide for residential and limited incidental land uses which:
 - (i) Are compatible with the preservation and protection of environmentally sensitive areas such as remnant vegetation and groundwater protection areas;
 - (ii) Do not visually detract from the landscape and the visual amenity of the locality;

- (iii) Allow for uses and developments that are fit for purpose and minimise any on-site or off-site impacts such as soil erosion, nutrient loss, drainage and potential land use conflicts; and
- (iv) Are located in close proximity to existing urban areas and can enjoy appropriate urban servicing to the lots including rubbish disposal, reticulated water, community facilities and fire infrastructure.

3.2.18 Conservation Zone

- (a) Provide for residential uses upon large lots adjoining significant environmentally sensitive areas such as coastal or conservation areas where there is a demonstrated commitment to protecting, enhancing and rehabilitating the flora, fauna and landscape qualities of the particular site; and
- (b) Require innovative subdivision design and development controls to:
 - (i) Minimise visual impacts from subdivisional infrastructure, particularly roads;
 - (ii) Restrict access to any sensitive areas such as beaches, conservation areas or National Parks that adjoin the zone;
 - (iii) Prevent land uses and development that would adversely impact on the ecological values of the site for conservation purposes; and
 - (iv) Provide for the safety of future residents from the threat of wild fire.

3.2.19 Rural Small Holding Zone

- (a) To provide for the use of land for rural living purposes in a rural setting on lots generally ranging in size from six to 40 hectares, in close proximity to existing urban areas or rural villages.
- (b) Provide for home business, industry – cottage, tourist and rural pursuits where part-time and full-time income may be derived on individual lots from speciality agricultural production and small-scale value adding activities.
- (c) Ensure that uses and development within the zone:
 - (i) Are compatible with the preservation and protection of environmentally sensitive areas such as remnant vegetation and groundwater protection areas;
 - (ii) Do not visually detract from the landscape and the visual amenity of the locality; and
 - (iii) Minimise any on-site or off-site impacts such as land degradation, biosecurity risks and/or potential land use conflicts with adjoining lots and/or uses.

3.2.20 General Agriculture Zone

- (a) Provide for the sustainable use of land for agricultural and rural activities;
- (b) Support complementary land uses where those land uses do not detract from adjoining agricultural and rural activities and are compatible with the character and amenity of the area;
- (c) Prevent land uses and development within the zone that may adversely impact on the continued use of the zone for agricultural and rural purposes;

- (d) Provide for value-adding opportunities to agricultural and rural products on-site; and
- (e) Provide for tourism experiences where those developments do not impact upon adjoining agricultural and rural land uses.

3.2.21 Priority Agriculture Zone

- (a) Identify agricultural land resources that are considered to be of local, State and/or regional significance;
- (b) Provide for a diversity of sustainable intensive and extensive agriculture activities or rural industries that do not impact upon agricultural activities and protect those land uses from incompatible developments;
- (c) Manage in a sustainable manner the soil and water resources available in the zone;
- (d) Prevent land uses and development within the zone that may adversely impact on the continued use of the zone for a diversity of agricultural purposes; and
- (e) Provide for value-adding opportunities to agricultural and rural products on-site.

3.2.22 Rural Village Zone

- (a) Create a strong sense of community by enabling residential, commercial and recreational land uses to occur within the zone;
- (b) Provide for a range of lot sizes and activities within the zone to achieve self-buffering of uses within the rural settlement to adjoining rural zone;
- (c) Provide for the development of existing rural townsites in accordance with an individual Structure Plan prepared for the townsite; and
- (d) Achieve self-sustaining settlements by requiring self reliance of individual lots in drainage management, the provision of water supplies and effluent disposal and other infrastructure needs.

3.2.23 Special Residential Zone

To provide for large residential lots which:

- (a) Removes the land from rural development pressures;
- (b) Preserves and enhances the landscape quality and visual amenity of the locality;
- (c) Provides for the protection of remnant vegetation, significant fauna/flora values, rivers, foreshore areas, creek lines, floodplains;
- (d) Incorporates appropriate levels of fire control and management;
- (e) Promotes quality outcomes in built design and the siting and appearance of buildings;
- (f) Incorporates community infrastructure to support the planned community;
- (g) Ensures that on-site effluent disposal systems are appropriately sited and constructed to ensure all nutrients/waste is retained on site;
- (h) Require revegetation with native species of areas within subdivisions to minimise visual impacts from surrounding properties and roads; and

- (i) Minimises any potential land use conflicts with existing or planned surrounding uses.

3.3 ZONING TABLE

The zoning table for this scheme is as follows -

Table 2 - Zoning Table

Land Use	Zones																								
	Residential	Tourist Residential	Future Urban	Yakamia Creek	Hotel/Motel	Caravan & Camping	Clubs & Institutions	Regional Centre	Regional Centre Mixed Business	Regional Centre Mixed Use	Highway Commercial	Neighbourhood Centre	Local Centre	General Industry (see note 2)	Light Industry (see note 2)	Port Industry	Rural Residential	Conservation	Rural Small Holding	General Agriculture	Priority Agriculture	Rural Village	Special Residential		
Aged or Dependent Persons' Dwellings	D	X	All land use and development to comply with clause 4.5.3	X	X	X	X	X	X	A	X	X	X	X	X	X	All land use and development to comply with clause 4.5.13 and Schedule 14	All land use and development to comply with clause 4.5.14 and Schedule 12	X	X	X	A	All land use and development to comply with clause 5.45.18 and Schedule 15		
Aged Persons' Village	D	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X		X	X
Agriculture – Extensive	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	D	P	P		X	
Agriculture – Intensive	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	A	P	P		X	
Agroforestry	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	D	P	P		X	
Amusement Parlour	X	X		X	X	X	A	D	D	X	X	D	D	X	X	X			X	X	X	X		X	
Ancillary Dwelling	P	P		P	X	X	X	P	X	P	X	X	X	X	X	X			X	P	P	P		P ¹	
Animal Establishment AMD 13 GG 10/06/16	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	D	D	D		X	
Animal Husbandry – Intensive	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	D	D		D	X
Aquaculture	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	D	D	D		D	
Bed and Breakfast/Farmstay AMD 13 GG 10/06/16	A	D		A	X	X	X	A	X	A	X	X	X	X	X	X			X	A	D	A		D ¹	
Betting Agency	X	X		X	X	X	X	P	X	X	X	P	X	X	X	X			X	X	X	X		X	X
Boarding/Guest/Lodging House	A	D		X	A	A	A	A	X	A	X	X	X	X	X	X			X	X	X	X		X	A
Camping Ground	X	D		X	X	P	X	X	X	X	X	X	X	X	X	X			X	X	X	X		X	A
Car Park	X	X		X	X	X	P	D	D	D	D	D	D	D	D	D			X	X	X	X		X	X
Caravan Park	X	D		X	X	P	X	X	X	X	X	X	X	X	X	X			X	X	X	X		X	A
Caretaker's Dwelling	X	D		X	D	D	P	X	X	X	X	X	D	D	D	D			D	X	D	D		D	X
Chalet/Cottage Units	A	D		X	D	D	X	X	X	X	X	X	X	X	X	X			X	A	A	A		A	A
Child Care Premises	A	A	X	A	X	X	X	D	A	A	X	D	D	X	X	X	X	X	X	X	A				

Table 2 - Zoning Table

Land Use	Zones																								
	Residential	Tourist Residential	Future Urban	Yakamia Creek	Hotel/Motel	Caravan & Camping	Clubs & Institutions	Regional Centre	Regional Centre Mixed Business	Regional Centre Mixed Use	Highway Commercial	Neighbourhood Centre	Local Centre	General Industry (see note 2)	Light Industry (see note 2)	Port Industry	Rural Residential	Conservation	Rural Small Holding	General Agriculture	Priority Agriculture	Rural Village	Special Residential		
Cinema/Theatre	X	X	All land use and development to comply with clause 4.5.3	X	X	X	D	P	X	X	X	D	X	X	X	X	All land use and development to comply with clause 4.5.13 and Schedule 14	All land use and development to comply with clause 4.5.14 and Schedule 12	X	X	X	X	All land use and development to comply with clause 4.5.18 and Schedule 15		
Civic Use	A	A		A	A	A	D	D	A	D	A	D	D	D	P	D			A	X	D	A		D ¹	
Club Premises	X	X		X	X	X	P	D	A	A	D	D	D	D	X	D			X	X	D	X		A	
Community Purpose	D	D		A	X	X	A	P	D	P	D	P	D	D	X	D			X	X	D	D		A ¹	
Consulting Rooms	A	A		X	X	X	D	P	P	P	X	P	P	P	X	X			X	X	X	X		D	
Convenience Store	X	D		X	X	X	X	X	X	X	X	P	P	P	X	X			X	X	X	X		D	
Display Home	P	A		X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	X		X	
Dry Cleaning Premises	X	X		X	X	X	X	D	D	X	A	D	D	D	D	D			X	X	X	X		X	
Educational Establishment	A	X		A	X	X	D	P	D	A	X	X	X	X	X	A			A	X	A	X		A	
Exhibition Centre AMD 13 GG 10/06/16	X	A		X	X	X	A	P	A	A	A	D	D	D	X	X			D	X	A	A		A	
Family Day Care	D	A		A	X	X	X	X	X	X	A	X	X	X	X	X			X	X	A	D		X	A
Farm Workers Accommodation	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	X	D		D	X
Fast Food Outlet	X	X		X	X	X	X	P	P	X	X	D	D	D	X	D			X	X	X	X		X	X
Fuel Depot	X	X		X	X	X	X	X	X	X	X	X	X	X	D	X			D	X	X	X		X	X
Garden Centre	X	X		X	X	X	X	X	X	D	X	P	D	X	P	P			X	X	A	D		X	A ¹
Grouped Dwelling AMD 13 GG 10/06/16	D	D		X	X	X	X	D	X	D	X	X	X	X	X	X			X	X	X	X ³		X ³	X
Holiday Accommodation	D	P		A	P	D	X	D	A	X	X	X	X	X	X	X			X	D	A	A		A	D
Holiday House AMD 13 GG 10/06/16	D	P		A	X	X	X	D	X	A	X	X	X	X	X	X			X	D	A	A		A	D
Home Business	A	D		A	X	X	X	A	X	D	X	X	X	X	X	X			X	A	D	D		D	A ¹

Table 2 - Zoning Table

Land Use	Zones																							
	Residential	Tourist Residential	Future Urban	Yakamia Creek	Hotel/Motel	Caravan & Camping	Clubs & Institutions	Regional Centre	Regional Centre Mixed Business	Regional Centre Mixed Use	Highway Commercial	Neighbourhood Centre	Local Centre	General Industry (see note 2)	Light Industry (see note 2)	Port Industry	Rural Residential	Conservation	Rural Small Holding	General Agriculture	Priority Agriculture	Rural Village	Special Residential	
Home Occupation	D	D	All land use and development to comply with clause 4.5.3	D	X	D	X	A	X	A	X	X	X	X	X	X	All land use and development to comply with clause 4.5, 13 and Schedule 14	All land use and development to comply with clause 4.5, 14 and Schedule 12	D	D	D	D ¹	All land use and development to comply with clause 4.5, 18 and Schedule 15	
Home Office	P	P		P	X	D	X	D	X	D	X	X	X	X	X	X			X	P	P	P		P ¹
Home Store	X	X		X	X	X	X	A	X	X	X	X	X	X	X	X			X	X	X	X		A
Hotel	X	X		X	P	X	X	D	X	X	X	A	X	X	X	X			X	X	X	X		X
Industry – Cottage	A	X		D	X	X	X	P	X	P	X	P	P	X	P	X			X	D	P	P		D ¹
Industry – Extractive	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	X	A	A		X
Industry – General	X	X		X	X	X	X	X	X	X	X	X	X	X	P	X			A	X	X	X		A
Industry - Light	X	X		X	X	X	X	X	D	X	D	X	X	X	P	P			X	X	X	X		A
Industry – Mining	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			A	X	A	A		X
Industry – Rural	X	X		A	X	X	X	X	X	X	X	X	X	X	D	X			D	D	D	D		A
Industry – Service	X	X		X	X	X	X	X	X	D	A	D	D	D	P	D			D	X	X	X		A
Live/Work Units	X	X		X	X	X	X	X	X	A	X	X	X	X	X	X			X	X	X	X		A
Lunch Bar	X	X		X	X	X	X	X	P	P	A	P	D	P	P	P			P	X	X	X		X
Marine Filling Station	X	X		X	X	X	X	X	X	X	X	X	X	X	D	P			P	X	X	X		X
Market	X	X		X	X	X	A	D	D	D	D	D	D	D	X	D			D	X	X	X		A
Medical Centre	X	X		X	X	X	X	X	D	D	D	X	P	P	X	X			X	X	X	X		A
Motel	X	A		X	P	X	X	D	X	X	D	X	X	X	X	X			X	X	X	X		A
Motor Vehicle, Boat or Caravan Sales	X	X		X	X	X	X	X	X	D	X	P	X	X	D	D			A	X	X	X		X
Motor Vehicle/Boat Repair	X	X		X	X	X	X	X	X	D	X	D	X	X	D	P			D	X	X	X		X

Table 2 - Zoning Table

Land Use	Zones																								
	Residential	Tourist Residential	Future Urban	Yakamia Creek	Hotel/Motel	Caravan & Camping	Clubs & Institutions	Regional Centre	Regional Centre Mixed Business	Regional Centre Mixed Use	Highway Commercial	Neighbourhood Centre	Local Centre	General Industry (see note 2)	Light Industry (see note 2)	Port Industry	Rural Residential	Conservation	Rural Small Holding	General Agriculture	Priority Agriculture	Rural Village	Special Residential		
Motor Vehicle Wash	X	X	All land use and development to comply with clause 4.5.3	X	X	X	X	X	D	X	D	D	X	P	D	X	All land use and development to comply with clause 4.5.13 and Schedule 14	All land use and development to comply with clause 4.5.14 and Schedule 12	X	X	X	X	All land use and development to comply with clause 4.5.18 and Schedule 15		
Multiple Dwelling AMD 13 GG 10/06/16	D	D		X	X	X	X	D	X	D	X	X	X	X	X	X			X	X	X	X		X	X
Night Club	X	X		X	X	X	A	A	X	X	X	X	X	X	X	X			X	X	X	X		X	X
Nursing Home	A	X		X	X	X	D	X	X	X	X	X	X	X	X	X			X	X	X	X		X	X
Office	X	X		X	X	X	X	P	D	D	X	D	D	X	X	X			D	X	X	X		X	X
Panel Beating/Spray Painting	X	X		X	X	X	X	X	X	X	X	X	X	X	D	D			A	X	X	X		X	X
Park Home Park	X	D		X	X	D	X	X	X	X	X	X	X	X	X	X			X	X	X	X		X	X
Place of Worship AMD 13 GG 10/06/16	A	X		A	X	X	P	A	A	A	X	A	X	X	X	A			X	X	A	X		D	X
Public Utility	A	A		A	A	A	A	A	A	P	A	P	P	A	P	P			P	A	P	P		A	A
Port Facilities	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			P	X	X	X		X	X
Port Services	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			P	X	X	X		X	X
Port Works	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			P	X	X	X		X	X
Reception Centre AMD 13 GG 10/06/16	X	D		X	X	X	A	A	X	X	X	D	X	X	X	X			X	X	A	A		A	A
Recreation – Private	A	A		A	X	D	D	D	D	A	D	D	X	D	D	D			X	A	D	D		D	A
Residential Building AMD 13 GG 10/06/16	A	A		X	X	X	X	A	X	A	X	X	X	X	X	X			X	X	X	X		X	X
Restaurant AMD 13 GG 10/06/16	X	D		X	D	A	D	P	X	D	X	P	D	X	X	X			X	X	A	A		A	A
Restricted Premises	X	X		X	X	X	X	X	X	X	X	X	X	X	D	D			X	X	X	X		X	X
Rural Pursuit	X	X		D	X	X	X	X	X	X	X	X	X	X	X	X			X	D	P	D		D	D ¹
Service Station	X	X		X	X	X	X	A	X	X	A	A	A	A	A	A			X	X	X	X		X	A

Table 2 - Zoning Table

Land Use	Zones																							
	Residential	Tourist Residential	Future Urban	Yakamia Creek	Hotel/Motel	Caravan & Camping	Clubs & Institutions	Regional Centre	Regional Centre Mixed Business	Regional Centre Mixed Use	Highway Commercial	Neighbourhood Centre	Local Centre	General Industry (see note 2)	Light Industry (see note 2)	Port Industry	Rural Residential	Conservation	Rural Small Holding	General Agriculture	Priority Agriculture	Rural Village	Special Residential	
Shop <i>AMD 13 GG 10/06/16</i>	X	X		X	X	X	X	P	D ⁴	X	X	P	P	X	X	X			X	X	X	A		
Showroom	X	X		X	X	X	X	D	P	X	D	D	X	X	D	X			X	X	X			
Single Bedroom Dwelling	D	D		X	X	X	X	D	X	D	X	X	X	X	X	X			X	X	X	P		
Single House	P	D	All land use and development to comply with clause 4.5.3	P	X	X	X	D	X	P	X	X	X	X	X	X	All land use and development to comply with clause 4.5.13 and Schedule 14	All land use and development to comply with clause 4.5.14 and Schedule 12	P	P	P	P ¹	All land use and development to comply with clause 4.5.18 and Schedule 15	
Small Bar <i>AMD 13 GG 10/06/16</i>	X	A		X	A	X	A	D	X	D	X	A	A	X	X	X			X	A	A	X		
Storage	X	X		X	X	X	X	X	D	X	D	D	D	P	P	D			X	X	X	A		
Tavern <i>AMD 13 GG 10/06/16</i>	X	A		X	A	X	A	D	X	X	X	A	A	X	X	X			X	A	A	X		
Telecommunications Infrastructure	D	D		D	D	D	D	D	D	D	D	D	D	D	D	D			D	D	D	D		
Trade Display	X	X		X	X	X	X	X	X	X	D	X	X	X	P	D			X	X	X	X		
Transport Depot	X	X		X	X	X	X	X	X	X	X	X	X	X	P	X			D	X	X	X		
Tree Plantation	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	A	P	X		X
Veterinary Centre	X	X		X	X	X	X	D	D	D	P	D	D	D	X	P			X	X	D	X		A
Warehouse	X	X		X	X	X	X	X	P	X	D	X	X	P	D	D			D	X	X	X		X
Wind Farm	X	X		X	X	X	X	X	X	X	X	X	X	D	D	X			X	X	D	D		D
Winery	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	A	D	P		A
Zoo	X	X		X	X	X	X	X	X	X	X	X	X	X	X	X			X	A	D	A		A

Table Notes: ¹ Denotes those land uses that may be permitted by the Local Government prior to completion of the Structure Plan for the individual Rural Village zoned area. All other land use may only be permitted if included within an adopted Structure Plan. ² Schedule 11 may vary or remove permissibility of uses on land identified in the Schedule. ³ Development of a second Grouped Dwelling may be granted subject to clause 4.5.16.1 of the Scheme. ⁴ Development of a Shop on land zoned 'Regional Centre Mixed Business' shall be subject to clause 4.5.7.1 of the Scheme.

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3.4 INTERPRETATION OF THE ZONING TABLE

- 3.4.1 The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left-hand side of the zoning table and the list of zones at the top of the zoning table.
- 3.4.2 The symbols used in the zoning table have the following meanings —
- P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after giving notice in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.
- (A symbol must appear in the cross-reference of a use class against all the zones in the zoning table.)
- Note: 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land. For development on land that does not require development approval see clause 61 of the deemed provisions.
2. In considering an application for development approval, the local government will have regard to clause 67 of the deemed provisions.
- 3.4.2 A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- 3.4.3 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.
- 3.4.4 If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

- 3.4.5 If a use of land is identified in a zone as being a class X use, the local government must refuse an application for development approval for that use in that zone unless -
- (a) the development approval application relates to land that is being used for a non-conforming use; and
 - (b) the local government considers that the proposed use of the land would be less detrimental than the non-conforming use.
- 3.4.6 If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land -
- (a) a structure plan;
 - (b) an activity centre plan;
 - (c) a local Structure Plan.

3.5 ADDITIONAL USES

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

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

3.6 RESTRICTED USES

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

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

3.7 SPECIAL USE ZONES

- 3.7.1 Schedule 4 sets out –
- (a) special use zones for specified land that are in addition to zones in the zoning table; and
 - (b) the classes of special use that are permissible in that zone; and
 - (c) the conditions that apply in respect of the special uses.
- 3.7.2 A person must not use any land, or any structure or buildings on land, in a Special Use zone except for the purpose set out against that land in Schedule 4 and subject to compliance with any conditions set out in Schedule 4 with respect to that land.

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

3.8 NON-CONFORMING USES

- 3.8.1 Unless specifically provided, this Scheme does not prevent —
- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or

- (b) the carrying out of development on land if —
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- 3.8.2 Subclause (1) does not apply if —
- (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- 3.8.3 Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government —
- (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

3.9 CHANGES TO NON-CONFORMING USE

- 3.9.1 A person must not, without development approval —
- (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- 3.9.2 An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- 3.9.3 A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use —
- (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

3.10 REGISTER OF NON-CONFORMING USES

- 3.10.1 The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- 3.10.2 A register prepared by the local government must set out the following —
- (a) a description of each area of land that is being used for a non-conforming use;
 - (b) a description of any building on the land;
 - (c) a description of the non-conforming use;
 - (d) the date on which any discontinuance of the non-conforming use is noted.

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

—

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

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

Part 4 – General Development Requirements

4.1 COMPLIANCE WITH DEVELOPMENT STANDARDS AND REQUIREMENTS

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

4.2 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.2.1 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, the Local Government may, despite that non-compliance, approve the application unconditionally or subject to such conditions as the Local Government thinks fit.
- 4.2.2 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 pursuant to the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
 - (b) Have regard to any expressed views prior to making its determination to grant the variation.
- 4.2.3 The power conferred by this clause may only be exercised if the Local Government is satisfied that:
- (a) Approval of the proposed development would be appropriate having regard to the criteria set out in the *Planning and Development (Local Planning Schemes) Regulations 2015*; and
 - (b) The non-compliance will not have an adverse effect upon the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

4.3 ENVIRONMENTAL PROVISIONS

4.3.1 Environmental Conditions

There are no environmental conditions imposed by the Minister for Environment, which apply to the Scheme.

<i>Note:</i>	<i>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.</i>
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4.3.2 Coastal Development

Refer to State Planning Policy 2.6 – State Coastal Planning.

4.3.3 Vegetation Protection

The Local Government may require the protection of existing vegetation on a site as a condition of development approval to:

- (a) Protect a vegetation community;
- (b) Prevent land degradation;

- (c) Protect roadside vegetation;
- (d) Maintain local visual amenity and the natural setting;
- (e) Protect habitat, or a threatened species;
- (f) Assist to provide vegetated corridors to maintain fauna and flora linkages; or
- (g) Assist in the maintenance of water quality.

4.3.4 Revegetation

For the purposes of:

- (a) Enhancing a natural setting;
- (b) Protecting a local habitat;
- (c) Assisting to provide vegetated corridors to maintain fauna and flora linkages; or
- (d) Assisting in the maintenance of a watercourse

The Local Government may require revegetation on a site with local endemic species as a condition of development approval.

4.3.5 Uses Adjacent to Conservation Areas

4.3.5.1 For the purposes of this clause, a National Park, 'A' Class Reserve, Nature or Marine Reserve, Conservation Park, State Forest, wetland, foreshore reserve or other area determined by the Local Government shall be deemed to be a conservation area.

4.3.5.2 In considering an application for development approval to develop premises adjoining a conservation area the Local Government shall consider the impacts of the proposal on the values of the conservation area and may require one or more of the following measures:

- (a) Specific site management through the preparation and implementation of an environmental management plan to address those identified impacts on the conservation area and recommend strategies, processes and practices to minimise any impacts or conflicts;
- (b) The establishment of an additional setback from the conservation area; or
- (c) The imposition of a buffer area between the uses to manage the impacts to the satisfaction of the Local Government in consultation with the Conservation Commission of WA and the relevant State Government authority.

4.3.6 Setbacks from Watercourses

4.3.6.1 To protect development from inundation or flooding; to maintain the environment in its natural form; and to ensure the natural biophysical processes of the watercourse are accommodated, the construction or placement of any building or on-site effluent disposal systems shall be setback so as to achieve a minimum separation distance from the known high-water mark of a watercourse as follows:

- (a) 30 metres from any seasonally flowing watercourse; or

- (b) 50 metres from any watercourse with permanent water; or
 - (c) 100 metres from any river or estuary unless a lesser setback can be achieved under State Planning Policy 2.6.
- 4.3.6.2 Notwithstanding clauses 4.3.6.1, the Local Government may require a greater setback than stated where in its opinion it is necessary to protect an area of the site due to the local environmental circumstances.
- 4.3.6.3 In consideration of an application for a reduced setback to a watercourse, the Local Government may impose conditions relating to any one or more of the following matters:
- (a) Stormwater drainage;
 - (b) Revegetation;
 - (c) Fencing and land stabilisation/retention;
 - (d) Water quality monitoring; and
 - (e) Any other matter deemed necessary by the Local Government.

Note: In considering an application for a reduced setback, the Local Government will have regard to the recommendations in Schedule 2 in the Western Australian Planning Commission Statement of Planning Policy 2.9 – Water Resources in establishing the required setback.

4.3.7 Land Subject to Flooding and/or Inundation

- 4.3.7.1 Development in the 100-year ARI floodway is prohibited.
- 4.3.7.2 In areas subject to periodic inundation or flooding, all development shall be undertaken to:
- (a) Not disrupt the natural drainage system;
 - (b) Ensure that developments do not modify and increase the flood levels that would be experienced within the catchment;
 - (c) Limit the potential for damage to buildings caused by flooding and/or inundation by ensuring minimum height levels for the building and its immediate environs are achieved; and
 - (d) Maintain the natural ecological and drainage function of the area to store and convey stormwater and floodwater within the watercourse, drainage system or floodplain.
- 4.3.7.3. Where in the opinion of Local Government a development is to be sited on land that has the potential to be inundated or flooded, the Local Government shall require:
- (a) In defined areas as set out in a Local Planning Policy, all habitable buildings to be constructed with a minimum finished floor level height; and/or
 - (b) The subsoil adjacent to the proposed development to be effectively drained; and/or
 - (c) The surface of the ground beneath the building to be regraded or filled and provided with adequate drainage outlets to prevent the accumulation of water beneath the building; and/or
 - (d) The surface of the ground beneath the building to be covered with an approved damp-resistant material (moisture barrier).

4.3.7.4 The Local Government may grant development approval for development of non-habitable buildings (such as outbuildings) below the levels set out in clause 4.3.7.2 in exceptional circumstances, where it is satisfied the applicant has:

- (a) Addressed the need to maintain an adequate floodway in all cases;
- (b) Provided adequate justification for the proposed siting of the building;
- (c) Established an exceptional need for the proposed building based on an existing activity undertaken on the property; and
- (d) Provided written acknowledgement that the owner accepts that the building and its contents may be subject to periodic flooding and/or inundation.

4.3.8 Acid Sulfate Soils

To ensure that any potential risk or hazard resulting from the disturbance of acid sulfate soils is controlled, the Local Government may require as a condition of approval, the adoption and implementation of an acid sulfate soil management plan, in consultation with the relevant State Government authority, for any development or land use in the following areas:

- (a) Where the presence of acid sulfate soils has been confirmed by a preliminary site assessment undertaken in accordance with the Western Australian Planning Commission *Acid Sulfate Soils Planning Guidelines*;
- (b) Areas identified as acid sulfate soil areas or acid sulfate soil risk areas on government agency mapping, or from any other reputable source;
- (c) Areas depicted in the Environmental Geology maps published by the Department of Industry and Resources as holocene swamp, tidal and estuarine deposits, or marshes and floodplains;
- (d) Areas depicted in the Land System and Soil-Landscape System mapping by the Department of Agriculture and Food that indicate geologically recent shallow tidal, estuarine, marine, wetland, floodplain or waterlogged areas;
- (e) Areas depicted in vegetation mapping as wetland dependent vegetation such as reeds and paperbarks; or
- (f) Areas identified in geological descriptions or in maps as bearing acid sulphide minerals or former marine or estuarine shales and sediments, or mineral sand deposits.

Note: In considering an application for use or development of any acid sulfate soil area and/or contaminated site, the Local Government will refer the application to, and have regard for the advice and recommendations of the Contaminated Sites Branch of the relevant State Government authority.

4.3.9 Water Sensitive Urban Design Principles

The Local Government shall require all development to incorporate water sensitive urban design principles and best management practices to:

- (a) Reduce the rate of discharge and the quantity of stormwater that flows from the land so that post-development flows match pre-development flows;
- (b) Avoid the export of waterborne pollutants, including nutrients;
- (c) Recharge groundwater resources;

- (d) Protect and enhance the ecological values of rivers, creeks and drains; and
- (e) Retain local water for non-potable use.

Note: The management of stormwater collection, retention and disposal on all developments, including subdivisions, shall be in accordance with the recommendations of the Stormwater Management Manual for WA. The Local Government may require the preparation and implementation of Stormwater Management Plans as a condition of development approval, in consultation with the relevant State Government authority.

4.4 FIRE PROTECTION PROVISIONS

Refer to Part 10A – Bushfire risk management of the *Planning and Development (Local Planning Schemes) Regulations 2015*

4.5 PROVISIONS APPLICABLE TO PARTICULAR ZONES

4.5.1 Residential Zone

For any lot within the Residential zone, holiday accommodation may be permitted by the Local Government in accordance with the density code shown on the Scheme Map.

4.5.2 Tourist Residential Zone

4.5.2.1 For any lot within the Tourist Residential zone with a dual coding on the Scheme Map:

- (a) The maximum density for residential development connected to reticulated sewerage shall be the lower of the density codes;
- (b) The maximum density for holiday accommodation connected to reticulated sewerage shall be the higher of the density codes; and
- (c) Where land zoned Tourist Residential is not connected to reticulated sewerage, or cannot reasonably be connected to reticulated sewerage, the Local Government shall not:
 - (i) support the subdivision of the land until reticulated sewerage is provided to the land; or
 - (ii) approve development, other than a single dwelling, until reticulated sewerage is provided to the land.

4.5.2.2 The Local Government may restrict the number of units that can be used for permanent residential accommodation upon a lot approved for holiday accommodation in accordance with an adopted Local Planning Policy or Tourism Accommodation Strategy.

Note: Refer to the City of Albany Tourism Accommodation Planning Strategy and any adopted Local Planning Policy for the percentage of a tourist accommodation development capable of being used for permanent accommodation.

4.5.3 Future Urban Zone

4.5.3.1 Notwithstanding any other requirement of the Scheme, for any lot within the Future Urban zone, the Local Government may only permit the following land uses:

- Single House/Relocated Dwelling;

- Ancillary Dwelling;
- Bed & Breakfast/Farmstay;
- Home Business;
- Home Occupation;
- Home Office;
- Industry – Cottage;
- Rural Pursuit;
- Telecommunications Infrastructure; and
- Public Utility

unless a Structure Plan has been prepared and adopted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

- 4.5.3.2 Apart from Home Office, all land uses mentioned in clause 4.5.3.1 and any development requires the development approval of the Local Government and no land use or development shall be permitted if, in the opinion of the Local Government, such use or development would adversely impact on the potential of the land for future urban purposes.

4.5.4 **Hotel/Motel Zone**

- 4.5.4.1 For any lot within the Hotel/Motel zone, holiday accommodation may be permitted by the Local Government to a maximum density of R50 unless the proponents have prepared a Local Planning Policy in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* to justify any increase in density.

- 4.5.4.2 Any development of land contained within the Hotel/Motel zone shall incorporate design elements that:

- (a) Ensures new buildings and substantial additions to existing buildings complement the architectural and historic character of the locality;
- (b) Articulates (reduces) the mass and scale of buildings;
- (c) Incorporates solar passive design;
- (d) Avoids or reduces the impact upon significant vistas from public spaces within the locality; and
- (e) Provides opportunities for passive recreation and private open space by incorporating natural vegetation;

- 5.5.4.3 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking bays and that tree growing at least three metres in height.

<p><i>Note: Refer to the City of Albany Tourism Accommodation Planning Strategy for supplementary information.</i></p>
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4.5.5 **Caravan and Camping Zone**

- 4.5.5.1 The use of land or any structure or building on land within the Caravan and Camping zone or an approved caravan park shall comply with the *Caravan Parks and Camping Grounds Act 1995*.

- 4.5.5.2 Subject to consideration of the need to make available and retain adequate tourist accommodation, the Local Government may permit the permanent occupancy of a portion of the caravan sites within a caravan park in the Caravan and Camping Zone in accordance with an adopted Local Planning Policy or Tourism Accommodation Strategy.
- 4.5.5.3 Other than where approval has previously been issued for development of the land as a park home park, the Local Government may limit the number of bays that can be used for permanent occupancy in accordance with an adopted Local Planning Policy or Tourism Accommodation Strategy.
- 4.5.5.4 The development of land for a caravan park is to incorporate:
- (a) On-site public open space and recreational infrastructure;
 - (b) The provisions of bus parking and access at the boundary of the land; and
 - (c) Perimeter landscaping to reduce the visual impact of the land use.
- 4.5.5.5 For any lot within the Caravan and Camping zone, holiday accommodation units may be permitted by the Local Government to a maximum density consistent with the approved number of caravan bays allowed under the park licence.

4.5.6 **Regional Centre Zone**

- 4.5.6.1 Development within the Regional Centre zone shall respond to the scale and articulation of existing streets and buildings, with no development exceeding a height of three storeys (11 metres in height). The Local Government may introduce a lesser height for parts of the zone and those areas will be defined in the Regional Centre Policy Plan referred to at clause 4.5.6.5.
- 4.5.6.2 To ensure the continuity of the urban edge, buildings shall generally be built from side to side property boundaries.
- 4.5.6.3 Developments constructed up to the street boundary shall where practical provide pedestrian shelter, a minimum of 2.5-metre-wide over the pavement in the form of an awning, canopy, balcony or verandah.
- 4.5.6.4 The Local Government may grant development approval for a building in the Regional Centre zone with a plot ratio bonus of 20% above that specified within Table 8 where in the opinion of the Local Government, the standard and nature of the proposed development includes a community facility or other benefit or planning outcome that will lead to a significant improvement to the amenity or built environment.
- 4.5.6.5 In accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*, the Local Government may prepare a Regional Centre Policy Plan showing the preferred locations for building envelopes, building heights, car parking, vehicle accessways, pedestrian walkways, landscape courtyards and landscape treatments, which should be incorporated in any new development but does not reserve or purport to reserve those things or areas for any of them.
- 4.5.6.6 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

4.5.6.7 For any lot within the Regional Centre zone, holiday accommodation may be permitted by the Local Government in accordance with the density code shown on the Scheme Map.

4.5.7 Regional Centre Mixed Business Zone

4.5.7.1 Development of Shops

4.5.7.1.1 The Local Government will only grant development approval for the use of premises as a shop subject to compliance with the following requirements:

- (a) All activities shall be limited to large-format, bulky good style, other retail uses (as determined by reference to PLUC 6 categories);
- (b) No activity is permitted that includes any shop/retail uses (as determined by reference to PLUC 5 categories);
- (c) The building and site is designed and landscaped to provide an attractive and active streetscape with coordinated parking areas and access/egress points;
- (d) The building comprises a purpose built stand-alone retail facility with a minimum gross floor area of 500m² per shop;
- (e) No internal alterations to the building that creates any additional internal floor area is permitted without the prior approval of the Local Government;
- (f) Provide for service delivery in a location where potential noise and visual impacts do not detrimentally affect adjoining land uses or promote the delivery of goods through streets predominantly servicing residential developments; and
- (g) Provide on-site car parking within the front setback or to the side of the approved building.

4.5.7.2 Live/Work Units

4.5.7.2.1 In addition to any other application requirement of the Scheme, any application for the use and/or development of land for the purposes of Live/Work Units shall include the following information:

- (a) Details on proposed design, construction methods and materials to be used for the building including car parking, open space, connectivity between live/works areas, landscaping and/or fencing of the site.
- (b) A report from a suitably qualified professional demonstrating the design, location and construction materials to be used in the unit(s) will provide a high level of residential amenity within the residential dwelling area of the building to the satisfaction of the Local Government and which addresses the following matters:
 - (i) The requirements of the Building Code of Australia;
 - (ii) Adequate fire protection measures;

- (iii) Access to natural sunlight and ventilation;
 - (iv) The requirements of the Environmental Protection Authority's *Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses* and the need to incorporate noise insulation measures within the building in accordance with *AS/NZS 2107:2000 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors* to ensure compliance with *Environmental Protection (Noise) Regulations 1997*;
 - (v) The existence and impact of any adjoining/nearby land uses that generate environmental impacts such as noise, dust, gaseous and particulates emissions, steam, odour, fumes, vibration and the like that may impact on the use of the land for residential purposes;
 - (vi) The existence and impact of any site contamination issues; and
 - (vii) The requirements of any adopted Local Planning Policy relating to Live/Work Units.
- 4.5.7.2.2 The Local Government shall not approve Live/Work Units, where in its opinion, that use and/or development would compromise the existence or operations of any existing industrial or commercial activity in the vicinity of the application.
- 4.5.7.2.3 The occupation of the residential dwelling area of any Live/Work Unit shall be restricted to the business operator/occupier of the work area within the building and the Local Government may require the applicant to enter into a legal agreement, and pay all associated costs, which shall bind the owner, heirs and successors in title, advising of this restriction. This agreement is to be finalised prior to the occupation of the Live/Work Units.
- 4.5.7.2.4 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

4.5.8 Regional Centre Mixed Use Zone

4.5.8.1 Within the Regional Centre Mixed Use zone:

- (a) Development should generally be a maximum of two storeys in height, and of residential scale and character and where there is a mixture of commercial and residential activity over two levels in the same building the commercial activity shall be located on the ground floor;
- (b) Development should incorporate design elements and materials which break down the bulk of development, and provide visual interest through the articulation of the built form;
- (c) Windows on the upper floor of a building shall facilitate natural surveillance of the public domain;

- (d) Articulated building facades that provide increased surveillance of streets, balconies and terraces will be encouraged; and
 - (e) Site access should be limited to a single driveway.
- 4.5.8.2 Prior to the issue of development approval for an application involving residential accommodation in the Regional Centre Mixed Use Zone, Local Government may require the applicant to:
- (a) Provide a legal mechanism to notify the owner, his/her heirs and successors in title, of the possible loss of amenity from adjoining land uses;
 - (b) Undertake a land use, acoustic and traffic analysis; and
 - (c) Design the residential building and provide a site layout responsive to the analysis.
- 4.5.8.3 The Local Government may prepare a Structure Plan to guide future development within the Regional Centre Mixed Use Zone and the use of land or any structure or building on land should be consistent with that Structure Plan.
- 4.5.8.4 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

4.5.9 **Highway Commercial Zone**

4.5.9.1 Within the Highway Commercial zone:

- (a) Development should utilise design elements and materials which break down the bulk of development and provide visual interest through the articulation of their built form.
- (b) Where the open storage of goods or materials is proposed and the goods and materials stored are, in the opinion of the Local Government, of an untidy nature and likely to give offence to adjoining owners or have an adverse affect upon the general appearance of the area, the Local Government may require the owner or occupier to:
 - (i) Restrict the height and areas to which goods and materials may be stored; and/or
 - (ii) Effectively screen the open storage area by a closed fence and/or the planting of trees and/or shrubs.
- (c) No goods are to be stored or services provided which extend beyond the land the subject of the development application.
- (d) Any access/egress point(s) onto adjoining roads requires the approval of the relevant road control authority.
- (e) Signage associated with an approved development should be incorporated into the fabric of buildings and structures on-site and the use of bunting should be avoided.

- 4.5.9.2 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

4.5.9.3 All premises within the Highway Commercial zone shall be provided with:

- A sealed and/or paved access to the specifications of the relevant road control authority;
- A designated loading/unloading area on-site designed such that delivery vehicles leave and enter the street in forward gear;
- Screening of any open storage areas from public view by a wall, a fence and/or landscaping.

4.5.10 Neighbourhood Centre Zone

4.5.10.1 The maximum net lettable area (NLA) for a shopping centre development in the Neighbourhood Centre zone shall be in accordance with Table 3 below:

Table 3 - Floorspace Limits for Neighbourhood Centres		
Locality <i>AMD 13 GG 10/06/16</i>	Description of Affected Land	Maximum net lettable area (NLA)
Lange (Brooks Garden) <i>AMD 13 GG 10/06/16</i>	Lots 1001 & 1007 Chester Pass/Catalina Roads and Brooks Garden Boulevard, Lange. <i>AMD 13 GG 10/06/16</i>	5,000m ² for retail uses + 8,005m ² for bulky goods/showroom uses + 500m ² for office uses
Yakamia (North Road) <i>AMD 13 GG 10/06/16</i>	Lots 2 & 296 North Road, Anuaka Road and Barnesby Drive, Yakamia	5,000m ²
Orana	Lots 401 & 405 Albany Highway, Orana	5,000m ²
Spencer Park	Lots 50, 62, 63, 64, 65, 72 & 73 Angove Road, Nind Street, Pretious Street and Hardie Road, Spencer Park	5,000m ²
Bayonet Head (South)	Lot 508 Bayonet Head Road, Bayonet Head	5,000m ²
Bayonet Head (North)	Lot 72 Stranmore Boulevard, Lot 73 Lower King Road and Portions of Lots 9004 and 42 (proposed as Lots 65-70) on the corner of Stranmore Boulevard and Lower King Road, Bayonet Head	5,000m ²
Walmsley (Future Centre)	To be determined	5,000m ²
Big Grove (Future Centre)	To be determined	5,000m ²

4.5.10.2 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

4.5.10.3 Neighbourhood Shopping Centres shall provide amenity through provision of the following:

- (a) Comfortable furniture;
- (b) Artwork providing vitality, colour and interest and providing cultural enhancement;
- (c) Pedestrian links with easy access from road and cycle networks and bus stops;
- (d) Solar access and providing shade (trees or shade structure) in summer and sun penetration in winter;
- (e) A heavily landscaped edge to access roads incorporating raised landscaped garden beds to create an attractive entrance;
- (f) The creation of discrete parkland locations, occasionally incorporating water elements; and/or
- (g) The creation of a well landscaped boulevard entrance as a central reference.

4.5.10.4 The building façade of a Neighbourhood Shopping Centre shall be designed to present visual interest by the inclusion of significant and robust detail utilising a variety of materials and method. The variety of materials and methods of articulating a façade may include:

- (a) Extensive use of individual windows, (and doors at street level);
- (b) Horizontal modulation of walls (for example but not limited to minor recesses);
- (c) Architectural detailing of walls (including public art such as bas-relief);
- (d) The diverse use of colour;
- (e) The diverse use of materials; and/or
- (f) The inclusion of shade structures, awnings and discrete roof elements.

4.5.10.5 Long, relatively blank building facades to any public building space are not acceptable.

4.5.10.6 A minimum of 50% of the area of a building façade at ground level facing a street or public space including a car park shall be comprised of windows or glazed doors and the term 'at ground level' shall mean the lowest two metres of building façade measured above footpath level.

4.5.11 Local Centre Zone

4.5.11.1 The maximum net lettable area (NLA) for a shopping centre development in the Local Centre zone shall comply with the requirements set out in Table 4 below:

Table 4 - Floorspace Limits for Local Centres		
Centre Name	Description of Affected Land	Maximum net lettable area (NLA)
McKail	Lots 35, 37, 59 and 60 Albany Highway, McKail	600m ²
McKail	Clydesdale Road, McKail	600m ²
Lockyer	Lot 25 Barrett Street and South Coast Highway; Lots 53 and 54 South Coast Highway, Orana	600m ²
Little Grove	Lot 1 Frenchman Bay Road and Lot 312 Bay View Drive, Little Grove	600m ²
Lower King	Lots 3 and 4 Lower King Road, Lower King	600m ²
Oyster Harbour	Lots 61 and 58 Bayonet Head Road and Lot 62 Lower King Road, Bayonet Head	600m ²
Middleton Beach	Lot 201 Adelaide Crescent, Middleton Beach	600m ²
Emu Point	Pt Reserve 22698 Mermaid Avenue, Emu Point	600m ²
McKail General Store	Lot 25 Lancaster Road Lots 60, 59, 35, 37, 58 and 57 Albany Highway, McKail	600m ² NLA Retail 200m ² NLA Restaurant 400m ² NLA Non-Shop/Retail, Commercial and Professional Uses Note: Special Conditions apply under Additional Use Site No. AU27

4.5.11.2 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.

4.5.11.3 Dense tree and under-storey planting is required at the boundary of a Local Shopping Centre where the boundary adjoins residential development.

4.5.11.4 The building façade of a Local Shopping Centre shall be designed to present visual interest with design elements similar to those in the street. In this regard, consideration shall be given to building height, roof pitch and building materials.

4.5.12 General and Light Industry Zones

4.5.12.1 Notwithstanding any other provision of the Scheme, all land use and development within the General and Light Industry zones requires the development approval of the Local Government.

- 4.5.12.2 In addition to any general provisions contained within the Scheme, special provisions relating to specific industry zones contained in Schedule 11 will apply.
- 4.5.12.3 Where an industrial area is contained in Schedule 11, a person may only use land, or any structure or buildings on that land for those purposes set out against the land within Schedule 11 and subject to compliance with any conditions set out in Schedule 11 with respect to that land.
- 4.5.12.4 Where an industrial activity involves the production and discharge of industrial or noxious liquid effluent, the Local Government will require the development to either:
- (a) If the effluent (types and/or volumes) is suitable for disposal into the reticulated sewer network, connect the activity to the Water Corporation reticulated sewerage system; or
 - (b) If the effluent is not suitable for disposal into the reticulated sewer network, it is serviced by an on-site collection and disposal system designed to treat the effluent and prevent pollution of ground or surface water.
- 4.5.12.5 All premises within the General and Light Industry zones shall be provided with:
- (a) A sealed and/or paved access way to a minimum width of five metres connecting the premises with the street;
 - (b) A designated loading/unloading area on-site designed such that delivery vehicles leave and enter the street in forward gear;
 - (c) Screening of any open storage areas from public view by a wall, a fence and/or landscaping.
- 4.5.12.6 The façade of the building(s) erected within the General and Light Industry zones shall be constructed with materials and of a design in keeping with the character of the area and generally should be a factory applied coloured metal sheet or panel, or of masonry construction. AMD 13 GG 10/06/16
- 4.5.12.7 Provision for the planting of trees should be made within a landscaped area based on a minimum standard of one tree per six car parking spaces and that tree growing at least three metres in height.
- 4.5.12.8 All industrial developments shall provide any required buffer areas around land uses in accordance with the Environmental Protection Authority's *Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses* and regulate development within the buffer area to ensure compatibility with the industrial activities and surrounding land uses.

Note: The Environmental Protection Authority Guidance Statement No. 3 provides guidance on the potential likely off-site impacts of various industrial uses and outlines a recommended buffer separation distance to sensitive land uses (such as residential). The City will impose these buffer separation distances unless a proponent provides a site-specific study with the application to demonstrate that a lesser distance will not cause unacceptable impacts on any adjoining/nearby sensitive uses.

4.5.13 Rural Residential Zone

4.5.13.1 In the event of there being any variations or conflict between the special provisions set out in Schedule 14 – Rural Residential Zone and the following general provisions, the requirements of the special provisions under Schedule 14 shall prevail.

4.5.13.2 The following general provisions shall apply to all land within the Rural Residential zone, in addition to any special provisions set out in Schedule 14 which are specifically applicable to such land:

4.5.13.2.1 Building Design, Material and Colours

- (a) A dwelling shall not exceed 7.5 metres in height, which is measured vertically from the natural ground level.

AMD 13 GG 10/06/16

- (b) All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site.

- (c) In order to reduce glare from a building (including a water tank) and to protect visual amenity, the use of reflective materials and finishes and white/off-white colours shall not be permitted.

- (d) Building design is to be responsive to the existing landform, minimising cut and fill and the use of retaining walls.

- (e) Where deemed necessary by the Local Government due to fire hazards and/or threat in a particular area, all buildings are to be designed in accordance with AS 3959 – *Construction of Buildings in Bushfire Prone Areas* or any document superseding it.

Note:	1. Unpainted zincalume is considered a reflective material and colours similar to Colorbond Surfmist is considered white/off-white.
	2. Preference is given to split level development, the breaking up of building mass and minimal site disturbance through earthworks.
	3. "Height" is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the structure.

4.5.13.2.2 Refer to Part 10A – Bushfire risk management of the *Planning and Development (Local Planning Schemes) Amendment Regulations 2015*.

AMD 13 GG 10/06/16

4.5.13.2.3 Modifications to Designated Building Envelopes/Setbacks

The Local Government may permit variations to the position of a designated building envelope and/or building setback, where it is satisfied that the modification:

- (a) Is consistent with the objectives for the zone;
- (b) Preserves areas of remnant vegetation, creek lines and other areas of environmental significance;
- (c) Provides sufficient area for the development of any low fuel zone and/or hazard separation area on the lot;

- (d) Is required due to the topography or shape of the lot; and
- (e) Will have no adverse impact on the amenity of existing residences on adjoining lots.

4.5.13.2.4 Fencing

- (a) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket or similar materials; and
- (b) Where boundary fencing is permitted by the Local Government it shall be of rural construction comprising posts and wire or similar materials.
- (c) The Local Government shall only approve the keeping of stock, animals and/or any Rural Pursuit activity if confined to existing cleared areas of a lot. The Local Government will require fencing to contain any livestock and protect remnant vegetation and/or exclusion areas as a condition of approval.

4.5.13.2.5 Remnant Vegetation Protection and Clearing Controls

- (b) No clearing of any remnant vegetation shall occur except for:
 - (i) Any clearing authorised by a clearing permit obtained from the relevant State Government authority and any clearing exempt in accordance with Schedule 6 or Regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* of the *Environmental Protection Act 1986*.
 - (ii) That clearing required to establish any low fuel buffer, firebreak and/or to comply with the requirements of the *Bush Fires Act 1954* (as amended);
 - (iii) Trees that are dead, diseased or dangerous and present an imminent danger to residents;
 - (iv) Clearing within a designated building envelope required to construct an approved building and curtilage;
 - (v) It is to gain vehicular access to an approved dwelling and/or building envelope; and
 - (vi) An area of up to one metre in width for the purpose of erecting and maintaining a fence line is required and approved by the Local Government. In these areas the land shall be slashed with a view to preventing soil erosion.
- (c) Clearing of remnant vegetation for any purpose other than the above exceptions, shall require the development approval of the Local Government and as a condition of granting approval, the Local Government may require the planting and maintenance, for a period of at least three years, of endemic native trees of species and in locations approved by the Local Government.

4.5.13.2.6 Tree Planting

In order to enhance the rural amenity of the area and minimise the visual impact from the developments in the zone, the Local Government may require as a condition of any development approval the planting and ongoing maintenance of such trees and/or groups of trees and species as specified by the Local Government.

4.5.13.2.7 Dams, Soaks and Bores

No dams, soaks and/or bores shall be constructed on any lots unless the Local Government has granted development approval.

All applications for the construction of a dam, soak or bore shall:

- Be supported by a hydrological report demonstrating that water collection or abstraction planned will not be to the detriment of water collection on adjoining properties; and
- Ensure that existing stream flows are maintained for downstream users and to support other water dependent environments.

Note: Within any proclaimed groundwater area under the Rights in Water and Irrigation Act 1914, any bore/soak/well or taking of groundwater, requires the approval of the relevant State Government authority.

4.5.13.2.8 Keeping of Animals

The following provisions apply to the keeping of animals (excluding domestic animals or pets):

- (a) Development approval is required for the keeping of hoofed and/or large non-domesticated animals or pets, for example but not limited to, horses, cows, sheep and camels.
- (b) Where, in the opinion of the Local Government, the continued presence of any animal(s) on any portion of land is likely to cause or is causing:
 - (i) Damage to natural vegetation;
 - (ii) Water pollution;
 - (iii) Dust pollution;
 - (iv) Soil erosion; or
 - (v) Any other form of land degradation,notice may be served on the owner of the said portion of land requiring the immediate removal of those animal(s) and/or rehabilitation of the land specified in the notice.
- (c) Domestic pets which do not pose a threat to native flora and/or fauna may be kept within the zone under the following conditions:
 - All pets shall be confined within the building envelope or similar at all times unless kept on a leash by a responsible person; and

- Cats and rabbits are considered to pose a threat to native flora and/or fauna and shall be confined inside buildings.

4.5.13.2.9 Effluent Disposal

On-site disposal is required to service all dwellings and shall be responsibility of the individual landowner in accordance with clause 4.8.2.

4.5.13.2.10 Water Supply

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- Where available, a reticulated water supply from a licensed water service provider shall be provided to each lot; or
- Where it is demonstrated that a reticulated water supply from a licensed water service provider cannot be provided to each lot, a potable water supply is required to each dwelling and shall be the responsibility of the landowner in accordance with clause 4.6.9 of the Scheme.

4.5.13.2.11 Electricity Supply

To enhance the visual amenity of the zone, the Local Government will request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of underground power to the lots.

4.5.13.2.12 Stormwater Management and Drainage

Any surface water discharge must be controlled through appropriate drainage systems to avoid erosion and pollution while still maintaining the natural flow of discharge at pre-development levels. Hence:

- The proposed drainage systems (including irrigation runoff) should be designed to reduce nutrient export whilst still maintaining the natural flow; and
- All stormwater drainage within the development is to be designed in accordance with the principles of best management practice as outlined in the Department of Water *Stormwater Management Manual for Western Australia* (2004-07).

4.5.13.2.13 Road and Battleaxe Access

- The Local Government will require the construction of subdivisional roads and/or upgrading of existing roads to their specifications and satisfaction and may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring these works or a monetary contribution accordingly.
- The Local Government will require the construction of battleaxe legs to their specifications and satisfaction and may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring these works accordingly.

4.5.13.2.14 Notification of Prospective Purchasers and Successors in Titles

- (a) The Local Government shall require the subdivider advise all prospective purchasers of a lot within the Rural Residential zone of:
 - (i) The general scheme provisions that apply to the Rural Residential zone;
 - (ii) Any special provision contained within Schedule 14 that applies to the land; and
 - (iii) Any other planning matter that may affect the use and enjoyment of the land such as buffer areas, surrounding land uses or other planning proposals to be implemented such as the Albany Ring Road.
- (b) The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision which requires a notification to be placed on the Certificate of Title for all lots to advise prospective purchasers accordingly.

4.5.13.3 Rezoning of Land

Prior to considering any additional land to be rezoned to Rural Residential, the Local Government will require the proponent submit a detailed proposal that addresses the following matters:

- (a) Compliance with the outcomes and recommendations of the Albany Local Planning Strategy;
- (b) Fire hazard assessment and Fire Management Plan;
- (c) Land capability and suitability assessment,
- (d) Protection and enhancement of the natural environment;
- (e) Protection and enhancement of visual amenity;
- (f) Provision of infrastructure and services;
- (g) Impacts on adjacent land uses;
- (h) Any potential for site contamination;
- (i) Effluent disposal;
- (j) Location of building envelopes; and
- (k) Preparation of a Guide Plan for the subdivision showing proposed roads and connectivity between proposed/future and existing developments, lots, recreation areas and location of building envelopes.

4.5.13.4 Subdivision

Prior to supporting the subdivision of Rural Residential zoned land where no approved Structure Plan exists, the Local Government shall require a land capability assessment to be undertaken and a Structure Plan to be prepared in accordance with Part 4 of the deemed provisions and approved by the Western Australian Planning Commission.

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4.5.14 Conservation Zone

4.5.14.1 In the event of there being any variations or conflict between the special provisions set out in Schedule 12 – Conservation Zone and the following general provisions, the requirements of the special provisions under Schedule 12 shall prevail.

4.5.14.2 The following general provisions shall apply to all land within the Conservation zone, in addition to any special provisions set out in Schedule 12 which are specifically applicable to such land:

4.5.14.2.1 Applications for Development Approval

- (a) All development including the construction of any buildings or structures, site works and/or removal of vegetation shall require the development approval of the Local Government.
- (b) When submitting an application for a designated building envelope or any buildings, applications shall be accompanied by complete details of building materials and colours and details on any species of plants to be used in landscaping of the site.
- (c) A portion of the land within CZ2 is located within the South Coast Public Drinking Water Supply Reserve area and upon receipt of a proposal which, in the opinion of the Local Government, may have an adverse impact upon groundwater quality in the Reserve shall be referred to the relevant State Government authority for its recommendation and shall not issue approval/refusal until the recommendation of the relevant State Government authority has been received.

4.5.14.2.2 Keeping of Stock, Pets and/or Agriculture Pursuits

- (a) The keeping of stock and any intensive agricultural pursuits are prohibited.
- (b) Domestic pets which do not pose a threat to native flora and/or fauna (cats and rabbits are considered to pose a threat) may be kept within the Conservation zone under the following conditions:
 - (i) Domestic pets must be confined to the designated building envelope areas at all times unless accompanied by a responsible person;
 - (ii) Domestic pets may be confined by means other than fencing, as long as restriction to the designated building envelope area is assured; and
 - (iii) If fencing is erected as the means of confining domestic pets, the standard of fencing must be sufficient to ensure containment of the pets.

4.5.14.2.3 Building Design, Materials and Colour

- (a) A dwelling shall not exceed 7.5 metres in height which is measured vertically from the natural ground level.

- (b) All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site.
- (c) In order to reduce glare from a building (including a water tank) and to protect visual amenity, the use of reflective materials and finishes and white/off-white colours shall not be permitted.
- (d) Building design is to be responsive to the existing landform, minimising cut and fill and the use of retaining walls.
- (e) Where deemed necessary by the Local Government due to fire hazards and/or threat in a particular area, all buildings are to be designed in accordance with AS 3959 – *Construction of Buildings in Bushfire Prone Areas* or any document superseding it.

Note:	<ol style="list-style-type: none"> 1. <i>Unpainted zincalume is considered a reflective material and colours similar to Colorbond Surfemist is considered white/off-white.</i> 2. <i>Preference is given to split level development, the breaking up of building mass and minimal site disturbance through earthworks.</i> 3. <i>"Height" is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the structure.</i>
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4.5.14.2.4 Vegetation and Habitat Protection

- (a) No clearing of vegetation shall be permitted, except that which is prescribed in the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*, a subdivision and or development approval, fire control legislation and approved fire management plans.
- (b) Within the coastal heath and scrub heath vegetation associations, dead wood shall not be removed for firewood purposes.
- (c) The Local Government may require additional tree planting and/or revegetation as a condition of development approval and/or the construction of access legs.
- (d) The Local Government shall require that invasive species are not used in domestic gardens and shall encourage the use of indigenous native species and shall discourage the establishment of expansive reticulated lawns.

4.5.14.2.5 Water Supply and Servicing

- (a) Each dwelling or ancillary dwelling unit (and any caretaker's dwelling in CZ1 and/or chalet/cottage unit in CZ3) is to be provided with a potable water supply with a minimum capacity of 92,000 litres. This may be supplied from underground supplies or a rainwater storage system to the satisfaction of the Local Government.
- (b) Approved bores may be developed outside the designated building envelope provided that all water storage shall be confined to the designated building envelope.

- (c) Where approved, bore water reticulation pipes shall be buried a minimum of 300 millimetres below the natural surface level and pipelines rehabilitated (stabilised and revegetated).
- (d) Telstra and Western Power services shall be located in a single underground trench and follow the alignment of access/battleaxe legs from where lot hook-up is made to the designated building envelope.

4.5.14.2.6 Effluent Disposal

- (a) On-site effluent disposal shall be the responsibility of individual landowners. The disposal of liquid and/or solid wastes shall be carried out with an on-site effluent disposal system approved by the Local Government and the relevant State Government authority and shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater.
- (b) The Local Government shall require the use of amended soil type effluent disposal systems in the following situations:
 - (i) Where soil conditions are not conducive to the retention of nutrients; and
 - (ii) In low-lying areas.
- (c) Where an amended soil effluent disposal system is to be utilised, the amended soil is to be imported from certified dieback free sources.
- (d) No effluent disposal system shall be permitted within a 100 metres setback from a creekline or watercourse.
- (e) Where the applicant is able to demonstrate that a conventional septic system can be used without detrimental effect on the environment, it shall be setback a minimum of 100 metres from any natural permanent watercourse or water body and situated at least two metres above the highest known groundwater level.
- (f) Variations to the design or location of effluent disposal areas require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impact to the satisfaction of the Local Government and the relevant State Government authority.
- (g) No more than one on-site effluent disposal system will be permitted on any lot except when required to service any approved caretaker's dwelling in CZ1 or chalet/cottage unit in CZ3.

4.5.14.2.7 Fencing

- (a) Fencing of individual lot boundaries (other than the road/battleaxe leg frontage) shall not be permitted.

- (b) Fencing of the designated building envelope area is permitted where such fencing is of rural post and strand construction or similar. Pursuant to clause 4.5.14.2.2(b)(i), in the case of fencing required to contain an approved domestic pet, the Local Government may approve an alternative form of fencing.
- (c) Adjoining landowners shall be responsible for the maintenance of the CZ1 eastern boundary fencing.
- (d) Public roads shall be fenced with a rural post and strand fence to the satisfaction of the Local Government.
- (e) Fencing shall be designed and constructed so as to minimise site disturbance and all topsoil shall be stockpiled and returned to disturbed areas.
- (f) The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring lot boundaries are suitably identified by pegs or cairns on lot boundaries other than the road frontage.

4.5.14.2.8 Prevention of Wind Erosion

- (a) The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring that:
 - (i) All areas disturbed as a result of subdivisional and development work (including bore to tank water pipelines) be reinstated, on a stage by stage basis, to the satisfaction of the Local Government as soon as is practicably possible by restoring topsoil and stabilising with either a benign spray mulch or local brushwood. Larger disturbed areas may require the above mulching and seeding in conjunction with the covering of the area with dry brush wood, wired and pinned to the ground if deemed necessary.
 - (ii) Road margins are stabilised and revegetated with endemic native species as soon as is practically possible after construction.
- (b) As a condition of development approval, the Local Government shall require stabilisation and revegetation, utilising endemic native species, of accessway margins and areas disturbed as a result of works within the designated building envelope.
- (c) Individual landowners are responsible for maintaining vegetation cover on their lots. Where areas are to be rehabilitated, rehabilitation is to be undertaken utilising endemic native species and be ongoing until vegetation cover is established and the area stabilised.

- (d) In the event that provisions clauses 4.5.14.2.8(a)-(c) above are not complied with, the Local Government may carry out appropriate action to eliminate adverse effects and any expenses incurred by the Local Government in carrying out such action shall be borne by the landowner/subdivider, as the case may be.

4.5.14.2.9 Electricity Supply

To enhance the visual amenity of the Conservation zone, the Local Government will request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of underground power to the lots.

4.5.14.2.10 Stormwater Management and Drainage

Any surface water discharge must be controlled through appropriate drainage systems to avoid erosion and pollution while still maintaining the natural flow of discharge at pre-development levels. Hence:

- (a) The proposed drainage systems (including irrigation runoff) should be designed to reduce nutrient export whilst still maintaining the natural flow; and
- (b) All stormwater drainage within the development is to be designed in accordance with the principles of best management practice as outlined in the Department of Water *Stormwater Management Manual for Western Australia* (2004-07).

4.5.14.2.11 Information/Notification to Prospective Purchasers and Successors in Title

- (a) The Local Government shall require the subdivider advise all prospective purchasers of a lot within the Conservation zone of:
 - (i) The general scheme provisions that apply to the Conservation zone; and
 - (ii) Any special provision contained within Schedule 12 that applies to the land.
- (b) Within CZ1, the Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring the preparation of an Information Document, to be provided to prospective and actual purchasers, discussing and recommending actions to:
 - (i) Identify the social and environmental responsibilities living in such an area brings;
 - (ii) Identify the statutory requirements of the Local Planning Scheme and the relevant management provisions;
 - (iii) Identify and outline historic (and current) uses on the peninsula and inlet, such as potato farming/intensive horticulture and recreational and commercial fishing;

- (iv) Discuss vegetation, land rehabilitation methods and dieback control and hygiene approaches and identify any preferred actions/methods;
- (v) Discuss differing effluent disposal methods and preferred options;
- (vi) Encourage cooperative maintenance/management works;
- (vii) Discuss differing vermin/exotic vegetation control methods and identify preferred approaches;
- (viii) Provide a list of suitable vegetation for revegetation works;
- (ix) Discuss fire preparedness, actions to take upon outbreak and structure protection; and
- (x) Identify the requirements of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

4.5.14.3 Rezoning of Land

Prior to considering any additional land to be rezoned to the Conservation zone, the Local Government will require the proponent submit a detailed proposal that addresses the following matters:

- (a) Compliance with the outcomes and recommendations of the *Albany Local Planning Strategy*;
- (b) Fire hazard assessment and Fire Management Plan;
- (c) An assessment of the visual landscape;
- (d) Land capability and suitability assessment;
- (e) Protection and enhancement of the natural environment, including eradication of weed species;
- (f) Protection and enhancement of visual amenity;
- (g) Provision of infrastructure and services;
- (h) Impacts on adjacent land uses;
- (i) Any potential for site contamination;
- (j) Effluent disposal;
- (k) Location of building envelopes, development exclusion areas;
- (l) Details on stormwater management and effluent disposal methods to be employed; and
- (m) Preparation of a Guide Plan for the subdivision showing proposed roads and connectivity between proposed/future and existing developments, lots, recreation areas and location of building envelopes.

4.5.15 Rural Small Holding Zone

4.5.15.1 In the event of there being any variations or conflict between the special provisions set out in Schedule 16 – Rural Small Holding Zone and the following general provisions, the requirements of the special provisions under Schedule 16 shall prevail.

4.5.15.2 The following general provisions shall apply to all land within the Rural Small Holding zone:

4.5.15.2.1 The Local Government may grant development approval for Chalet/Cottage Units or Holiday Accommodation to be developed on land zoned Rural Small Holding subject to the following requirements:

- (a) Despite anything contained in the Zoning Table, Chalet/Cottage Units and Holiday Accommodation are not permitted on any lot zoned Rural Small Holding less than five hectares in area.
- (b) The number of Chalet/Cottage Units and/or Holiday Accommodation shall be determined in accordance with the capability of the land as illustrated by a Land Capability Study. The maximum number of units/guest bedrooms shall be limited as shown in the following table:

Lot Size	Units	Guest Bedrooms
Less than 5 hectares	Nil	Nil
5 – 10 hectares	2	4
Greater than 10 hectares	3	6

Note: The above table stipulates a maximum number of two bedrooms per Chalet/Cottage Unit and/or Holiday Accommodation.

4.5.15.2.2 Building Design, Materials and Colours

- (a) A dwelling shall not exceed 7.5 metres in height which is measured vertically from the natural ground level.
- (b) All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site.
- (c) In order to reduce glare from a building (including a water tank) and to protect visual amenity, the use of reflective materials and finishes and white/off-white colours shall not be permitted.
- (d) Building design is to be responsive to the existing landform, minimising cut and fill and the use of retaining walls.

- (e) Where deemed necessary by the Local Government due to fire hazards and/or threat in a particular area, all buildings are to be designed in accordance with AS 3959 – *Construction of Buildings in Bushfire Prone Areas* or any document superseding it.

Note:	1.	Unpainted zincalume is considered a reflective material and colours similar to Colorbond Surfmist is considered white/off-white.
	2.	Preference is given to split level development, the breaking up of building mass and minimal site disturbance through earthworks.
	3.	"Height" is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the structure.

4.5.15.2.3 Refer to Part 10A – Bushfire risk management of the *Planning and Development (Local Planning Schemes) Amendment Regulations 2015*.
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4.5.15.2.4 Variations to Building Setbacks

The Local Government may permit variations to the building setback, where it is satisfied that the modification:

- (a) Is consistent with the objectives for the zone;
- (b) Preserves areas of remnant vegetation, creek lines and other areas of environmental significance;
- (c) Provides sufficient area for the development of any low fuel zone and/or hazard separation area on the lot;
- (d) Is required due to the topography or shape of the lot; and
- (e) Will have no adverse impact on the amenity of existing residences on adjoining lots.

4.5.15.2.5 Fencing

- (a) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket or similar materials; and
- (b) Where boundary fencing is permitted by the Local Government it shall be of rural construction comprising posts and wire or similar materials.
- (c) The Local Government shall only approve the keeping of stock, animals and/or any Rural Pursuit activity if confined to existing cleared areas of a lot. The Local Government will require fencing to contain any livestock and protect remnant vegetation as a condition of approval.

4.5.15.2.6 Remnant Vegetation Protection and Clearing Controls

- (a) No clearing of any remnant vegetation shall occur except for:
 - (i) Any clearing authorised by a clearing permit obtained from the relevant State Government authority and any clearing exempt in accordance with Schedule 6 or Regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* of the *Environmental*

Protection Act 1986.

- (ii) That clearing required to establish any low fuel buffer, firebreak and/or to comply with the requirements of the *Bush Fires Act 1954* (as amended);
 - (iii) Trees that are dead, diseased or dangerous and present an imminent danger to residents;
 - (iv) Clearing within a designated building envelope required to construct an approved building and curtilage;
 - (v) It is to gain vehicular access to an approved dwelling and/or building envelope; and
 - (vi) An area of up to one metre in width for the purpose of erecting and maintaining a fence line is required and approved by the Local Government. In these areas the land shall be slashed with a view to preventing soil erosion.
- (b) Clearing of remnant vegetation for any purpose other than the above exceptions, shall require the development approval of the Local Government and as a condition of granting approval, the Local Government may require the planting and maintenance, for a period of at least three years, of endemic native trees of species and in locations approved by the Local Government.

4.5.15.2.7 Effluent Disposal

On-site disposal is required to service any dwelling and shall be responsibility of the individual landowner in accordance with clause 4.8.2.

4.5.15.2.8 Water Supply

A potable water supply is required to each dwelling and shall be the responsibility of the landowner in accordance with clause 4.6.9.

4.5.15.2.9 Subdivision

- (a) Within the areas along Mt. Elphinstone, Robinson and Cuthbert shown as RSH1 on the Scheme Map, the minimum lot size shall be 6 hectares.
- (b) Prior to supporting any closer subdivision within RSH1 area, the Local Government shall require the preparation of a structure plan, endorsed by the Western Australian Planning Commission.

4.5.16 General and Priority Agriculture Zones

4.5.16.1 Notwithstanding any symbol in 'Table 2: Zoning Table' or any other provision in the Scheme, the Local Government may exercise its discretion by granting development approval for a maximum of two (2) grouped dwellings on a lot within the General Agriculture or Priority Agriculture zones provided that the lot is equal to or greater than 20 hectares in size. *AMD 13 GG 10/06/16*

4.5.16.2 The Local Government may grant development approval for Farm Worker's Accommodation to be developed on land zoned General Agriculture or Priority Agriculture subject to the following requirements:

- (a) The applicant demonstrating the need for the accommodation based upon the existing approved agricultural use operating on the premises;
- (b) Occupation of the accommodation is restricted to a person directly employed by the proprietor/manager of the business or activity carried out on the lot and their immediate family;
- (c) In the case of seasonal workers engaged in horticulture, there is no suitable alternative accommodation available (such as a caravan park) in close proximity to the farm; and
- (d) The accommodation is clustered around the Single House or other farm buildings on the land to minimise the impacts on adjoining properties and to enable the sharing of infrastructure servicing.

4.5.16.3 The Local Government may grant development approval for Chalet/Cottage Units or Holiday Accommodation to be developed on land zoned General Agriculture or Priority Agriculture subject to the following requirements:

- (a) Despite anything contained in the Zoning Table, Chalet/Cottage Units and Holiday Accommodation are not permitted on any lot zoned General Agriculture or Priority Agriculture less than five hectares in area.
- (b) The number of Chalet/Cottage Units and/or Holiday Accommodation shall be determined in accordance with the capability of the land as illustrated by a Land Capability Study. The maximum number of units/guest bedrooms shall be limited as shown in the following table:

Lot Size	Units	Guest Bedrooms
Less than 5 hectares	Nil	Nil
5 – 10 hectares	5	10
Greater than 10 hectares	8	16

Note: The above table stipulates a maximum number of two bedrooms per Chalet/Cottage Unit and/or Holiday Accommodation.

- (c) To minimise impacts on agriculture, flora and fauna values, and the risk to life and property from bushfires, Chalet/Cottage Units and Holiday Accommodation shall be:
 - (i) Incidental and subordinate to the principal use of the land for agricultural purposes;

- (ii) Sited to avoid conflict with agricultural uses on the subject or surrounding land;
- (iii) Where possible (i.e. where the lot accommodates cleared areas) sited in existing cleared areas; or
- (iv) Where the lot does not accommodate sufficient cleared land, sited to form a cluster.

4.5.16.4 Subdivision within the General and Priority Agriculture zones will not be supported by the Local Government unless it is in accordance with one of the exceptional circumstances outlined in the Western Australian Planning Commission's *Development Control Policy 3.4 – Subdivision of Rural Land*.

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4.5.17 Rural Village Zone

4.5.17.1 In the absence of an approved Structure Plan, adopted in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* for a particular Rural Village zone, the following land uses, and permissibility applies (as defined in clause 3.3.2 of the Scheme):

- (a) 'P' uses:
 - Single House; and
 - Home Office
- (b) 'D' uses:
 - Ancillary Dwelling;
 - Bed and Breakfast/Farmstay;
 - Civic Use;
 - Home Occupation;
 - Industry – Cottage; and
 - Rural Pursuit.
- (c) 'A' uses:
 - Community Purpose;
 - Garden Centre; and
 - Home Business.

4.5.17.2 When considering an application for development approval, the Local Government shall require appropriate arrangements to be undertaken on the lot to achieve a long term sustainable land use activity inclusive of:

- (a) The method of collecting and storing potable water on-site;
- (b) The method of disposing of solid and liquid wastes generated by the proposed land use and the level of recycling of solid and liquid wastes to be undertaken on the lot;
- (c) The provision of infrastructure to generate energy, to store energy on-site and to export energy from the lot; and

- (d) The design, location and finishes to be applied to buildings and structures on the land where the design, location or finish provides a reduction in the energy demands required to use or maintain that building or structure.

4.5.17.3 Subdivision within the Rural Village zone will not be supported unless it is in accordance with an adopted Structure Plan prepared in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4.5.18 **Special Residential Zone**

4.5.18.1 In the event of there being any variations or conflict between the special provisions set out in Schedule 15 – Special Residential Zone and the following general provisions, the requirements of the special provisions under Schedule 15 shall prevail.

4.5.18.2 The following general provisions shall apply to all land within the Special Residential zone, in addition to any special provisions set out in Schedule 15 which are specifically applicable to such land:

4.5.18.2.1 Building Design, Material and Colours

- (a) A dwelling shall not exceed 7.5 metres in height which is measured vertically from the natural ground level.
- (b) All dwellings, outbuildings and other structures (such as water tanks) shall be designed and constructed of material which allows them to blend into the landscape of the site.
- (c) In order to reduce glare from a building (including a water tank) and to protect visual amenity, the use of reflective materials and finishes and white/off-white colours shall not be permitted.
- (d) Building design is to be responsive to the existing landform, minimising cut and fill and the use of retaining walls.
- (e) Where deemed necessary by the Local Government due to fire hazards and/or threat in a particular area, all buildings are to be designed in accordance with AS 3959 – *Construction of Buildings in Bushfire Prone Areas* or any document superseding it.

Note:	1. Unpainted zincalume is considered a reflective material and colours similar to Colorbond Surfmist is considered white/off-white.
	2. Preference is given to split level development, the breaking up of building mass and minimal site disturbance through earthworks.
	3. "Height" is the height of the outbuilding as measured vertically from the natural ground level to the highest point of the building above that point, as stipulated in the R-Codes, and not the measurement taken above the proposed finished floor level of the structure.

4.5.18.2.2 Fire Protection

Refer to Part 10A – Bushfire risk management of the *Planning and Development (Local Planning Schemes) Amendment Regulations 2015*.

4.5.18.2.3 Modifications to Building Setbacks

The Local Government may permit variations to the building setback, where it is satisfied that the modification:

- (a) Is consistent with the objectives for the zone;
- (b) Preserves areas of remnant vegetation, creek lines and other areas of environmental significance;
- (c) Provides sufficient area for the development of any low fuel zone and/or hazard separation area on the lot;
- (d) Is required due to the topography or shape of the lot; and
- (e) Will have no adverse impact on the amenity of existing residences on adjoining lots.

4.5.18.2.4 Fencing

- (a) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket or similar materials; and
- (b) Where boundary fencing is permitted by the Local Government it shall be of rural construction comprising posts and wire or similar materials.
- (c) The Local Government shall only approve the keeping of stock, animals and/or any Rural Pursuit activity if confined to existing cleared areas of a lot. The Local Government will require fencing to contain any livestock and protect remnant vegetation and/or exclusion areas as a condition of approval.

4.5.18.2.5 Remnant Vegetation Protection and Clearing Controls

- (a) No clearing of any remnant vegetation shall occur except for:
 - (i) Any clearing authorised by a clearing permit obtained from the relevant State Government authority and any clearing exempt in accordance with Schedule 6 or Regulation 5 of the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004* of the *Environmental Protection Act 1986*.
 - (ii) That clearing required to establish any low fuel buffer, firebreak and/or to comply with the requirements of the *Bush Fires Act 1954* (as amended);
 - (iii) Trees that are dead, diseased or dangerous and present an imminent danger to residents;
 - (iv) Clearing within a designated building envelope required to construct an approved building and curtilage;
 - (v) It is to gain vehicular access to an approved dwelling and/or building envelope; and
 - (vi) An area of up to 1m in width for the purpose of erecting and maintaining a fence line is required and approved by the Local Government. In these areas the land shall be slashed with a view to preventing soil erosion.

- (b) Clearing of remnant vegetation for any purpose other than the above exceptions, shall require the development approval of the Local Government and as a condition of granting approval, the Local Government may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by the Local Government.

4.5.18.2.6 Tree Planting

In order to enhance the rural amenity of the area and minimise the visual impact from the developments in the zone, the Local Government may require as a condition of any development approval the planting and ongoing maintenance of such trees and/or groups of trees and species as specified by the Local Government.

4.5.18.2.7 Dams, Soaks and Bores

No dams, soaks and/or bores shall be constructed on any lots unless the Local Government has granted development approval.

All applications for the construction of a dam, soak or bore shall:

- (a) Be supported by a hydrological report demonstrating that water collection or abstraction planned will not be to the detriment of water collection on adjoining properties; and
- (b) Ensure that existing stream flows are maintained for downstream users and to support other water dependent environments.

Note: Within any proclaimed groundwater area under the Rights in Water and Irrigation Act 1914, any bore/soak/well or taking of groundwater, requires the approval of the relevant State Government authority.

4.5.18.2.8 Keeping of Animals

The following provisions apply to the keeping of animals (excluding domestic animals or pets):

- (a) Keeping of animals (excluding domestic animals or pets) is generally not permitted unless provided for in Schedule 15.
- (b) Where, in the opinion of the Local Government, the continued presence of any animal(s) on any portion of land is likely to cause or is causing:
 - Damage to natural vegetation;
 - Water pollution;
 - Dust pollution;
 - Soil erosion; or
 - Any other form of land degradation,

notice may be served on the owner of the said portion of land requiring the immediate removal of those animal(s) and/or rehabilitation of the land specified in the notice.

- (c) Domestic pets which do not pose a threat to native flora and/or fauna may be kept within the zone under the following conditions:
 - All pets shall be confined within the building envelope or similar at all times unless kept on a leash by a responsible person; and
 - Cats and rabbits are considered to pose a threat to native flora and/or fauna and shall be confined inside buildings.

4.5.18.2.9 Effluent Disposal

On-site disposal is required to service all dwellings and shall be responsibility of the individual landowner in accordance with clause 4.8.2.

4.5.18.2.10 Water Supply

A reticulated water supply from a licensed water service provider shall be provided to each lot.

4.5.18.2.11 Electricity Supply

To enhance the visual amenity of the zone, the Local Government will request the Commission to impose a condition at the time of subdivision for the provision of underground power to the lots.

4.5.18.2.12 Stormwater Management and Drainage

Any surface water discharge must be controlled through appropriate drainage systems to avoid erosion and pollution while still maintaining the natural flow of discharge at pre-development levels. Hence:

- (a) The proposed drainage systems (including irrigation runoff) should be designed to reduce nutrient export whilst still maintaining the natural flow; and
- (b) All stormwater drainage within the development is to be designed in accordance with the principles of best management practice as outlined in the Department of Water *Stormwater Management Manual for Western Australia* (2004-07).

4.5.18.2.13 Road and Battleaxe Access

- (a) The Local Government will require the construction of subdivisional roads and/or upgrading of existing roads to their specifications and satisfaction and may request the Commission to impose a condition at the time of subdivision requiring these works or a monetary contribution accordingly.
- (b) The Local Government will require the construction of battleaxe legs to their specifications and satisfaction and may request the Commission to impose a condition at the time of subdivision requiring these works accordingly.

4.5.18.2.14 Notification of Prospective Purchasers and Successors in Titles

- (a) The Local Government shall require the subdivider to advise all prospective purchasers of a lot within the Special Residential zone of the following: *AMD 13 GG 10/06/16*
 - (i) The general scheme provisions that apply to the Special Residential zone;
 - (ii) Any special provision contained within Schedule 15 that applies to the land; and *AMD 13 GG 10/06/16*
 - (iii) Any other planning matter that may affect the use and enjoyment of the land such as buffer areas, surrounding land uses or other planning proposals to be implemented such as the Albany Ring Road.
- (b) The Local Government may request the Commission to impose a condition at the time of subdivision which requires a notification to be placed on the Certificate of Title for all lots to advise prospective purchasers accordingly.

4.5.18.3 Rezoning of Land

Prior to considering any additional land to be rezoned to Special Residential, the Local Government will require the proponent submit a detailed proposal that addresses the following matters:

- (a) Compliance with the outcomes and recommendations of the Albany Local Planning Strategy;
- (b) Fire hazard assessment and Fire Management Plan;
- (c) Land capability and suitability assessment,
- (d) Protection and enhancement of the natural environment;
- (e) Protection and enhancement of visual amenity;
- (f) Provision of infrastructure and services;
- (g) Impacts on adjacent land uses;
- (h) Any potential for site contamination;
- (i) Effluent disposal;
- (j) Location of building envelopes; and
- (k) Preparation of a Guide Plan for the subdivision showing proposed roads and connectivity between proposed/future and existing developments, lots, recreation areas and location of building envelopes.

4.5.18.4 Subdivision

Prior to supporting the subdivision of Special Residential zoned lots where no approved Structure Plan exists, the Local Government shall require a land capability assessment to be undertaken and a Structure Plan to be prepared in accordance with Part 4 of the deemed provisions and approved by the Western Australian Planning Commission. *AMD 13 GG 10/06/16*

4.5.19 Yakamia Creek Zone

4.5.19.1 Within the Yakamia Creek zone, the minimum lot size shall be 3,000m².

4.6 PROVISIONS APPLICABLE TO RESIDENTIAL LAND USE AND DEVELOPMENT

4.6.1 R-Codes

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

4.6.1.2 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.

4.6.1.3 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.

4.6.1.4 The R-Codes apply to an area if the area has a coding number superimposed on it in accordance with subclause (4.6.1.3).

4.6.2 Special Application of R-Codes

The following variations to the *R-Codes* apply in the scheme area:

(a) R1 Density Coding

For a lot designated with the R1 density code on the Scheme Map, the following standards and requirements in Table 5 shall apply:

Table 5 - R1 Density Code Provisions							
R Code	Dwelling Type	Min. Site Area per Dwelling (m ²)	Min. Frontage (m)	Open Space Min. Total (% of site)	Min. Setbacks (m)		
					Primary Street	Secondary Street	Other/Rear
R1	Single House or Grouped Dwelling	8,500	50	80	20	10	10

(b) R1/20 and R5/20 density code

Where a lot has dual coding of R1/20 or R5/20, the local government may approve residential development at the higher code if the development is connected to reticulated sewerage.

(c) Variation to R-Codes

The provisions of the *R-Codes* may be varied for new urban residential areas and large urban infill sites by a structure plan and/or a Local Structure Plan that clearly identifies proposed variations to the *R-Codes* and is approved by the Local Government and endorsed by the Western Australian Planning Commission.

(d) **R30/40 and R30/60**

- (i) For a lot with a dual coding of R30/40 or R30/60 on the Scheme Map the density for residential uses is R30. The Local Government may grant development approval for an increase in the density up to the higher code of R40 and R60 respectively where the development in the opinion of the Local Government:
 - (a) Retains an existing house which has historic character, is worthy of retention and positively contributes to the existing streetscape;
 - (b) The new dwelling units have architectural elements which complement the existing historic/character dwelling creating an integrated design;
 - (c) Retains an existing house which is worthy of retention, positively contributes to the existing streetscape, and is of excellent quality with a maintenance standard equal to that of a new dwelling unit (or conversely is substantially upgraded to have a maintenance standard equal to that of a new dwelling);
 - (d) The new dwelling units and existing dwelling have common architectural elements creating an integrated design; and
 - (e) Has a high level of compliance with any relevant Local Planning Policy or Character Precinct Guidelines adopted by the Local Government.
- (ii) The following provisions specifically apply to the area coded R30/40 (generally bounded by Grey Street West, and Duke, Collie and Parade Streets) and the area coded R30/60 (generally bounded by Serpentine Road, and Frederick, Aberdeen and Spencer Street) as shown on the Scheme Map. The intent of the subject dual coded areas is to provide for increases in the density of the areas and to protect the many existing buildings which contribute to the established urban character and streetscape.
 - 1. The applicable design code shall be R30 except in the following circumstances, in which case the relevant higher code may apply where:
 - (i) An existing building is included on the *Municipal Heritage Inventory* or other heritage list and is retained; or
 - (ii) An existing building, which, based on written advice from a heritage architect, and in the opinion of the Local Government, is worthy of retention by making a positive contribution to the established urban character and streetscape and is retained; or
 - (iii) A building which is not on the *Municipal Heritage Inventory* or other heritage list and, based on written advice from a heritage architect, and in the opinion of the Local Government, does not contribute positively to the established urban character and streetscape, and planning consent has been granted for its removal; or

- (iv) Where a lot is vacant at the time of application or is made vacant by an approved demolition.
- 2. Any retained building is to have a maintenance standard equal to that of a new dwelling unit (or conversely is substantially upgraded to have a maintenance standard equal to that of a new dwelling); and
- 3. When a building is being retained, any new development is to incorporate architectural elements in keeping with the retained building.
- 4. Any new building is to have a high level of compliance with any current Local Planning Policies or Character Precinct Guidelines adopted by the Local Government.
- 5. Notwithstanding any other provision of the Scheme, development approval is required for all development to the higher code, including but not limited to the development of single houses, extensions and additions, or the demolition of any building. The Local Government shall generally not approve of demolition of a building it considers contributes positively to the established urban character and streetscape.
- 6. Where a building is worthy of retention and is to be retained, the Local Government may allow a reduction of the minimum site area per dwelling down to a minimum of 120m² and vary other requirements of the *R-Codes*, including parking, provided that the average site area requirement of the relevant Code is met.
- 7. Where the Local Government approves development to the higher code or variations of the codes provisions on the basis that a building that contributes positively to the established urban character or streetscape is to be retained, approval shall be subject to either:
 - (i) A restrictive covenant being lodged on the Certificate of Title to ensure ongoing retention of such a building; or
 - (ii) The landowner entering into a heritage agreement with the Local Government if the building is listed on the *Municipal Heritage Inventory* or *State Register* to ensure its ongoing retention.
- 8. Where the Local Government has granted development, approval involving a variation of the minimum site area requirements of the *R-Codes*, support for the subdivision of the land into separate titles will be conditional upon:
 - (i) Additional dwelling units approved on the site being constructed to plate height and associated development (including access, retaining walls, drainage, and sewer and water connections) being completed; and
 - (ii) Completion of all building works required on the existing building to render it worthy of retention.

(e) **Building Height**

Notwithstanding Table 4 of the *R-Codes* and unless otherwise provided in the Scheme, building heights for multiple dwellings in areas with a coding of R30 or greater and within mixed use development and activity centres shall be in accordance with heights specified in the *Albany Historic Town Design Policy* or other relevant local planning policy adopted by the Local Government.

(f) **Low Density – Multiple Dwellings**

For a lot with a density code of R20, R25 or R30 on the Scheme Map, the Local Government may grant development approval for multiple dwellings on steeply sloping sites (> 20% slope and/or 1:5 grade) where severe earthworks would be required to accommodate a group dwelling proposal. A development approval would be subject to the development complying with the standards specified for grouped dwellings in Table 1 of the *R-Codes*.

4.6.3 Restrictive Covenants

4.6.3.1 Subject to clause 4.6.3.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the *R-Codes* which apply under the Scheme.

4.6.3.2 Where clause 4.6.3.1 operates to extinguish or vary a restrictive covenant the Local Government is not to grant development approval to the development of the land which would, but for the operation of clause 4.6.3.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4.6.4 Ancillary Dwelling

4.6.4.1 The Local Government may permit a maximum floor area of 70m² (not inclusive of a garage, carport, verandah or patio) for an ancillary dwelling unit.

4.6.4.2 Only one ancillary dwelling unit is permitted on any lot.

4.6.4.3 The Local Government will not permit the installation of a second complete effluent disposal system to that system already approved for the dwelling.

4.6.4.4 Ancillary dwellings shall be located either alongside or to the rear of the existing single house.

4.6.4.5 The materials, colours and finishes used in the construction of ancillary dwellings shall be consistent with those of the existing single house.

4.6.5 Caretaker's Dwelling

4.6.5.1 Notwithstanding any other requirement of the Scheme, a caretaker's dwelling requires the development approval of the Local Government.

4.6.5.2 Only one caretaker's dwelling is permitted on any lot.

4.6.5.3 When considering an application for a caretaker's dwelling, the Local Government is to have regard to, and may impose conditions concerning:

- (a) There being an existing approved land use operating on the lot;

- (b) The caretaker's dwelling being located on the same lot as the approved use; and
- (c) Occupation of the dwelling being restricted to the proprietor, manager or authorised person in charge of the approved land use, and their immediate family;

4.6.5.4 The maximum floor area for a caretakers dwelling shall be 100m².

4.6.6 Relocated Dwellings

4.6.6.1 Notwithstanding any other requirement of the Scheme, all relocated dwellings require the development approval of the Local Government.

4.6.6.2 When considering an application for development approval for a relocated dwelling, the Local Government is to have regard to, and may impose conditions concerning:

- (a) The external appearance and material finishes, the screening of sub-floor spaces, the addition to or modification to the existing dwelling and the time frame imposed to complete specified work and connect the dwelling or building to lot services;
- (b) The provision of landscaping and/or screening of the building and/or site; and
- (c) The provision of a bond or bank guarantee in favour of the Local Government as surety for the completion of the building to a standard of presentation acceptable to the Local Government within a specified time.

4.6.6.3 Where the provision of a bond or bank guarantee is required, the Local Government shall refund the payment upon satisfactory completion of the necessary works.

4.6.7 Residential Uses Adjacent to Heavy Freight Routes

In the case of any development located within 100 metres from the outer edge of the carriageway of Albany Highway (north of Chester Pass Road roundabout), Chester Pass Road, Hanrahan Road, Princess Royal Drive, the Albany Ring Road alignment or the railway line located within the Scheme Area and proposed to be used for residential or tourist occupation, the Local Government shall have regard to the policy statements and recommendations in the Western Australian Planning Commission's *Statement of Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning* and may require appropriate noise attenuation measures.

4.6.8 Holiday Accommodation

4.6.8.1 Where a premise is approved for holiday accommodation or chalet/cottage unit purposes, the duration of occupancy by any person in those premises shall be limited to a maximum of three months during any 12-month period.

4.6.8.2 The density of holiday accommodation or chalet/cottage unit development shall be determined by reference to the R-Codes density number superimposed on the particular area contained within the borders shown on the Scheme Map.

4.6.9 Potable Water Supplies

- 4.6.9.1 No dwelling shall be constructed or approved for construction unless provided with a reticulated water supply from a licensed water provider.
- 4.6.9.2 Where reticulated water is not available; each dwelling shall be provided with a sustainable potable water supply with a minimum capacity of 92,000 litres.

4.7 MISCELLANEOUS USE AND DEVELOPMENT REQUIREMENTS

4.7.1 Minerals and Basic Raw Materials Activities

- 4.7.1.1 The Local Government may require any habitable development proposed within 200 metres of a basic raw materials extraction source to incorporate suitable measures to protect or to provide for the current or future extraction of the mineral or basic raw materials existing on the land or within reasonable proximity to the land.
- 4.7.1.2 Notwithstanding any other requirement of the Scheme, all industry – extractive require the development approval of the Local Government.
- 4.7.1.3 When considering an application for a industry – extractive, the Local Government is to have regard to and may impose conditions concerning:
- (a) No excavation activity is to occur within 200 metres of a residence not located on the subject lot;
 - (b) The proposed extraction site is to be setback a minimum of 40 metres from a public road;
 - (c) No excavation is to occur within 50 metres of a watercourse or waterbody;
 - (d) All activities are adequately screened from major vantage points (i.e. from regional and district roads); and
 - (e) The preparation and implementation of an Environmental Management Plan and Pit Closure Rehabilitation Plan to control the operations and closure of the extraction activity and pit area.

Note:

1. Section 120 of the Mining Act 1978 requires that in considering the granting of a mining tenement, the provisions of Local Planning Scheme No. 1 shall be taken into account, but nothing in the Scheme shall prohibit or affect the granting of the tenement or carrying out of any mining operations authorised under the Act.
2. On Crown Land, construction materials are defined as a 'mineral' and require a Mining Lease to be issued by the Department of Mines and Petroleum to extract sand, clay, rock or gravel and these activities are administered under the Mining Act 1978. On private property, the extraction and sale of construction materials such as sand, rock or gravel is administered by the Local Government through the granting of development approval under Local Planning Scheme No. 1 and issuing of licenses under the Extractive Industries Local Law 2009, or any other laws applicable to the proposal.

4.7.2 Agriculture – Intensive; and Animal Husbandry – Intensive Activities

- 4.7.2.1 Notwithstanding any other requirement of the Scheme, all agriculture – intensive and animal husbandry – intensive require the development approval of the Local Government.

4.7.2.2 In considering an application for development approval for agriculture – intensive and animal husbandry – intensive, the Local Government may require the applicant to:

- (a) Prepare a land capability analysis;
- (b) Prepare a site management plan, to support and justify the proposal and detail management actions for the activity to the satisfaction of the Local Government;
- (c) Incorporate a buffer separation distance to protect sensitive uses;
- (d) Prepare a management strategy to control potential nuisances generated by the land use;
- (e) Provide an Agricultural Impact Statement in accordance with State Planning Policy 2.5 *Agriculture and Rural Land Use Planning*; and
- (f) Submit to the Local Government a Nutrient and Irrigation Management Plan (NIMP) in accordance with the Department of Water's *Water Quality Protection Note 33*. The Local Government is to refer the NIMP to the relevant State Government authorities, for comment regarding the NIMP and the potential impacts of the proposal. The Local Government will have due regard to the advice of the relevant State Government authorities, and where a proposal is approved, will apply conditions to implement the NIMP.

4.7.3 Tree Plantation Activities

4.7.3.1 Applications for tree plantations shall incorporate and comply with a Plantation Management and Harvest Plan prepared in accordance with the *Code of Practice for Timber Plantations in Western Australia* (1997) or any replacement code or other relevant policy applicable at the time of application.

4.7.3.2 In considering an application for a tree plantation, the Local Government will have regard to the following matters:

- (a) The proximity of the plantation to any land zoned or identified for residential development, rural residential development or smaller lots with potential for dwelling development;
- (b) Separation distances between the plantation and any properties sensitive to the exposure of insecticides (mainly if any aerial spraying is proposed);
- (c) Where harvesting is proposed, the suitability of the location in terms of the road network capabilities;
- (d) The visual impact if the plantation has potential to interrupt scenic views (particularly along main tourist routes);
- (e) Impact on any tourist and recreation uses on the subject or the adjoining land;
- (f) Proximity to any airstrips; and

- (g) The proximity of the plantation to any substantial areas of remnant endemic species and the potential impact on any existing 'Conservation' areas or remnant vegetation areas, and may seek comment from the relevant State Government authority in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015*.

4.7.4 Home Business

- 4.7.4.1 Notwithstanding any other requirement of the Scheme, all home business requires the development approval of the Local Government.
- 4.7.4.2 An approval granted for a home business is specific to the applicant and is not transferable upon sale of the property and/or vacation of the premises by the occupant.

4.7.5 Development of Other Structures

Development standards, including the height, area, setbacks and construction materials, for the following structures:

- Outbuilding (shed or workshop);
- Carport or garage;
- Pergola;
- Shadehouse or conservatory;
- Any accommodation designed to house livestock, including a kennel, stable, aviary, fowlhouse and pigeon loft,

may be determined by the Local Government in accordance with an adopted Local Planning Policy.

4.8 SITE AND DEVELOPMENT REQUIREMENTS

4.8.1 **Vehicle Access/Egress onto Major/Priority Roads, Road Widenings, Unconstructed or Substandard Roads and Loading/Unloading and Service Areas**

- 4.8.1.1 Approval from the relevant road control authority is required for the construction of a vehicle access/egress point onto a Major Road or Priority Road shown on the Scheme Map.
- 4.8.1.2 The Local Government may as a condition of granting development approval for access/egress onto a Major Road or Priority Road require:
- (a) That an alternative access/egress point be provided;
 - (b) That the access/egress point and driveway to be sealed and drained to prevent the export of any materials from the lot onto the Major Road;
 - (c) The shared use of access/egress points, driveways and/or car parking areas on adjoining land parcels through reciprocal rights of access agreements prepared by the landowner; or
 - (d) That the construction of a service road be undertaken to limit access onto the Major Road.

Note: Applications for access to a Major Road, such as Albany Highway or South Coast Highway, or to a controlled access route, such as the Albany Ring Road will be referred to the relevant State Government authority for comment and/or consent.

4.8.1.3 The Local Government may as a condition of granting development approval for access/egress onto a Priority Road require:

- (a) Only one vehicle access/egress point from any lot,
- (b) Separate access/egress points to be provided;
- (c) That the access/egress point and driveway to be sealed and drained to prevent the export of any materials from the lot onto the Priority Road.
- (d) The shared use of access/egress points, driveways and/or car parking areas to limit the number of access/egress points onto the Priority Road.

4.8.1.4 All vehicle access points, other than in the Residential zone, shall be designed so that all vehicles can enter and leave the lot in a forward gear.

4.8.1.5 No vehicle crossover shall be located within the corner truncation of any lot having two or more street frontages.

Road Widenings

4.8.1.6 On Major Roads and Priority Roads shown on the Scheme Map, the Local Government may require additional land to be added to widen or extend the road in support of subdivisional approval or as a condition of granting development approval.

4.8.1.7 The Local Government in dealing with an application for development approval on land abutting a road proposed to be widened, is to have regard to, and may impose conditions:

- (a) Limiting development on the land affected by the road widening;
- (b) Requiring the owner to cede free of cost the affected land; and/or
- (c) Requiring an increased development setback to protect the land affected by the future road widening.

Note: Plans showing the extent of future road widening can be viewed at the Local Government.

Un-constructed or Substandard Roads

4.8.1.8 The Local Government in granting development approval to a development abutting an un-constructed or substandard road may either require:

- (a) The applicant to meet the full cost of constructing or upgrading that portion of the road fronting the development plus other sections of the road that connect the development to the existing road network; or
- (b) Where a Contribution Plan has been adopted by the Local Government in accordance with the *Planning and Development (Local Planning Schemes) Regulations 2015* of the Scheme, a financial contribution to the cost of constructing or upgrading that portion of the road fronting the development plus other sections of the road that connect the development to the existing road network.

4.8.1.9 The Local Government shall undertake the works required under clause 4.8.1.8 within a timeframe agreed between the applicant and the Local Government.

4.8.1.10 If an owner or applicant objects to the contribution determined by the Local Government under clause 4.8.1.8(a), the matter shall be referred to the State Administrative Tribunal in accordance with the Scheme.

Note: An applicant aggrieved by a determination of the Local Government in respect of the exercise of a discretionary power under the Scheme may apply for review to the State Administrative Tribunal in accordance with Part 14 (s. 252) of the Planning and Development Act 2005.

Loading/Unloading and Service Areas

4.8.1.11 The Local Government shall require an area to be provided on-site other than a car parking bay, for the loading and unloading and servicing or dispatch or receipt of goods and materials associated with any commercial or industrial use.

4.8.1.12 All loading and servicing areas and associated vehicle crossings required to be provided shall comply with the following requirements:

- (a) Be located, constructed, drained, paved, lit and screened from public view to the satisfaction of the Local Government;
- (b) Designed to ensure that vehicles using them are able to enter and leave the premises in a forward gear;
- (c) Constructed to prevent traffic conflict with any adjoining vehicle crossovers, parking areas, public roads or rights-of-way;
- (d) Be marked on-site and permanently retained for that exclusive use;
- (e) Be suitably designed and treated to ensure that activities carried out in the loading and service area do not cause nuisance to adjoining land uses due to the emission of noise, dust, smoke, light or other pollutants; and
- (f) No person shall alter any loading or service area forming part of a development approval for a development without having first obtained the subsequent development approval of the Local Government.

4.8.2 Sewerage and On-site Effluent Disposal

4.8.2.1 Any building or development that is required to dispose of liquid effluent shall:

- (a) Be connected to the Water Corporation reticulated sewerage system in the Water Corporation's Water Sewerage Operating License Areas unless advised by the Water Corporation that a connection cannot practically be provided; or
- (b) Provide an on-site effluent disposal system designed and located to minimise nutrient export from the site and be approved by the Local Government and the relevant State Government authority for that purpose; and
- (c) Implement a disposal process for chemical or oil substances in accordance with the Environmental Protection Authority guidelines.

4.8.2.2 The Local Government shall require the use of alternative treatment effluent disposal systems, in the following situations:

- (a) Where the setback requirements of clause 4.3.6 cannot be achieved;
- (b) Where soil conditions are not conducive to the retention of nutrients on site;
- (c) In low lying areas; and
- (d) In areas where there is a perched winter water table.

4.8.2.3 The Local Government may permit a variation to these requirements where it can be demonstrated that the proposed effluent disposal system, design and location will not cause adverse environmental or health impacts. The Local Government may seek the advice of the relevant State Government authorities prior to making that determination.

Note: All development must comply with the provisions of the draft Country Sewerage Policy administered by the relevant State Government authority.

4.8.3 Designated Building Envelope

4.8.3.1 The Local Government may require that all development and on-site effluent disposal systems be contained within a designated building envelope shown on an approved plan.

4.8.3.2 The Local Government shall apply the following objectives in determining the location and size of the building envelope:

- (a) Protection of remnant vegetation;
- (b) Avoidance of areas of low land capability;
- (c) Maintaining any necessary buffers to other uses, and
- (d) Enhancement of visual amenity.

4.8.3.3 The Local Government may grant development approval for the relocation or modification of designated building envelope provided that the new building envelope and its location satisfy the criteria in clause 4.8.3.2.

4.8.3.4 Where a designated building envelope has been approved, clearing of vegetation is not to occur outside of the envelope except when required to:

- (a) Maintain vehicular and servicing access to the buildings on the lot; or
- (b) Satisfy bush fire protection measures.

4.8.4 Use of Setback Areas

4.8.4.1 A person shall only use land within the setback area for one or more of the following purposes:

- (a) A means of access/egress;
- (b) Display of approved public artworks;
- (c) The daily parking of passenger vehicles in an approved car parking area;
- (d) The loading and unloading of vehicles;
- (e) Landscaping with lawns, gardens, trees, shrubs and structures;
- (f) Rural pursuits in the case of land within an agricultural related zone;
- (g) Private open space in the case of group and multiple dwellings.

- (h) In an Industry zone, a trade display; or
- (i) In a Commercial zone, a verandah, awning, pergola or the like to provide weather protection over an alfresco dining area, for the display of goods or for other similar activity.

Note: Any encroachments onto or over road reserves may also require separate approvals.

4.8.5 Parking Requirements

4.8.5.1 All development shall incorporate on-site parking area(s) with the number of bays required shown in Table 6 below:

Table 6 - Car and Bicycle Parking Requirements		
Land Use	Car Parking	Bicycle Parking
Aged or Dependent Persons' Dwellings	As per R-Codes	
Amusement Parlour	1 per 30m ² NLA	1 per 20m ² NLA
Ancillary Dwelling	As per R-Codes	
Betting Agency	1 per 30m ² NLA	
Caravan Park	As per the Caravan and Camping Regulations 1997	
Caretaker's Dwelling	1 bay	
Child Care Premises	1 per employee + 1 per 10 children	
Cinema/Theatre	1 per 4 persons accommodated	1 per 10 car bays
Civic Use	1 per 4 persons accommodated	1 per 20 car bays
Club Premises	1 per 4 persons accommodated	1 per 20 car bays
Community Purpose	1 per 4 persons accommodated	1 per 20 car bays
Consulting Rooms	3 per practitioner + 1 per 3 employees	1 per 10 car bays
Convenience Store	1 per 20m ² NLA	1 per 10 car bays
Display Home	5 per each display home	
Dry Cleaning Premises	4 bays	
Educational Establishment	1 per employee + bus, parent and student parking at discretion of the Local Government	1 per 10 students
Exhibition Centre	1 per 20m ² NLA	1 per 20 car bays
Family Day Care	As per R-Codes + 1 bay	
Fast Food Outlet	1 per 2.5m ² queuing area (4 bays min.) + 1 per 5m ² eating area + 4 car queuing spaces for drive through facility.	1 per 10 car bays
Garden Centre	1 per 50m ² sales / display area	1 per 10 car bays
Grouped Dwelling	As per R-Codes	
Holiday Accommodation	1 per employee + 1 per bedroom or 2 per unit whichever is greater	
Home Business	As per R-Codes + 1 bay per employee	
Hospital	1 per 4 beds plus 1 per employee	

Table 6 - Car and Bicycle Parking Requirements		
Land Use	Car Parking	Bicycle Parking
Hotel	1 per employee + 1 per 3m ² bar area + 1 per 4 seats in dining area + 1 per bedroom + 1 per 4m ² other public areas	1 per 10 car bays
Industry	1 per 100m ² NLA	1 per 20 car bays
Industry – Cottage	1 per 30m ² NLA	
Industry – General	1 per 100m ² NLA	1 per 20 car bays
Industry – Light	1 per 50m ² NLA (with min. 4 bays / tenancy)	1 per 20 car bays
Industry – Service	1 per 50m ² NLA	1 per 20 car bays
Live/Work Units	As required for the particular commercial/industry land use + 1 per resident	1 per 10 car bays
Lunch Bar	1 per 15m ² NLA	1 per 10 car bays
Market	3 spaces / stall or 1 space per 10m ² whichever is greater	1 per 10 car bays
Medical Centre	As per Consulting Room	1 per 10 car bays
Motel	As per Hotel	
Motor Vehicle, Boat or Caravan Sales	1 per 100m ² display area + 1 per employee	
Motor Vehicle/Boat Repair	4 bays per working bay + 1 per employee	
Motor Vehicle Wash	2 per wash bay	
Multiple Dwelling	As per R-Codes	
Night Club	1 per 2m ² public drinking area + 1 per 4 seats dining + 1 per 4m ² other public spaces	
Nursing Home	1 per 4 beds + 1 per employee (inc consultants)	
Office	1 per 30m ² NLA	1 per 10 car bays
Park Home Park	As per the Caravan and Camping Regulations 1997	
Reception Centre	1 per 4 persons the facility designed to accommodate + 1 per employee	1 per 20 car bays
Restaurant	1 per 4 persons the facility designed to accommodate + 1 per employee	
Service Station	1 per pump + 1 per employee + 1 per 20m ² retail area	
Shop	1 per 20m ² NLA	1 per 20 car bays
Showroom	1 per 50m ² NLA	1 per 20 car bays
Single Bedroom Dwelling	As per R-Codes	
Single House	As per R-Codes	
Storage	1 per 100m ² NLA	
Tavern	As per Night Club	

Table 6 - Car and Bicycle Parking Requirements		
Land Use	Car Parking	Bicycle Parking
Trade Display	1 per 40m ² NLA	
Veterinary Centre	4 per practitioner + 1 per employee	
Warehouse	1 per 100m ² NLA	

4.8.5.2 Where the calculated number of parking bays in accordance with Table 5 results in a fraction of a bay, the required total number of bays shall be rounded up.

4.8.5.3 Where a particular parking requirement for a use class is not specified in Table 5 or the Scheme provisions, the Local Government shall determine the number of car parking bays to be provided having regard to:

- (a) The nature of the proposed development;
- (b) The recommendations of the *Building Code of Australia*;
- (c) The number of employees and visitors/clients to be associated with the development; and
- (d) The orderly and proper planning of the locality.

Bicycle Parking

4.8.5.4 Where on-site bicycle parking is provided, the Local Government may discount the on-site car parking requirements by one bay accordingly. This clause shall not be used to forego adequate car parking bays being provided on-site and the discount shall be calculated on the basis that each car parking bay will yield seven bicycle bays.

Multiple Uses

4.8.5.5 Where a development is to incorporate multiple land uses, the total number of parking bays shall be determined as the sum of the numbers of parking bays required for all of the approved individual land uses.

Parking Relaxations

4.8.5.6 The Local Government may relax the parking requirements for a particular development where it is satisfied:

- (a) That different uses on the premises will generate parking demand at different times allowing the parking bays to be shared;
- (b) That providing the number of parking bays required will result in a built form that will not conflict with the existing or planned development of the locality; or
- (c) Contractual arrangements have been made to implement parking or shared use of an existing or planned parking area.

Construction of Car Parking Areas

4.8.5.7 Vehicular parking, manoeuvring and circulation areas are to be constructed, drained and sealed to the satisfaction of the Local Government. All parking spaces are to be line marked, appropriately lit and maintained in good repair.

Car/Trailer Parking Bays

- 4.8.5.8 When considering an application for development of tourist, commercial and/or industrial uses, the Local Government may require car parking bays to be configured to provide for car/trailer parking, the amount of which is at the discretion of the Local Government.
- 4.8.5.9 Car/trailer parking bays shall be:
- (a) Located so that the user can readily access the bays when entering the property;
 - (b) The bays are designed to accommodate entry and exit with the vehicle in a forward gear; and
 - (c) The bays are in close proximity to material and product storage areas.
- 4.8.5.10 Car/trailer parking bays are to be suitably sign posted and line marked to show that they are set aside exclusively for a car/trailer combination.
- 4.8.5.11 When calculating the car parking requirements for the approved land use, each car/trailer parking bay is to be calculated on the basis that it is two car parking bays and no additional car parking is to be provided on-site where car/trailer parking bays are required.

Bus and Coach Parking

- 4.8.5.12 When considering an application for development approval for an aged or dependent persons dwellings, holiday accommodation or motel/hotel development, the Local Government may require an area other than a car parking bay for the loading/unloading of passengers and the parking of tourist buses and coaches to be provided on-site on which the use is located.
- 4.8.5.13 All bus and coach loading, and parking areas and associated vehicle crossings required to be provided on the site shall comply with the following requirements:
- (a) Be located, constructed and drained, paved and screened to the satisfaction of the Local Government;
 - (b) Designed to ensure that vehicles using them are able to enter and leave the premises in a forward gear;
 - (c) Constructed to prevent traffic conflict with any adjoining vehicle crossovers, parking areas, public roads or rights-of-way; and
 - (d) Be marked on-site and permanently retained for that exclusive use.
- 4.8.5.14 No person shall alter any bus and coach loading and parking area forming part of a development approval for a development without having first obtained the subsequent development approval of the Local Government.

Shared/Combined Parking Areas

- 4.8.5.15 The Local Government may permit land uses to share or combine parking facilities provided it is satisfied:
- (a) No conflict will occur as a result of the joint use of the parking facilities; and
 - (b) The peak demands for parking bays from the individual land uses do not coincide.

4.8.5.16 Where the Local Government permits the joint use of parking facilities, it shall require the landowners involved to fund and prepare a suitable legal agreement registered on the property title to ensure reciprocal rights of access exist and the use of the parking facilities can be maintained.

4.8.5.17 Where a legal agreement has been required by the Local Government in accordance with clause 4.8.5.16, that agreement shall not be varied or removed without the consent of the Local Government and only where the Local Government is satisfied that the joint use of parking facilities are no longer required.

Parking Area Development Standards

4.8.5.18 All parking areas and associated vehicle crossings required to be provided shall comply with the following requirements to the satisfaction of the Local Government:

- (a) Parking for vehicles is to be designed in accordance with *AS 2890.1-1993 Parking Facilities Part 1: Off Street Parking* and any subsequent amendments thereto, except that the dimensions for angled parking spaces and aisle widths shall be in accordance with the Table 7 below:

Table 7 - Construction Standards for Car Parking Bays				
Parking Bay Angle	Minimum Parking Space Length (metres)	Minimum Parking Space Width (metres)	Minimum Aisle Width (metres)	
			One-Way Aisle	Two-Way Aisle
30°	4.4	2.6	3.1	6.0
45°	5.2	2.6	3.8	6.0
60°	5.2	2.6	4.3	6.0
90°	5.4	2.6	5.4	6.0

- (b) Parking for bicycles is to be designed in accordance with Class 3 'Bicycle Parking Rails' under *AS 2890.3-1993 Parking Facilities Part 3: Bicycle Parking Facilities* and any subsequent amendments thereto.
- (c) Car parking bays are to:
- (i) Be located, sign posted, constructed/drainage, paved and marked to the satisfaction of the Local Government;
 - (ii) Incorporate appropriate standards of security, shade trees and landscaping, surveillance and lighting, especially where it is expected that the parking area will be used at night;
 - (iii) Incorporate landscaping between the parking area and street boundary equal to 5% of the site area of the car park and shade trees at a rate not less than one tree every six bays within the parking area;
 - (iv) Include appropriate provision of bays for disabled, visitor, bicycle or other specific purposes and where these are required, these bays are to be marked and permanently retained for that exclusive use; and

- (v) No person shall alter any parking area forming part of a development approval for a development or land use without having first obtained the subsequent development approval of the Local Government.

Cash-in-Lieu for Car Parking

4.8.5.19 When considering an application where a cash-in-lieu payment for parking the Local Government shall take the following factors into account:

- (a) Whether an appropriate sharing or reciprocal parking arrangement will exist;
- (b) Whether a suitable cash-in-lieu arrangement is feasible;
- (c) If normal parking demand is unlikely to eventuate due to:
 - (i) Expected high levels of non-car use;
 - (ii) Existing parking areas in close proximity;
 - (iii) Adequate on-street parking bays being available; or
 - (iv) Close proximity to public transport and/or parking stations (existing or proposed).
- (d) If the development incorporates public transport or pedestrian/bicycle facilities that enhances access to those facilities; and
- (e) Whether the urban design benefits support a reduced level of parking bays being provided.

4.8.5.20 Where the required minimum number of parking bays cannot be provided, the Local Government may accept a cash-in-lieu payment for the provision of the parking bays subject to:

- (a) Being satisfied that the number of parking bays to be provided is sufficient in the particular case, and in any case not less than 50% of the total amount required;
- (b) The cash-in-lieu payment per bay is determined by independent valuation;
- (c) The payment being paid into a parking fund to be used for the provision of public parking facilities. The Local Government may use this fund to provide public parking facilities within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made;
- (d) In the case of land contained within the Regional Centre Zone, the cash-in-lieu payment is to facilitate coordinated and consolidated parking development within the zone through the provision of public parking areas, pedestrian and cycling facilities or public transport infrastructure, which in the opinion of the Local Government improves the existing services and permits and encourages a reduction in the use or demand for parking facilities; and
- (e) Prior to clause 4.8.5.20(d) being applied, the Local Government shall have prepared and adopted a comprehensive transport strategy for the scheme area to address pedestrian, cycling, parking, public transport and private vehicle movement requirements, and which sets out where, when and how such funds are to be directed.

4.8.5.21 If an owner or applicant objects to the amount of costs or values determined by the Local Government, at clause 4.8.5.20 the matter shall be referred to arbitration in accordance with the Scheme.

4.8.6 Parking of Vehicles, Boats, Caravans and Trailers

4.8.6.1 No person on any lot within the Residential, Tourist Residential, Future Urban, Special Residential, Rural Residential or Conservation zone may:

- (a) Allow any commercial vehicle to remain stationary or park for a period of more than eight hours consecutively on the lot and/or street verge.
- (b) Allow any commercial vehicle to remain stationary or park on any street verge.
- (c) Keep, park, repair or store any boat, caravan, or trailer in front of the building setback line unless screened from view.
- (d) Keep or park any commercial vehicle used for the transportation of livestock or for the disposal of liquid or solid waste or that is carrying a refrigeration unit that is operating on a continuous or intermittent basis on the lot.

4.8.6.2 Irrespective of clause 4.8.6.1, the Local Government may grant development approval for the parking of commercial vehicles, subject to the application achieving the following minimum criteria:

- (a) The vehicle forms an essential part of the occupation of an occupant of the dwelling;
- (b) The vehicle is to be parked behind the approved building setback at all times;
- (c) The lot exceeds 1,000m² in area;
- (d) Any associated materials or machinery is contained on the vehicle or accompanying trailer at all times and the activity does not cause nuisance due to the emission of noise, dust, light or other pollutants;
- (e) The vehicle(s) and activity are operated in accordance with the *Environmental Protection (Noise) Regulations 1997* and other statutes;
- (f) It will be housed in an approved outbuilding, or is effectively screened from view from outside the lot whilst parked; and
- (g) The vehicle, including any load, does not exceed four metres in height or 25 metres in length.

4.8.6.3 Any approval issued to park commercial vehicles is restricted to the specific person to whom it is granted and is not able to be transferred or assigned to any other person nor is it transferable upon sale of the premises.

4.8.7 Site Requirements

4.8.7.1 All development and use of land is to comply with the requirements and standards set out in Table 8 below:

Table 8 - Site Requirements					
Zone	Max. Plot Ratio	Min. Setbacks (metres)			Other Requirements
		Front	Rear	Side	
Residential	Refer to <i>R-Codes</i> and adopted Structure Plans and LPP's				
Tourist Residential	Refer to <i>R-Codes</i> and adopted Structure Plans and LPP's				
Future Urban	n/a	20	10	10	Site Requirements including setbacks may be varied by an adopted Structure Plan in accordance with R-Code density shown on the plan
Hotel/Motel	0.7	6	6	3	Refer also to Tourist Accommodation Strategy
Caravan Park	n/a	3	3	3	Refer also to the <i>Caravan and Camping Act/Regulations</i> and Tourist Accommodation Strategy
Clubs & Institutions <i>AMD 13 GG 10/06/16</i>	0.5	11	7.5	3	
Regional Centre	2.0	Nil	Nil	Nil	Refer to LPP's
Regional Centre Mixed Business	0.8	3	Nil	Nil	Refer also to adopted Structure Plan and LPP's
Regional Centre Mixed Use	1.5	3	Nil	Nil	Refer to LPP's
Highway Commercial	0.6	7.5	Nil	Nil	Refer to LPP's
Neighbourhood Centre	0.6	7.5	5	5	Refer to LPP's
Local Centre	0.5	7.5	3	3	Refer to LPP's
General Industry	0.8	9	Nil	Nil	Refer also to Schedule 11 – Industry Zone
Light Industry	0.8	9	Nil	Nil	Refer also to Schedule 11 – Industry Zone
Rural Residential	Refer to Schedule 14 – Rural Residential Zone				
Conservation	Refer to Schedule 12 – Conservation Zone				
Rural Small Holding	n/a	15	10	10	Refer to LPP's
General Agriculture	n/a	15	10	10	Refer to LPP's
Priority Agriculture	n/a	15	10	10	Refer to LPP's
Rural Village	n/a	10	3	3	Refer to adopted Structure Plan
Yakamia Creek	n/a	10	10	5	Refer to LPP's
Special Use	Refer to Schedule 4 – Special Use Zones				
Special Residential	Refer to Schedule 15: Special Residential Zone				

4.8.8 Bin and Refuse Storage Areas

4.8.8.1 The Local Government may require an area for bin and refuse storage associated with any group or multiple dwelling, tourist, commercial, or industrial use to be provided on-site.

4.8.8.2 All bin and refuse storage areas shall comply with the following requirements:

- (a) Be located, constructed/drained, paved and screened from public view to the satisfaction of the Local Government and;
- (b) Be permanently retained for that exclusive use.

4.8.8.3 No person shall alter any bin and refuse storage area forming part of an approved development without having first obtained the subsequent development approval of the Local Government.

4.8.9 Landscaping Requirements

4.8.9.1 All development shall provide areas of on-site landscaping as set out in Table 9 below:

Table 9 - Landscaping Requirements	
Zone	Landscaping Area (% of site)
Residential	As per the <i>R-Codes</i>
Tourist Residential	As per the <i>R-Codes</i>
Future Urban	As per adopted Structure Plan
Hotel/Motel	10
Caravan Park	10
Clubs & Institutions <i>AMD 13 GG 10/06/16</i>	10
Regional Centre	2
Regional Centre Mixed Business	10
Mixed Use	5
Highway Commercial	10
Neighbourhood Centre	20
Local Centre	10
General Industry	10
Light Industry	10
Rural Residential	Refer to Schedule 14 – Rural Residential Zone
Conservation	Refer to Schedule 12 – Conservation Zone
Rural Village	As per adopted Structure Plan
Yakamia Creek	As determined by the Local Government
Special Use	Refer to Schedule 4 – Special Use Zones
Special Residential	Refer to Schedule 15 – Special Residential Zone

- 4.8.9.2 Where no defined landscaping requirement is specified in Table 9, the Local Government shall determine the amount of landscaping to be provided having regard to the nature of the proposed development.
- 4.8.9.3 When landscaping is required to be provided as part of a development, the Local Government may impose conditions concerning:
- (a) The position and type of plants;
 - (b) The removal and disposal of environmental weeds;
 - (c) Management of landscaping; and
 - (d) The extent of landscaping located within the building setback areas.
- 4.8.9.4 No person shall alter any landscaping area, with the exception of any replanting or maintenance of approved areas, forming part of a development approval for a development without having first obtained a subsequent development approval from the Local Government.
- 4.8.9.5 Where the required landscaping area is not able to be provided, the Local Government may accept a cash-in-lieu payment for the provision of landscaping subject to:
- (a) The cash-in-lieu payment is to be not less than the estimated cost to the owner or the applicant of providing and constructing the landscaping area required by the Scheme; and
 - (b) Payments made under clause 4.8.9.5(a) are to be paid into a civic landscaping fund to be used for the provision of landscaping within public places. The Local Government may use this fund to provide landscaping anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.
- 4.8.9.6 If an owner or applicant objects to the amount of costs or values determined by the Local Government under sub-clause 4.8.9.5(a), the matter shall be referred to the State Administrative Tribunal.

4.8.10 Landscaping of Demolished Building Sites

Where buildings are demolished within the Regional Centre, Hotel/Motel and Neighbourhood Centre zones and, for whatever reason, redevelopment of the site is delayed for more than six months; the following works are required to be carried out by the applicant:

- (a) The premises are cleared of all rubble, debris and demolition materials;
- (b) The site is levelled to the same level as the adjoint footpath and/or road and turfed, so it can be mowed;
- (c) The site is landscaped with perimeter plantings (consisting of advanced specimens of fast growing species as determined by the Local Government); and
- (d) The site is maintained to ensure no sediment runoff from the site occurs.

4.8.11 **Additional Site and development requirements for areas covered by structure plan or local development plan** AMD 36 GG 8/03/2022

The Table sets out requirements relating to development that are included in precinct structure plans, structure plans approved before 19 October 2015 and local development plans that apply in the Scheme area.

Table
Additional Requirements that apply to land covered by structure plan
or local development plan

No.	Description of Land	Requirements
1	Part Lot 1004 Viastra Drive Lange (Highway, Commercial)	<ol style="list-style-type: none"> 1. Prior to development a Local Development Plan is to be prepared and endorsed by the Local Government. 2. The Local Development Plan shall address: <ul style="list-style-type: none"> • Building height and bulk; • Setbacks and noise mitigation; • Building design and windows, openings and street frontages/facades; • Materials and colours; • Access, loading/servicing areas and car parking; • Landscaping, public art and signage. 3. The development of the land shall be subject to preparation and implementation of a Stormwater Management Plan. 4. No direct vehicular access to Chester Pass Road is permitted.

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 Maps:
- (a) Albany Airport Noise Special Control Area;
 - (b) Public Drinking Water Sources Special Control Area;
 - (c) Albany Port Special Control Area;
 - (d) Albany Speedway Noise Special Control Area;
 - (e) Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area;
- 5.1.2 In respect of a special control area shown on a Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

5.2 ALBANY AIRPORT NOISE SPECIAL CONTROL AREA

- 5.2.1 The purpose of the Albany Airport Noise Special Control Area is to:
- (a) Protect the continued operations of the Albany regional airport and its flight paths;
 - (b) Control subdivision and development to minimise the potential for sensitive land uses to be undertaken within the special control area in accordance with the Australian Noise Exposure Forecast criteria and *AS 2021-2000: Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*; and
 - (c) Restrict the development of the residential uses and occupation of other buildings that may be adversely affected by aircraft noise in accordance with the Australian Noise Exposure Forecast (ANEF) criteria as follows:
 - (i) Acceptable for residential development: areas less than 20 ANEF.
 - (ii) Conditional for residential development: areas between 20 – 25 ANEF.
 - (iii) Unacceptable for residential development: areas greater than 25 ANEF.
- 5.2.2 In considering any application for development approval, the Local Government shall have particular regard to:
- (a) The position of the premises and the ANEF level areas shown in the Special Control Area mapping and the associated Building Type Acceptability as set out in the following table:

ANEF Levels			
Building Type Acceptability	ANEF Level		
	<20	20 – 25	>25
Single House, Grouped/Multiple Swellings, Units, Flats	Acceptable	Conditionally acceptable	Unacceptable
Education Premises, School, University	Acceptable	Conditionally acceptable	Unacceptable

ANEF Levels			
Building Type Acceptability	ANEF Level		
	<20	20 – 25	>25
Hospital, Nursing Home	Acceptable	Conditionally acceptable	Unacceptable
Hotel/Motel, Tourism, Hostel	Acceptable	Conditionally acceptable	Conditionally acceptable
Public Building, Library, Courts	Acceptable	Conditionally acceptable	Conditionally acceptable
Commercial Building, Shops, Offices	Acceptable	Acceptable	Conditionally acceptable
Light, Manufacturing, Processing, General, Special and Other Industry	Acceptable	Acceptable	Acceptable
<p><i>Notes:</i></p> <ol style="list-style-type: none"> <i>1. The ANEF Table above determines the acceptability of different building types and has been adapted from AS 2021-2000: Acoustics – Aircraft Noise Intrusion – Building Siting and Construction.</i> <i>2. The actual location of the 20 ANEF contour is difficult to define accurately, mainly because of variation in aircraft flight paths and the Local Government may apply the scheme controls for building sites outside but near to the 20 ANEF contour.</i> <i>3. Within 20 ANEF to 25 ANEF, the Local Government may recommend the incorporation of noise control features in the construction of residences contained within AS 2021:2000.</i> 			

- (b) Recommendations contained within *AS 2021-2000: Acoustics – Aircraft Noise Intrusion – Building Siting and Construction*; and
 - (c) Advice of the relevant State Government authorities.
- 5.2.3 All development the subject of clause 5.2.2 is to be subject to the discretion of the Local Government notwithstanding that the use may be designated a 'P' use in the Zoning Table and the Local Government may exercise discretion as to the approval of the use.
- 5.2.4 The Local Government will refuse applications for development of any sensitive land uses within the >25 ANEF area.
- 5.2.5 The Local Government may refuse any application for development approval or may approve the development of sensitive land uses within the 20 – 25 ANEF and <20 ANEF areas and impose conditions on the approval including requiring the applicant:
- (a) Incorporate noise attenuation measures into the design of the building; and/or
 - (b) Register a notification on title advising of the potential for aircraft noise nuisance.
- 5.2.6 The Local Government will not support the rezoning of land within the 20 – 25 ANEF or above contour levels for any of the above sensitive uses (i.e. acceptable within the <20 ANEF Level) or subdivision which would permit development involving any increase in residential density above one dwelling for every 10 hectares, or any increase in occupational density of other noise-sensitive premises above that which would normally be expected for the equivalent rural residential development based on a 10 hectare minimum lot size.

5.3 PUBLIC DRINKING WATER SOURCES SPECIAL CONTROL AREAS

- 5.3.1 The purpose of the Public Drinking Water Sources Special Control Areas is to:
- (a) Assist in the implementation of any adopted Water Source Protection Plan for gazetted or proposed public drinking water source areas; and
 - (b) Protect the area from uses and/or developments which may adversely impact on the quality and quantity of public drinking water sources.
- 5.3.2 There are three proclaimed Public Drinking Water Source areas designated on the Scheme Map as follows:
- (a) Marbellup Brook Catchment Area
 - (b) South Coast Water Reserve
 - (c) Limeburners Creek Catchment Area
- 5.3.3 In considering an application for development approval within the Public Drinking Water Sources Special Control Area, the Local Government shall have particular regard to:
- (a) The position of the premises shown in the Special Control Area mapping;
 - (b) Recommendations contained within any adopted Water Source Protection Plan prepared by the relevant government authority affecting the area; and
 - (c) Any advice on the proposal received from the relevant State Government authority.

Note: In considering an application for development approval within a drinking water source area, the Local Government will have regard to the recommendations in the Department of Water's Water Quality Protection Note 25 Land Use Compatibility in Public Drinking Water Sources Areas and the Western Australian Planning Commission Statement of Planning Policy 2.7 Public Drinking Water Source Policy in considering the likely impacts should the proposal proceed.

5.4 ALBANY PORT SPECIAL CONTROL AREA

- 5.4.1 The purpose of the Albany Port Special Control Area is to:
- (a) Protect the operation of the Albany Port and promote continued compatibility between Port activities and nearby residences;
 - (b) Acknowledge existing approved residential developments within the Albany Port Special Control Area;
 - (c) Enable continued urban development around the Port and where necessary require the incorporation of specific design and construction requirements to ensure noise levels within buildings can comply with the provisions of the *Environmental Protection (Noise) Regulations 1997*; and
 - (d) Encourage the Albany Port Authority to ensure future development within the port does not significantly increase the noise levels presently experienced at residences within the Special Control Area.
- 5.4.2 In considering an application for development approval within the Albany Port Special Control Area, the Local Government shall have particular regard to:
- (a) Recognise that some of the existing building stock is of heritage or cultural value and it may not be appropriate to limit noise intrusion;

- (b) Acknowledge the port activities and its potential to impact upon existing residents;
- (c) Consider the position of the proposed development within the Special Control Area mapping;
- (d) Take into consideration the relevant Port Structure Plan; and
- (e) Give consideration to the provisions of the *Environmental Protection (Noise) Regulations 1997* and any advice on the proposal received from the Environmental Protection Authority.

5.4.3 The Local Government may grant development approval and impose conditions on the approval including requiring the applicant:

- (a) Provides written acknowledgement that he/she accepts that the development is situated in a location that may experience increased noise levels and other impacts from the normal operations of the Albany Port from time to time;
- (b) Provides a specialist report (prepared by a suitably qualified acoustic consultant) to show that the proposed development can achieve the provisions of the *Environmental Protection (Noise) Regulations 1997*;
- (c) Where deemed necessary by the Local Government, incorporate one or more of the following design and construction methods/materials into the development:
 - (i) Locating habitable rooms such as bedrooms on the opposite side of dwelling to the port;
 - (ii) Locating non-habitable rooms such as laundries/bathrooms on the same side of the dwelling as the port;
 - (iii) Position main entrance and window openings away from port;
 - (iv) Restrict the total area of door (to have an automatic closure, be acoustically sealed and be solid core) and window openings (to be minimum of six millimetres laminated/toughened or three millimetre 'double-glazed' laminated/toughened glass) within the building walls facing the port;
 - (v) Provide wall and roof insulation to reduce sound transmission; or
 - (vi) The use of mechanical ventilation; and
- (d) A memorial to be placed on the Certificate of Title stating:
 - (i) The premises are subject to high noise levels from the port operations; and
 - (ii) Any residential development will be required to incorporate design and construction methods/materials to reduce noise impacts into the dwelling.

5.4.4 The Local Government may grant development approval for non-habitable buildings to be developed within the Albany Port Special Control Area provided that the Local Government deems the development and/or land use compatible with the purpose of the Albany Port Special Control Area and any necessary noise attenuation measures have been incorporated into the design for the premises.

- 5.4.5 The Local Government shall request the Commission impose a condition on the approval for the creation of any new lot(s) created as a result of subdivision within the Albany Port Special Control Area be required to have a memorial placed on the Certificate of Title stating that the land is situated in a location that may experience increased noise levels and other impacts from the normal operations of the Albany Port from time to time.

5.5 ALBANY SPEEDWAY NOISE SPECIAL CONTROL AREA

- 5.5.1 The purpose of the Albany Speedway Noise Special Control Area is to:
- (a) Allow for the ongoing operations of the Attwell Park Speedway and encourage the operators to incorporate additional noise attenuation measures to reduce noise egress into adjoining residential locations;
 - (b) Acknowledge and recognise the approved residential developments that exist within the Albany Speedway Noise Special Control Area;
 - (c) Ensure that new developments within the Special Control Area incorporate measures to reduce noise impacts from the speedway.
- 5.5.2 In considering an application for development approval within the Albany Speedway Noise Special Control Area, the Local Government shall have particular regard to:
- Recognise existing dwellings constructed within the Special Control Area prior to these controls;
 - Acknowledge the seasonal and part-time nature of the speedway activities and its potential to impact upon existing residents;
 - Consider the position of the proposed development within the Special Control Area mapping; and
 - Give consideration to the provisions of the *Environmental Protection (Noise) Regulations 1997* and any advice on the proposal received from the Environmental Protection Authority.
- 5.5.3 The Local Government may grant development approval and impose conditions on the approval to require the applicant to incorporate design and construction methods/materials to reduce noise impacts into the dwelling.
- 5.5.4 The Local Government may grant development approval for non-habitable buildings to be developed within the Albany Speedway Noise Special Control Area provided that the Local Government deems the development and/or land use compatible with the purpose of the Albany Speedway Noise Special Control Area and any necessary noise attenuation measures have been incorporated into the design for the premises.
- 5.5.5 The Local Government shall request the Commission impose a condition on the approval for the creation of any new lots created as a result of subdivision within the Albany Speedway Noise Special Control Area be required to have a memorial placed on the Certificate of Title stating that the land may be subject to temporary high noise levels from activities conducted at the Attwell Park Speedway.

5.6 WATER CORPORATION WASTEWATER TREATMENT PLANT ODOUR BUFFER SPECIAL CONTROL AREA

- 5.6.1 The purpose of the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area is to:
- (a) To protect the Wastewater Treatment Plant present and future operations from potential conflict with incompatible development and land uses.

- 5.6.2 The Local Government will refuse applications for residential land use or development of any other incompatible uses which would, in the opinion of the Local Government, suffer adverse impacts from the emissions of odours from the plant and this shall include any part of a premises that is partially within or projects into the Special Control Area.
- 5.6.3 In considering an application for development approval within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area, the Local Government shall have particular regard to:
- (a) The nature and position of the proposed development within the Special Control Area mapping;
 - (b) The compatibility of the proposed development with odour emissions from the Wastewater Treatment Plant; and
 - (c) Any specific advice and recommendations on the proposal received from the Water Corporation.
- 5.6.4 The Local Government may grant development approval for non-habitable buildings to be developed within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area provided that the Local Government deems the development and/or land use compatible with the purpose of the Special Control Area and any necessary measures have been incorporated into the design for the premises.
- 5.6.5 The Local Government shall not support the further subdivision of any land within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area such where it will create a greater potential for future land use conflict to be generated between sensitive uses and the odour buffer around the Wastewater Treatment Plant.
- 5.6.6 Where subdivision is supported within the Special Control Area, the Local Government shall request the Commission impose a condition on the approval for the creation of any new lots created as a result of subdivision within the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area to be required to have a memorial notice placed on the Certificate of Title advising that the land may be subject to odour emissions from the adjoining/nearby Water Corporation Wastewater Treatment Plant.

5.7 SPENCER PARK IMPROVEMENT SPECIAL CONTROL AREA

- 5.7.1 The purpose of the Spencer Park Improvement Special Control Area is to facilitate mixed use development as part of an upgrade of the Spencer Park Neighbourhood Centre and enable higher residential densities surrounding the centre.
- 5.7.2 For the land contained within the Spencer Park Improvement Special Control Area designated on the Scheme Map, the following provisions shall apply:

Whole Precinct

- 5.7.3 Despite anything else in the Scheme, a Structure Plan and/or Local Development Plan is to be prepared in accordance with the *Planning and Development) Local Planning Schemes) Regulations 2015* of the Scheme before any subdivision or development of land within the Spencer Park Improvement Special Control Area may occur.
- 5.7.4 The Structure Plan are to define:
- (a) Precinct and sub-precinct boundaries;
 - (b) Precinct and sub-precinct character statements;

- (c) Whole of precinct objectives for each element; and
- (d) Development provisions by sub-precinct.

5.7.5 All development within the Spencer Park Improvement Special Control Area shall demonstrate, to the satisfaction of the Local Government, consistency with both the the relevant sub-precinct provisions and the Structure Plan and/or Local Structure Plan objectives. Where any objective conflicts with the relevant sub-precinct development provisions, the development provisions shall take precedence.

5.7.6 Overall Built Form Design Requirements:

- (a) All service areas shall be screened from view from the adjacent street (not including ROWs);
- (b) All openings to adjacent streets shall be of a vertical proportion of at least 2:1, or composed of similarly proportioned glazing panels; and
- (c) All street frontages shall incorporate at least two wall materials or colours to provide visual interest.

5.7.7 Floorspace Limits

Retail developments in the Spencer Park Improvement Special Control Area are subject to overall net lettable area (NLA) floorspace limits for the Spencer Park Neighbourhood Centre under clause 4.5.10 of the Scheme.

Central Sub-Precinct

5.7.8 The land within the Central Sub-Precinct is designated on the Scheme Map as *R80 (C)*.

5.7.9 Notwithstanding those land uses generally permissible under Table 2: Zoning Table, within the Central Sub-Precinct the following uses are 'D' discretionary uses:

- Child Care Premises
- Club Premises
- Consulting Rooms
- Fast Food Outlet
- Hotel
- Medical Centre
- Multiple Dwelling
- Office
- Restaurant
- Shop
- Tavern

5.7.10 Notwithstanding those land uses generally permissible under Table 2: Zoning Table, within the Central Sub-Precinct the following uses are 'X' not permitted:

1. Residential development below the density of the R60 residential density code
2. Single House

5.7.11 The following general provisions apply in the Central Sub-precinct:

(a) Maximum plot ratio: 1.75:1

(b) Height:

Maximum of three storeys with a maximum building height of 12 metres as per Category C in Table 3 of the *R-Codes*.

Variations to the maximum heights will only be considered where ground floor heights are increased to facilitate commercial use in mixed use buildings. The maximum increase in such cases shall be one metre.

(c) Minimum setbacks from primary and secondary streets:

Non-residential uses and any floors above: Nil

Ground floor residential and any floors above: 2.5 metres

Side/rear setbacks: Nil

(d) Vehicle access:

Only from ROW where available. Where access from a ROW is not possible, vehicle crossovers for car parking shall be limited to one per street for each lot.

(e) On-site car parking provision:

Retail: 1 bay per 25m² GFA

Other commercial: 1 bay per 30m²

Residential: 1.5 bays per dwelling (of which one bay shall be assigned for each dwelling)

(f) Landscaping:

In lieu of minimum on-site provision, a development contribution shall be made to the Local Government towards landscaping upgrades in the adjacent streets at a prescribed rate per m² of site area.

(g) Built Form Design Requirements:

(i) Ground floor commercial uses shall incorporate full height glazing (floor level to at least 2.4 metres above floor level) for 75% of the building frontage to adjacent streets.

(ii) All commercial street frontages built to within 2.5m of the front boundary shall incorporate a verandah or roof overhang to provide pedestrian shelter over the adjacent footpath with a minimum footpath overhang of 3 metres and a minimum height of 3 metres.

(h) Additional 'Main Street' Sub-precinct provisions:

The following additional provisions shall apply to development fronting Hardie Road (between Angove Road and Mokare Road):

(i) No residential uses shall be permitted at ground floor level;

(ii) Ground floor commercial uses shall incorporate full height glazing (floor level to at least 2.4 metres above floor level) for 85% of the building frontage to adjacent streets;

(iii) All ground floor tenancies must have a primary entrance to Hardie Road; and

(iv) An additional development contribution for landscaping shall apply at a prescribed rate per linear metre of street frontage to Hardie Road.

Mixed Use Sub-Precinct

- 5.7.12 The land within the Mixed Use Sub-Precinct is designated on the Scheme Map as *R60 (MU)*.
- 5.7.13 Notwithstanding those land uses generally permissible under Table 2: Zoning Table, within the Mixed Use Sub-Precinct the following land uses are 'D' discretionary uses:
- Consulting Rooms
 - Home Business
 - Medical Centre,
 - Office (limited to a maximum NLA of 150m² per unit)
 - Single House
- 5.7.14 Notwithstanding those land uses generally permissible under Table 2: Zoning Table, within the Central Sub-Precinct the following uses are 'X' not permitted:
- Residential development below the density of the R40 residential density code.
- 5.7.15 The following general provisions apply in the Mixed Use Sub-Precinct:
- (a) Maximum plot ratio: 1.5:1
- (b) Height:
- Maximum of three storeys with a maximum building height of 12 metres as per Category C in Table 3 of the *R-Codes*.
- Variations to the maximum heights will only be considered where ground floor heights are increased to facilitate commercial use in mixed use buildings. The maximum increase in such cases shall be one metre.
- (c) Minimum Setbacks:
- | | |
|--------------------------------|-------------------------------|
| Primary and Secondary Streets: | 2.5 metres |
| Side: | Nil |
| Rear: | 4.5 metres (except for ROWs). |
- (d) Vehicle Access:
- Only from ROW where available. Where access from a ROW is not possible, vehicle crossovers shall be limited to one per street for each lot. Part of Lots 28 & 29 Pretious Street/Hardie Road shall be reserved for a public laneway.
- (e) On-site Car Parking:
- | | |
|--------------|--|
| Commercial: | 1 bay per 30m ² NLA |
| Residential: | 1.5 bays per dwelling (of which one bay shall be assigned for each dwelling) |
- (f) Landscaping:
- In lieu of minimum on-site provision, a development contribution shall be made to the Local Government towards landscaping upgrades in the adjacent streets at a prescribed rate per m² of site area.

- (g) Built Form Design Requirements:
 - (a) Ground floor commercial uses shall incorporate full height glazing (floor level to at least 2.4 metres above floor level) for 60% of the building frontage to adjacent streets.
 - (b) All commercial street frontages built to within 2.5 metres of the front boundary shall incorporate a verandah or roof overhang to provide pedestrian shelter over the adjacent footpath with a minimum footpath overhang of 3 metres and a minimum height of 3 metres.
- (h) Development of a Single House on a lot shall only be permitted where:
 - (i) In the opinion of the Local Government, it is consistent with the sub-precinct objectives;
 - (ii) Design and location on the lot is such that further development of the site to achieve the required minimum (R40) density over the lot is not compromised;
 - (iii) An area suitable for or adaptable to a home-based workspace or office is incorporated at street level; and
 - (iv) If subdivision is proposed, construction is completed to plate height prior to WAPC approval of a Deposited Plan or Strata Plan.

Residential Inner-Frame Sub-Precinct

- 5.7.16 The land within the Residential Inner-Frame Sub-Precinct is designated on the Scheme Map as *R60 (IF)*.
- 5.7.17 Notwithstanding those land uses generally permissible under Table 2: Zoning Table, within the Residential Inner-Frame Sub-Precinct the following land uses are 'D' discretionary uses:
 - Single House
- 5.7.18 Notwithstanding those land uses generally permissible under Table 2: Zoning Table, within the Residential Inner-Frame Sub-Precinct the following land uses are 'X' not permitted:
 - Residential development below the density of the R40 residential density code.
- 5.7.19 The following general provisions apply in the Residential Inner-Frame precinct:
 - (a) Maximum plot ratio 1:1
 - (b) Height:

Maximum of three storeys with a maximum building height of 12 metres as per Category C in Table 3 of the *R-Codes*.
 - (c) Minimum Setbacks:

Primary Street: 4 metres

Secondary Street: 1.5 metres

Side/Rear: as per the *R-Codes*
 - (d) Vehicle Access:

Vehicle crossovers shall be limited to one per street (not including ROWs) for each lot.
 - (e) On-site Car Parking:

As per the *R-Codes*.

- (f) Landscaping:
In lieu of minimum on-site provision, a development contribution shall be made to the Local Government towards landscaping upgrades in the adjacent streets at a prescribed rate per m² of site area.
- (g) Development of a Single House:
Development of a Single House on a lot shall only be permitted where:
- (i) In the opinion of the Local Government, it is consistent with the sub-precinct objectives;
 - (ii) Design and location on the lot is such that further development of the site to achieve the required minimum (R40) density over the lot is not compromised;
 - (iii) If subdivision is proposed, construction is completed to plate height prior to WAPC approval of a Deposited Plan or Strata Plan.

Residential Outer-Frame Sub-Precinct

- 5.7.20 The land within Residential Outer-Frame Sub-Precinct is designated on the Scheme Map as *R40 (OF)*.
- 5.7.21 Notwithstanding those land uses generally permissible under Table 2: Zoning Table, within the Residential Outer-Frame Sub-Precinct the following land uses are 'D' discretionary uses:
- Single House
- 5.7.22 Notwithstanding those land uses generally permissible under Table 2: Zoning Table, within the Residential Outer-Frame Sub-Precinct the following land uses are 'X' not permitted:
- Residential development below the density of the R30 residential density code.
- 5.7.23 The following general provisions apply in the Residential Outer-Frame Sub-Precinct:
- (a) Plot Ratio:
As per the *R-Codes*
 - (b) Height:
Two storeys as per Category B in Table 3 of the *R-Codes*
 - (c) Setbacks:
As per the *R-Codes* for the R40 residential density code
 - (d) Vehicle Access:
As per the *R-Codes*
 - (e) On-site Car Parking:
As per the *R-Codes*
 - (f) Fencing:
As per the *R-Codes*

Schedules

SCHEDULE A – SUPPLEMENTARY PROVISIONS

These provisions are to be read in conjunction with the deemed provisions contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 61(1)(k) The erection of a boundary fence in a zone where the R-Codes do not apply.

Clause 61(1)(l) The carrying out of works urgently necessary to ensure public safety, for the safety or security of plant or equipment or for the maintenance of essential services.

Clause 61(1)(m) Any rural works/activity for example but not limited to ploughing, fencing, seeding, spraying, constructing a dam and harvesting undertaken as part of permitted agricultural/rural use.

SCHEDULE 1 – DICTIONARY OF DEFINED WORDS AND EXPRESSIONS

Schedule comprises two sets of definitions, 1. General Definitions and 2. Land Use Definitions.

1. General Definitions

In the Scheme:

advertisement	<i>DELETED BY AMD 29 GG 24/05/19;</i>
amenity	<i>DELETED BY AMD 29 GG 24/5/19;</i>
building envelope	means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;
building height	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the maximum vertical distance between the natural ground level and the finished roof height directly above, excluding minor projections as that term is defined in the R-Codes;
CEO	<i>DELETED BY AMD 29 GG 24/5/19;</i>
commercial vehicle	means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including – (a) a utility, van, truck, tractor, bus or earthmoving equipment; and (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph (a);
Commission	means the Western Australian Planning Commission;
conservation	has the same meaning as in the <i>Heritage of Western Australia Act 1990</i> ;
cultural heritage significance	<i>DELETED BY AMD 29 GG 24/5/19</i>
development	means the development or use of any land, including: (a) any demolition, erection, construction, alteration of or addition to any building or structure on the land; (b) the carrying out on the land of any excavation, or other works; (c) in the case of a place to which a Conservation Order made under s.59 of the <i>Heritage of Western Australia Act 1990</i> applies, any act or thing that; (i) is likely to change the character of that place or the external appearance of any building; or (ii) would constitute an irreversible alteration of the fabric of any building;

dry industry	means an industry that produces low amounts of waste (solid, liquid or gas) as a result of operations;
floor area	has meaning given in the Building Code;
frontage	in relation to a building – (a) if the building is used for residential purposes, has the meaning given in the R-Codes; or (b) if the building is used for purposes other than residential purposes, means the line where a road reserve and the front of a lot meet and, if a lot abuts 2 or more roads, the one to which the building or proposed building faces;
Gazettal date	in relation to a Scheme, means the date on which the Scheme is published in the <i>Gazette</i> under s.87 of the <i>Planning and Development Act 2005</i> ;
health consultant(s)	<i>DELETED BY AMD 29 GG 24/5/19</i>
incidental use	means a use of premises which is consequent on, or naturally attaching, appertaining or relating to, the predominant use;
industry	means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes premises on the same land used for: (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; or (e) incidental to any of those industrial operations;
Land Capability Analysis	means a report prepared in accordance with Department of Agriculture and Food WA publications <i>Land Evaluation Standards for Land Resource Mapping</i> and <i>Land Capability Assessment Methodology</i> to identify the general capability of a site to sustain the proposed use and inform the applicant of potential land management issues to be addressed;
Local Government	<i>DELETED BY AMD 29 GG 24/5/19;</i>
Local Planning Strategy	<i>DELETED BY AMD 29 GG 24/5/19</i>
lot	has the same meaning as in the <i>Planning and Development Act 2005</i> ;
minerals	has the meaning given in the <i>Mining Act 1978</i> section 8(1);

net lettable area (nla)	means the area of all floors within the internal finished surfaces of permanent walls but does not include the following areas – (a) stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms and plant rooms, and other service areas; (b) lobbies between lifts facing other lifts serving the same floor; (c) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building; (d) areas set aside for the provision of facilities or services to the floor or building where those facilities are not for the exclusive use of occupiers of the floor or building;
non-conforming use	has the meaning given in the <i>Planning and Development Act 2005</i> section 172;
owner	DELETED BY AMD 29 GG 24/5/19
place	DELETED BY AMD 29 GG 24/5/19
plot ratio	means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;
PLUC categories	mean the Planning Land Use Categories prepared by the Department of Planning to classify land use activities;
PLUC 5	means any retail activity which involves the sale of goods from a shop located separate to and/or in a shopping centre (and other than those included in PLUC 6 Other Retail) including: Adult Products, Antique and Second-hand Merchandise, Beauty Salons, Bicycle Sales, Booksellers, Bread and Cake Stores, Business and Computing Equipment, Cameras/Photographic Sales, Clothing Hire and Sales, Confectionery/Tobacconists, Deli's, Department Stores – Retail, Duty Free Stores, Electronic Equipment and Parts, Dressmaking, Firearms, Fish/Seafood Retail, Florists, Footwear, Fruit and Vegetables Retail, Furniture and Home Furnishings, Markets, General Merchandise Retail, General Stores, Health Foods, Household Appliances, Hardware, Kitchenware, Leather Goods/Saddlery, Liquor Store, Meat & Fish Retail, Men's/Boys Clothing, Hairdressers, Music Store, Newsagent, Pets/Pet Supplies, Pharmacies, Photographic Services, Restaurants/Cafes, Function Centres, Sporting Goods/Trophies, Stationers, Supermarket and Grocers, Takeaway Food Outlets, Toys and Hobby Sales, Watchmaker/Jeweller and

	Weight Reducing Salons. These activities are counted as retail shopping floorspace and it is this floorspace area that is used to determine maximum floorspace areas referred to in the Neighbourhood/Local Centres zones;
PLUC 6	means any of these retail activities that are not normally accommodated in a shopping centre and by virtue of their scale and special nature, the goods of these activities separate them from the Shop/Retail category including: Agricultural Equipment Retail, Aircraft and Accessories, Boat/Caravan/Trailer Hire, Caravan Dealers, Chemical Sales, Coke/Coal/Firewood Sales, Container Sales, Electrical Construction Materials, Equipment Hire, Floor Coverings Retail, Fuel sales, Furniture Store, Hardware Retail, Hay/Grain/Feed Retail, Heating, Plumbing and Refrigeration Equipment Sales, Ice, Light Fittings Retail, Livestock Retail, Marine Craft & Accessories, Motor Cycles Dealers, Motor Vehicle Parts/Rentals/New and Second-hand Sales, Nurseries Retail, Paint/Glass/Wallpapers, Swimming Pools, Tiles, Tyres/Batteries and Accessories and Wholesaling;
precinct	means a definable area where particular planning policies, guidelines or standards apply;
predominant use	means the primary use of premises to which all other uses carried out on the premises are incidental;
premises	<i>DELETED BY AMD 29 GG 24/5/19</i>
Residential Design Codes	<i>DELETED BY AMD 29 GG 24/5/19</i>
retail	means the sale or hire of goods or services to the public;
substantially commenced	<i>DELETED BY AMD 29 GG 24/5/19</i>
watercourse	has the same meaning as it has in the <i>Rights in Water and Irrigation Act 1914</i> ;
wholesale	means the sale of goods or materials to be sold by others;
zone	<i>DELETED BY AMD 29 GG 24/5/19</i>

2. Land Use Definitions

In the Scheme:

aged or dependent persons' dwellings	has the same meaning given to the term in the <i>R-Codes</i> ;
aged persons' village	means a building or group of buildings consisting of either: (a) an aged persons' home; or (b) an aged persons' home and aged persons' dwellings, and which includes buildings or parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care;
agriculture – extensive	means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture - intensive or animal husbandry - intensive;
agriculture – intensive	means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following – (a) the production of grapes, vegetables, flowers, exotic or native plants, or fruit or nuts; (b) the establishment and operation of plant or fruit nurseries; (c) the development of land for irrigated fodder production or irrigated pasture (including turf farms); (d) aquaculture;
Agroforestry	means land, other than a tree plantation, used commercially for tree production in conjunction with traditional agriculture activities such as grazing and cropping where: (a) individual stands/sections do not exceed 10 hectares in size; (b) boundaries of individual stands/sections are separated by a minimum of 100m; (c) the total area of all such plantings does not exceed 30% of an individual land holding;
amusement parlour	means premises – (a) that are open to the public; and (b) that are used predominantly for amusement by means of amusement machines including computers; and (c) where there are 2 or more amusement machines;
ancillary dwellings	has the same meaning given to the term in the <i>R-Codes</i> ;

animal establishment	means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry – intensive or veterinary centre;
animal husbandry – intensive	means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other livestock in feedlots, sheds or rotational pens;
aquaculture	has the same meaning given to the term in the <i>Fish Resources Management Act 1994</i> ;
bed and breakfast/farmstay	means a dwelling – (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and (b) containing not more than 2 guest bedrooms;
betting agency	means an office or totalisator agency established under the <i>Racing and Wagering Western Australia Act 2003</i> ;
boarding/guest/lodging house	means a building developed for accommodating more than six guests in individual or shared sleeping quarters with common sanitary/cooking facilities and may include the provision of meals;
camping ground	shall have the same meaning as given the term in the <i>Caravan and Camping Grounds Act 1995</i> and means an area of land on which camps, but not caravans, are situated for habitation;
caravan park	means premises that are a caravan park as defined in the <i>Caravan Parks and Camping Grounds Act 1995</i> section 5 (1);
caretaker's dwelling	means a dwelling on the same site as a building, operation or plant used for industry and occupied by a supervisor of that building, operation or plant;
car park	means premises used primarily for parking vehicles whether open to the public or not but does not include – (a) any part of a public road used for parking or for a taxi rank; or (b) any premises in which cars are displayed for sale;

cemetery	means premises used for the burial or cremation of bodies and shall include areas set aside for chapels, parks/gardens, car parking, buildings and other works required for the operation of the cemetery which are approved under the provisions of the <i>Cemeteries Act 1986</i> ;
chalet	means a dwelling forming part of a tourist development or caravan park that is – (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and (b) designed to provide short-term accommodation for guests;
child care premises	means premises where – (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) Section 5(1), other than a family day care service as defined in that section, is provided; or (b) a child care service as defined in the <i>Child Care Services Act 2007</i> section 4 is provided;
cinema/theatre	means premises where the public may view a motion picture or theatrical production;
civic use	means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;
club premises	means premises used by a legally constituted club or association or other body of persons united by a common interest;
community purpose	means premises designed or adapted primarily for the provision of educational, social or recreational facilities or services by organisations involved in activities for community benefit;
consulting rooms	means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

convenience store	means premises: (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents, or the retail sale of petrol and those convenience goods; (b) operated during hours which include, but may extend beyond, normal trading hours; (c) which provide associated parking; and (d) the floor area of which does not exceed 300m ² net lettable area;
corrective institution	means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;
display home	means a dwelling used for the purpose of displaying and showing house types available within a subdivision;
dry cleaning premises	means premises used for the cleaning of garments and other fabrics by chemical processes;
educational establishment	means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;
exhibition centre	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;
family day care	means premises where a family day care service as defined in the Education and Care Services National Law (Western Australia) is provided;
farm workers accommodation	means a dwelling or any other form of accommodation such as a caravan or the like necessary for the operation of a farming enterprise and restricted to occupation by an employee of the farm;
fast food outlet	means premises used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a lunch bar;
fuel depot	means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used – (a) as a service station; or (b) for the sale of fuel by retail into a vehicle for use by the vehicle;

funeral parlour	means premises used – (a) to prepare and store bodies for burial or cremation; (b) to conduct funeral services;
garden centre	means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens;
grouped dwelling	has the same meaning given to the term in the <i>R-Codes</i> ;
harbour installations	means premises used for the purposes of loading, unloading and maintaining ships;
holiday accommodation	means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot;
holiday house <i>AMD 13 GG 10/06/16</i>	means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;
home business	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or profession if the carrying out of the business, service or profession – (a) does not involve employing more than 2 people who are not members of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 50 m ² ; and (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;
home occupation	means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that – (a) does not involve employing a person who is not a member of the occupier's household; and (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and (c) does not occupy an area greater than 20 m ² ; and

	<ul style="list-style-type: none"> (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 – <ul style="list-style-type: none"> (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 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	<p>means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation –</p> <ul style="list-style-type: none"> (a) does not entail clients or customers travelling to and from the dwelling; (b) and does not involve the display of a sign on the premises; and (c) does not require any change to the external appearance of the dwelling;
home store	<p>means a shop attached to a dwelling that –</p> <ul style="list-style-type: none"> (a) has a net lettable area not exceeding 100 m²; and (b) is operated by a person residing in the dwelling;
hospital	<p>means premises used as a hospital as defined in the <i>Hospitals and Health Services Act 1927</i> section 2(1);</p>
hotel	<p>means premises the subject of a hotel licence other than a small bar or tavern licence granted under the <i>Liquor Control Act 1988</i> including any betting agency on the premises;</p>
industry – cottage	<p>means a trade or light industry producing arts and craft goods which does not fall within the definition of a home occupation and which:</p> <ul style="list-style-type: none"> (a) does not cause injury to or adversely affect the amenity of the neighbourhood; (b) where operated in a residential zone, does not employ any person other than a member of the occupier's household; (c) is conducted within an outbuilding which is compatible with the principal uses to which land in the zone in which it is located may be put;

	<p>(d) does not occupy an area in excess of 50m²; and</p> <p>(e) does not display a sign exceeding 0.2m² in area;</p>
industry – extractive	<p>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 –</p> <p>(a) the processing of raw materials including crushing, screening, washing, blending or grading;</p> <p>(b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;</p>
industry – general	<p>means an industry other than a cottage, extractive, light, mining, rural or service industry;</p>
industry – light	<p>means an industry:</p> <p>(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises do not cause any injury to or adversely affect the amenity of the locality;</p> <p>(b) the establishment or conduct of which does not, or will not, impose an undue load on any existing or proposed service for the supply or provision of essential services;</p>
industry – primary production	<p>means premises used –</p> <p>(a) to carry out a primary production business as that term is defined in the <i>Income Tax Assessment Act 1997 (Commonwealth)</i> section 995-1; or</p> <p>(b) for a workshop servicing plant or equipment used in primary production businesses;</p>
industry – service	<p>means:</p> <p>(a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or</p> <p>(b) premises having a retail shop front and used as a depot for receiving goods to be serviced;</p>
live/work units	<p>means a building designed and constructed with a combination of both:</p> <p>(a) a work space area (used for commercial and/or light/service industries with an office) or similar activities; and</p> <p>(b) a residential dwelling area occupied by the operator of the work space area;</p>
lunch bar	<p>means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without</p>

	further preparation) within industrial or commercial areas;
marina	means – (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;
marine filling station	means premises used for the storage and supply of liquid fuels and lubricants for marine craft;
market	means premises used for the display and sale of goods from stalls by independent vendors;
medical centre	means premises other than a hospital used by 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 means premises where mining operations, as that term is defined in the <i>Mining Act 1978</i> section 8(1), is carried out;
motel	means premises, which may be licensed under the <i>Liquor Control Act 1988</i> – (a) used to accommodate guests in a manner similar to a hotel; and (b) with specific provision for the accommodation of guests with motor vehicles;
motor vehicle, boat or caravan sales	means premises used to sell or hire motor vehicles, boats or caravans;
motor vehicle/boat repair	means premises used for or in connection with: (a) electrical and mechanical repairs, or overhauls to vehicles and/or boats; or (b) repairs to tyres, but does not include premises used for recapping or retreading of tyres, panel beating, spray painting or chassis reshaping;
motor vehicle wash	means premises primarily used to wash motor vehicles;
multiple dwelling	has the same meaning given to the term in the <i>R-Codes</i> ;

night club	means premises the subject of a nightclub licence granted under the <i>Liquor Control Act 1988</i> ;
nursing home	means premises in which persons receive medical and domestic care during a long illness or infirmity or in which persons reside during convalescence from an illness;
office	means premises used for administration, clerical, technical, professional or similar business activities;
panel beating/spray painting	means premises used for the repair of damaged vehicles including panel beating, spray painting and/or chassis reshaping;
park home park	means premises used as a park home park as defined in the <i>Caravan Parks and Camping Grounds Regulations 1997</i> Schedule 8;
place of worship	means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;
port facilities	shall have the same meaning as given the term in the <i>Port Authorities Act 1999</i> ;
port services	shall have the same meaning as given the term in the <i>Port Authorities Act 1999</i> ;
port works	shall have the same meaning as given the term in the <i>Port Authorities Act 1999</i> ;
public utility	means any work or undertaking constructed or maintained by a government agency or the Local Government as may be required to provide water, sewerage, electricity, gas, drainage or other similar services;
reception centre	means premises used for hosted functions on formal or ceremonial occasions;
recreation – private	means premises that are – (a) used for indoor or outdoor leisure, recreation or sport; and (b) not usually open to the public without charge;
relocated dwelling	means a dwelling which has been previously constructed on a building site whether within the district or elsewhere and whether occupied or not, but does not include a prefabricated or purpose built transportable dwelling;

residential building	has the same meaning as given the term in the <i>R-Codes</i> ;
restaurant/café	means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the <i>Liquor Control Act 1988</i> ;
restricted premises	means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of – (a) publications that are classified as restricted under the <i>Classification (Publications, Films and Computer Games) Act 1995</i> (Commonwealth); and (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or (c) smoking-related implements;
rural pursuit	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;
service station	means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for – (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; or (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;
shop AMD 13 GG 10/06/16	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	means premises used to display, sell by wholesale or retail, or hire, automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies, swimming pools, office equipment and supplies or goods of a bulky nature;
single attached dwelling <i>AMD 1 GG 24/01/17</i>	means one of a group of two or more attached dwellings each being separated by a common wall and may include a row house, terrace house or town house, not located above or below another dwelling;
single bedroom dwelling	has the same meaning given to the term in the <i>R-Codes</i> ;
single house	has the same meaning given to the term in the <i>R-Codes</i> ;
small bar <i>AMD 13 GG 10/06/16</i>	means premises the subject of a small bar licence granted under the <i>Liquor Control Act 1988</i> ;
storage	means premises used for the storage of goods, equipment, plant or materials;
tavern	means premises the subject of a tavern licence granted under the <i>Liquor Control Act 1988</i> ;
telecommunications infrastructure	means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;
trade display	means premises used for the display of trade goods and equipment for the purpose of advertisement;
transport depot	means premises used primarily for the parking or garaging of 3 or more commercial vehicles including – (a) any ancillary maintenance or refuelling of those vehicles; and (b) any ancillary storage of goods brought to the premises by those vehicles; and (c) the transfer of goods or persons from one vehicle to another;
tree plantation	has the same meaning as plantation in the <i>Code of Practice for Timber Plantations in Western Australia (August 2006)</i> published by the Forest Industries Federation (WA) Inc, but does not mean agroforestry;
veterinary centre	means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

warehouse	means premises used to store or display goods and may include sale by wholesale;
wind farm	means premises used to generate electricity by wind force and any associated turbine, building or other structure but does not include anemometers or turbines used primarily to supply electricity for a domestic property or for private rural use;
winery	means premises used for the production of viticultural produce and associated sale of the produce;
zoo	means land and buildings used for the keeping, breeding or display of fauna.

SCHEDULE 2 – ADDITIONAL USES [CL.4.5]

No.	Description of Land	Additional Use	Conditions
AU1	Lot 20 (Pt. 5918) Two Peoples Bay Road, Kalgan Diagram 092903	Caretaker's Dwelling Chalet/Cottage Units Recreation – Private Restaurant Shop Zoo Incidental Uses	<ol style="list-style-type: none"> 1. Development shall be generally in accordance with the Development Guide Plan endorsed by the CEO. 2. The recreation – private use shall be limited to an equestrian establishment. 3. The restaurant use shall be limited to providing a service for patrons of the premises and shall only operate during daylight hours. 4. The shop use shall be limited and incidental to the predominant use of the property as determined by the Local Government. 5. The developer/operator acknowledges that the property is adjoining/nearby to land zoned for agriculture on which agricultural pursuits and activities take place and the development shall be designed, sited and undertaken in such a manner so as not to cause conflict in land use and/or adversely impact on the rural amenity of the area. 6. All buildings shall be clad with materials and colours which blend with the landscape to the satisfaction of the Local Government. 7. All development shall incorporate fire control measures to the satisfaction of the Local Government and all buildings shall comply with <i>AS 3959 – Construction of Buildings in Bushfire Prone Areas</i>. 8. All trees and existing vegetation shall be retained unless their removal is approved by the Local Government.
AU2	Lot 28 (Pt. 779) Albany Highway, McKail Plan 029387	Holiday Accommodation Chalet/Cottage Units Caretakers Dwelling Incidental Uses	<ol style="list-style-type: none"> 1. Development shall be generally in accordance with the Development Guide Plan endorsed by the CEO. 2. The City will consider the progress of the Albany Ring Road and shall have regard to any implications the proposal may have on the ring road alignment. 3. Maximum of seven holiday accommodation units is permitted to be developed. 4. All buildings shall be setback a minimum of 20 metres from the side and rear boundaries.

No.	Description of Land	Additional Use	Conditions
			<p>5. All development being undertaken with the full knowledge that:</p> <p>(a) The proposal is adjoining/nearby to General Agriculture zoned land on which agricultural pursuits and activities take place. The development of the proposed holiday accommodation and tourist activities shall be designed, sited and undertaken to prevent negative impacts or restrictions on the continued operation of these agricultural pursuits; and</p> <p>(b) The land may be affected by aircraft noise associated with the nearby Albany Airport and future uses shall not compromise the future operations of the Albany Airport.</p> <p>6. Access arrangements to Albany Highway are to be to the satisfaction of the Local Government in consultation with the relevant State Government authority.</p> <p>7. Minor variations may be permitted by Local Government after following the procedures in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
AU3	<p>Lot 7 (Pt. 416) Nanarup Road, Nanarup</p> <p>Plan 019527</p>	<p>Holiday Accommodation Chalet/Cottage Units</p> <p>Grouped Dwelling</p>	<p>1. Development shall be generally in accordance with the Development Guide Plan endorsed by the CEO.</p> <p>2. Maximum of 10 Chalet/Cottage Units and maximum of two grouped dwelling units is permitted to be developed.</p> <p>3. No additional vehicular crossovers to Nanarup Road are permitted.</p> <p>4. All stormwater drainage shall be accommodated on-site, and no direct discharge shall be permitted to the Nanarup Road Reserve.</p> <p>5. Where potable water is to be supplied to the units solely utilising rainwater catchment and storage, the Local Government shall require a minimum storage volume of 55,000 litres per unit.</p> <p>6. Landscaping shall be undertaken to screen the development from Nanarup Road.</p> <p>7. All buildings shall be set back a minimum of 60 metres from Nanarup Road.</p> <p>8. The maximum height of all buildings shall not exceed 7.5 metres to minimise the</p>

No.	Description of Land	Additional Use	Conditions
			<p>visual impacts of such buildings from Nanarup Road.</p> <p>9. The use of pale, white, off-white or reflective materials and finishes such as zincalume will not be permitted.</p> <p>10. The implementation of appropriate fire control measures as determined by the Local Government.</p> <p>11. Minor variations may be permitted by Local Government after following the procedures in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
AU4	<p>Lot 400 Coombes Road, Kronkup Plan 049231</p>	<p>Caretaker's Dwelling Educational Establishment Restaurant</p>	<p>1. Building design, colours and materials, colours shall be undertaken to blend the building(s) within the site.</p> <p>2. All development shall be set back a minimum of 20 metres from Coombes Road and 10 metres from all other boundaries.</p> <p>3. The habitable/public buildings shall be provided with an approved potable water supply with a minimum capacity of 92,000 litres per unit /building which may be supplied from a roof catchment and tank storage system.</p> <p>4. Implementation of a Fire Management Plan which incorporates the existing fire access track that traverses the property to the area's firebreak network and the owner is responsible to maintain the firebreak. Permanent access along the fire access track shall be provided at all times and any fencing and/or gates shall only be permitted at the discretion of the Local Government.</p>
AU5	<p>Lot 233 Barnesby Drive, Yakamia Diagram 098565</p>	<p>Office Showroom Service Industry Medical Clinic Professional Office</p>	<p>1. Development shall be generally in accordance with the Development Guide Plan endorsed by the CEO.</p> <p>2. Minor variations may be permitted to the Development Guide Plan by the Local Government after following the procedures in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
AU6	<p>Lot 66 cnr. Jeffries Street/Albany Highway;</p>	<p>Showroom Office Shop Warehouse</p>	<p>1. Development to comply with the provisions of the Regional Centre Mixed Business zone.</p> <p>2. Shared access for vehicles and pedestrians through the sites to be provided.</p>

No.	Description of Land	Additional Use	Conditions
	Lot 65 Jeffries Street; Lot 39 Albany Highway; Lot 36 Verdi Street, Lot 46 cnr. Verdi Street/Albany Highway; Lot 66 Verdi Street; and Lots 17, 18, 19, Pt. 1 and 124 Albany Highway, Mount Melville		3. Shared car parking areas between the front building setback and road reserve will be required and reciprocal rights of access to be provided to control access/egress onto Albany Highway. 4. Pedestrian connections between front and rear of the premises to be incorporated into the development. 5. All development shall be designed to maintain the outlook from the residences behind the sites. 6. Any necessary fencing along Albany Highway shall be designed and constructed to be visually permeable. 7. Landscaping of the car parking areas to screen adjoining residential lots. 8. Minor variations may be permitted by the Local Government after following the procedures in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> .
AU7	Lots 52, 6, 7, 19, 4, 1013, 23, 6, 7, 44, 4, 32, 311, 312, 61, 2, 33, 1, 4, 3, 2, and 1 Albany Highway, Mount Melville	Office Consulting Room Medical Centre	1 Development to comply with the provisions of the Residential zone, except for car parking which shall be provided in accordance with the requirements for the Regional Centre zone. 2 Access to Lot 6 and 7 (off Crossman Street) to be by way of a joint crossover & access/egress to Lot 8 to be restricted to Crossman Street. 3 Shared car parking areas will be required and reciprocal rights of access to be provided to control access/egress onto Albany Highway. 4 Pedestrian connections between front and rear of the premises to be incorporated into the development. 5 Any necessary fencing along Albany Highway shall be designed and constructed to be visually permeable. 6 Landscaping of the car parking areas to screen adjoining residential lots. 7 Additions, extensions and redevelopment of any of the subject lots (except Lot 1013) shall ensure the scale & character of the residential housing is retained.

No.	Description of Land	Additional Use	Conditions
			<p>8 Additions, extensions and redevelopment of the existing building on Lot 1013 shall be undertaken to maintain to retain window details, scale and character of the original building as a local landmark building.</p> <p>9 Minor variations may be permitted by the Local Government after following the procedures in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p>
AU8	<p>Lot 32 Nanarup Road, Kalgan Plan 047989</p> <p><i>AMD 13 GG 10/06/16</i></p>	<p>Holiday Accommodation (maximum 6 chalets)</p> <p>Caretaker's Dwelling</p> <p>Recreation - private</p> <p>Other incidental or non-defined activities considered appropriate to the Local Government</p>	<p>General</p> <p>1. Development of the site to be in accordance with the Development Guide Plan endorsed by the CEO along with any variations as may be approved by the Local Government.</p> <p>Parking, Access and Drainage</p> <p>2. A minimum of one car parking bay shall be provided per holiday accommodation unit, which shall be marked out adjacent to each unit.</p> <p>3. No more than one access point onto Nanarup Road shall be permitted.</p> <p>4. Stormwater drainage shall be accommodated on-site to the Local Government's satisfaction.</p> <p>Fire Management</p> <p>5. Areas to remain under pasture shall be maintained in a low fuel condition.</p> <p>6. The Local Government may require the installation/provision of smoke detectors, gutter guards, downpipe plugs, fire extinguishers and fire blankets within all holiday accommodation units and compliance of all new habitable buildings with AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i>.</p> <p>7. Fire access tracks and emergency exits being constructed to the requirements of the relevant State Government authority, and should be available for usage at all times.</p> <p>8. Appropriate low fuel zones shall be maintained around all habitable buildings in accordance with the <i>Planning for Bush Fire Protection Guidelines Edition 2, May 2010</i>, or any document superseding it.</p> <p>9. Emergency access and emergency gate being constructed to the requirements of the</p>

No.	Description of Land	Additional Use	Conditions
			<p>relevant State Government authority, and should be available for usage at all times.</p> <p>Effluent Disposal</p> <p>10. Effluent disposal shall be undertaken to the satisfaction of the Local Government and the relevant State Government authority with approved effluent disposal systems. Alternative Treatment Unit systems may be required to service the proposed development.</p> <p>Building Location, Design and Construction</p> <p>11. All buildings shall be setback a minimum of 100 metres from Nanarup Road.</p> <p>12. Setbacks to all other boundaries shall be 20 metres except where otherwise dictated on the Development Guide Plan.</p> <p>13. Buildings shall not exceed 7.5 metres in height, which is measured vertically from the natural ground level.</p> <p>14. The maximum habitable floor area for each individual holiday accommodation unit is to be 140m².</p> <p>15. Buildings shall be located where possible in cleared areas in order to minimise removal of significant trees.</p> <p>16. New buildings shall be designed and constructed using colours and materials that, in the opinion of the Local Government, blend with the landscape and are in keeping with the rural amenity of the area.</p>
AU9	Lot 21 Tennessee Road South, Lowlands Plan 029361	Caretaker's Dwelling Holiday Accommodation (Chalet/Cottage Units) Restaurant Incidental Uses	<p>1. Maximum of three Chalet/Cottage Units are permitted to be developed.</p> <p>2. The restaurant use shall be limited to a maximum of 70 seats.</p> <p>3. The developer/operator acknowledges that the proposal is adjoining/nearby to Priority and General Agriculture zoned land on which agricultural pursuits and activities take place. The development of the proposed holiday accommodation and tourist activities shall be designed, sited and undertaken to prevent negative impacts or restrictions on the continued operation of these agricultural pursuits.</p>

No.	Description of Land	Additional Use	Conditions
			<ol style="list-style-type: none"> 4. No additional vehicular crossovers from Tennessee Road South are permitted. 5. All stormwater drainage shall be accommodated on-site. 6. Where portable water is to be supplied to the chalet units solely using rainwater catchment and storage, the Local Government shall require a minimum storage volume of 55,000 litres per unit. 7. All buildings shall be set back a minimum of 50 metres from Tennessee Road South and 10 metres from all other lot boundaries. 8. Tree/shrub planting and/or landscaping shall be undertaken to screen the development from Tennessee Road South and adjoining properties and shall be maintained by the developer/operator. 9. Where necessary, planting and/or landscaping areas shall be fenced to protect them from stock. 10. The use of pale, white, off-white or reflective materials and finishes such as zincalume will not be permitted. 11. The implementation of appropriate fire control measures as determined by the Local Government. 12. All new buildings utilising materials, finishes, tonings and facades in sympathy with Emily's Kitchen (cottage theme). 13. The Chalet/Cottage units shall not exceed 140m² (including verandahs, balconies and carports). 14. Minor variations may be permitted by the Local Government after following the procedures in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.
AU10	Lot 504 The Esplanade, Lower King Plan 018060	Hotel Motel	<ol style="list-style-type: none"> 1. Commercial (restaurant) activity to be located on the ground floor. 2. Hotel/Motels are to incorporate design elements that: <ol style="list-style-type: none"> a) Compliment the architectural and historic character of the locality; b) Avoids bulk; c) Pertains to the sun;

No.	Description of Land	Additional Use	Conditions
			<ul style="list-style-type: none"> d) Maintains vistas for other buildings and the public within the locality; e) Complies with Table 3, category 'B' of the R-Codes. f) Provides opportunities for outdoor active movement amongst natural vegetation.
AU11	<p>Lots 77, 78 and 79 Festing Street; Part Lot 76 Festing Street; Part Lot 10 Festing Street;</p> <p>Lot 221 Melville Street and Part Lot 220 Melville Street;</p> <p>Part Lot 207 and Part Lot 208 Mill Street, Albany</p>	Residential R60 Restaurant	<ol style="list-style-type: none"> 1. Development to the R30 residential density code standard is permitted. 2. Development to the R60 standard may be permitted by the Local Government subject to the preparation of detailed design guidelines to the Local Government's satisfaction. 3. Original facade and support walls (circa 1924) to be retained together with representative elements of the industrial building located immediately behind the facade to the satisfaction of the Local Government and in accordance with the guidance of the <i>Municipal Heritage Inventory</i>. 4. Child Care Premises or Restaurant may be permitted within the original structure as described in Condition 3, after public notice of application has been given in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. 5. Access to the site from Mill Street to be centred on the original historic facade. 6. External vehicular access to the site is to be provided from both Mill Street and Melville Street to provide a through function. 7. Building development and design must address the street to the satisfaction of the Local Government. 8. Development fronting Festing Street and Melville Street shall be provided with access from the internal road. 9. Complementary fencing shall be provided along Festing Street and Melville Street and be in accordance with the City of Albany Local Laws relating to Fencing and the <i>R-Codes</i>. 10. Building development shall be restricted to 2 storeys plus a loft and is not to exceed the maximum height for Category B as specified

No.	Description of Land	Additional Use	Conditions
			<p>in the <i>R-Codes</i> unless otherwise approved by the Local Government. Any variation will be determined in accordance with the <i>R-Codes</i> and any detailed design guidelines adopted by the Local Government.</p> <p>11. Prior to the development or subdivision of the site, a remediation and validation assessment for soil, groundwater and vapour is to be prepared and all necessary remediation works completed to the satisfaction of the relevant State Government Authority and the Local Government.</p>
AU12	<p>Lot 14 Spencer Street, Albany</p> <p>Diagram 065464</p>	<p>Residential R60</p> <p>Shop</p> <p>Office</p>	<ol style="list-style-type: none"> 1. Development to the R60 standard may be permitted by the Local Government subject to the preparation of detailed design guidelines to the Local Government's satisfaction. 2. Despite anything else in the Scheme, all development will be subject to the following conditions: <ol style="list-style-type: none"> (a) Development of the site is to incorporate commercial land uses such as Office and Shop on the ground floor of any building fronting Spencer Street. (b) Development or subdivision of the site will be supported by the Local Government only where an overall Development Guide Plan has been approved. 3. The Development Guide Plan shall ensure that: <ol style="list-style-type: none"> (a) When determining building height, the 'natural ground level' shall be the finished floor level of the existing buildings; (b) Buildings fronting Frederick Street are to have a residential character and scale; (c) The provision of a view corridor from Frederick Street to the Penny Post building and existing oak tree on Lot 1 Stirling Terrace immediately to the south; (d) Service vehicles entry and exit to the site be limited to the access point onto Spencer Street;

No.	Description of Land	Additional Use	Conditions
			<p>(e) Access through to Cheynes Cottage is retained; and</p> <p>(f) A staging programme that allows the subject site to be subdivided into a limited number of 'super lots' that may be developed independently but in a coordinated fashion. Any further subdivision of the 'super lots' is subject to the individual super lot being developed to 'plate height'.</p> <p>4. The Development Guide Plan is to provide details on:</p> <p>(a) Number and type of commercial tenancies;</p> <p>(b) Location and number of dwelling units;</p> <p>(c) Location and number of car parking bays and driveways;</p> <p>(d) Details of landscaping, bin storage and utility areas;</p> <p>(e) Building scale, form, materials, roof pitches and detailing; and</p> <p>(f) Height of buildings and location of balconies.</p> <p>5. The original facade (circa 1948) facing Spencer Street and the corner of Spencer Street and Frederick Street is to be retained to the satisfaction of the Local Government.</p> <p>6. The following architectural elements of the former site office fronting Spencer Street are to be retained in order to represent the historic land use as far as is practical:</p> <p>(a) The space is to be a minimum of three roof trusses deep;</p> <p>(b) Retain the clerestory windows along the south facing wall of the building;</p> <p>(c) Retain the north wall of the space; and</p> <p>(d) Provide a similar sense of space that reflects the previous historical office use on this portion of the subject site.</p> <p>7. Vehicular access is to be limited to one access point per street.</p> <p>8. Development is to conform to the City of Albany <i>Historic Town Design Policy</i> or any subsequent adopted Local Planning Policy.</p>

No.	Description of Land	Additional Use	Conditions
AU13	Lot 402 Le Grande Avenue, Orana Plan 037217	Park Home Park	<ol style="list-style-type: none"> 1. For that portion of the Special Site developed as a 'Park Home Park' development shall be exclusively for park homes in accordance with the <i>Caravan Park and Camping Act 1995</i>. 2. Caravans, annexes, tents and motorised homes shall not be permitted. 3. All park homes shall be externally clad using a vinyl weatherboard over four-millimetre ply unless approval to vary this requirement is granted by the Local Government. 4. No park home shall be fitted with a satellite dish or aerial, other than domestic TV or radio receivers. 5. No fencing of sites or lease areas shall be permitted. 6. The maximum density of park homes within the zone shall be sixty (60) dwellings per hectare. 7. Development of the park home park is to be generally in accordance with <i>Development Guide Plan No. 95-70-01</i> or any variations approved by the Local Government.
AU14	Lot 44 Redmond Street, Redmond Plan 187712	Shop	<ol style="list-style-type: none"> 1. All development shall require development approval from the Local Government. 2. The shop use is restricted to a maximum of 200 m² NLA floor area.
AU15	Lot 9500 Henry Street, Warrenup Plan 057378	Holiday Accommodation Caretaker's Dwelling	<ol style="list-style-type: none"> 1. All development and land use shall be generally in accordance with the Development Guide Plan endorsed by the CEO. 2. There shall be a maximum of eight guest bedrooms permitted for holiday accommodation purposes within the existing dwelling. 3. The landowner shall undertake landscaping of the site and fencing of the remnant vegetation to the satisfaction of the Local Government.
AU16	Lot 7 Bon Accord Road, Lower King Diagram 070402	Industry – Cottage Recreation – Private Restaurant	<ol style="list-style-type: none"> 1. All development shall require development approval from the Local Government. 2. The Recreation – Private use shall be limited to the existing development of a nine-hole golf course.

No.	Description of Land	Additional Use	Conditions
			3. The restaurant use shall be limited to providing a service for patrons of the premises and shall only operate during daylight hours.
AU17	Lot 104 Cockburn Road, Mira Mar Plan 300002	Medical Clinic	1. On-site car parking to be provided in accordance with the Local Government's car parking requirements.
AU18	Lot 18 (No. 850) Frenchman Bay Road, Big Grove	Holiday Accommodation Chalet/Cottage Units Reception Centre	1. All development and land use shall require development approval from the Local Government and shall be generally in accordance with a Development Guide Plan prepared by the proponents and endorsed by the CEO.
AU19	Lot 14 Pioneer Road, Centennial Park	Medical Centre Hospital and other ancillary medical/health services	1. All development and land use shall require development approval from the Local Government.
AU20	No. 183 (Lot 35) Albany Highway, Mount Melville	Fast Food Outlet	1. All development and land use shall require development approval from the Local Government.
AU21	No's 50-54 Earl Street, Albany	Restaurant Tavern	1. Preserve historic buildings.
AU22	No's 36, 38 and 40 South Coast Highway and 1 Barrett Street (Lots 22, 23 and 24 South Coast Highway and Lot 47 Barrett Street), Orana Plantagenet Location 220, Albany	Shop	1. All new development is to have due regard to the adjoining Residential zone and the Local Government may impose conditions to protect the residential amenity of the locality.
AU23	Portion of Albany Town Lot 141 (No. 41- 45) Grey Street East, Albany	Professional Offices	1. Car parking is to provide based on the clause 4.8.5.1 for Office. 2. The accessway and car parking area to be designed and constructed to the Local Government's specification and satisfaction.

No.	Description of Land	Additional Use	Conditions
			<ol style="list-style-type: none"> 3. All storm-water runoff to be contained on-site to the Local Government's specifications and satisfaction. 4. Retention of the existing cottage with all improvements/extensions complying with the Local Government's Design Guidelines.
AU24	Strata Lots 14 and 15 of Lot 2 North Road, Albany	Consulting Rooms	<ol style="list-style-type: none"> 1. Development conditions of Consulting Rooms to apply.
AU25	Lot 25 (No. 60) Spencer Street, Albany	Club premises Motel Office Restaurant	<ol style="list-style-type: none"> 1. Masonic Hall to be retained. 2. Preparation of a Conservation Plan and design guidelines by a suitably qualified heritage professional covering preservation, restoration and/or adaptive reuse of the Masonic Hall and the appropriate location and positioning of surrounding land use and development, to the satisfaction of the Local Government and the relevant State Government authority. 3. Proposed Structure Plans are to have regard for the amenity of adjacent residential development. 4. All uses shall be subject to the relevant Scheme provisions.
AU26	Lots 50 and 51 (No's 227 and 229) Middleton Road, Mount Clarence	Medical Clinic	<ol style="list-style-type: none"> 1. On site car parking to be provided in accordance with the Local Government's car parking requirements. 2. All car parking shall be designed in such a way that access is taken solely from Middleton Road, with the exception of the existing seven staff bays which have their access from Luke Lane. 3. All development on the subject lots shall be compatible with height bulk and scale of surrounding uses and developments.
AU27	Lot 25 Lancaster Road; Lots 60, 59, 35, 37, 58 and 57 Albany Highway, McKail	Multiple Dwellings ('A') Grouped Dwellings ('A') Educational Establishment ('A') Home Business ('A')	<ol style="list-style-type: none"> 1. A Preliminary Site Investigation (PSI) is to be carried out prior to any application to subdivide or develop the land. The PSI and any necessary detailed site investigations, management plans and/or remediation are to be prepared and undertaken in accordance with the requirements of the relevant State Government authority.

No.	Description of Land	Additional Use	Conditions
		Office ('A')	<ol style="list-style-type: none"> Subdivision and development is to be in accordance with a Local Structure Plan approved and adopted by the Local Government. The plan is to incorporate the relevant State Government authority access requirements and provide for any potential impact on residential or other sensitive uses from the continuation of the current use of Lot 23 Lancaster Road and traffic noise from Albany Highway. The R40 code and Mixed-Use development requirements, as set out in the <i>R-Codes</i>, shall apply to the development of dwellings in conjunction with commercial and/or other non-residential uses within the Additional Use site. A total maximum retail net lettable area (NLA) of 600m² plus a maximum floorspace of 200m² for a restaurant shall apply within the Local Centre zone. A total maximum floorspace of 400m² shall apply to all permissible non-Shop/Retail commercial and professional uses within the Additional Use site.
AU28	<p>Bayonet Head North (Oyster Harbour III) Neighbourhood Centre site on Lot 27 Stranmore Boulevard;</p> <p>Lot 73 Lower King Road; and</p> <p>portion of Lots 9004 and 42 (proposed as Lots 65-70) on the corner of Stranmore Boulevard and Lower King Road, Bayonet Head</p>	<p>Single House</p> <p>Grouped Dwelling</p> <p>Multiple Dwelling</p> <p>Child Care Premises</p>	<ol style="list-style-type: none"> Single House, Grouped Dwelling and Multiple Dwelling uses shall be processed as 'A' uses. Child Care Premises shall be a 'P' use.

No.	Description of Land	Additional Use	Conditions
AU29	Lot 90 Menang Drive, Willyung	Service Station	<ul style="list-style-type: none"> No stormwater is to be discharged into the Menang Drive drainage system; Access from Menang Drive is to be shared with the adjoining lot to the west and located in the position of the existing approved crossover; Suitable turn treatments in accordance with the <i>AUSTROADS Guide to Traffic Engineering Practice – Part 5: Intersections at Grade</i>, are to be installed on Menang Drive; A Traffic Management Plan is to be submitted in conjunction with any development application. The plan is to consider the transport needs and impact of the development on the Main Roads network and on all users.
AU30	Lot 19 (No. 812) Frenchman Bay Road, Big Grove	Caravan Park Holiday Accommodation Caretakers dwelling	<ol style="list-style-type: none"> All development and land use shall require development approval from the Local Government and shall be generally in accordance with a Development Guide Plan prepared by the proponents and endorsed by the CEO.
AU31	Lots 312 and 1315 Cockburn Road, Mira Mar. <small>AMD 11 GG 30/09/16</small>	<ol style="list-style-type: none"> Hospital Nursing home Shop Holiday Accommodation Residential Building Residential R60 	<ol style="list-style-type: none"> Development of the land shall generally be in accordance with a Local Structure Plan. The maximum height of the hospital shall be 12m to the top of the pitched roof or 9m to the top of the wall. A shop shall be limited in area and incidental to the predominant use of the land as determined by the Local Government. Holiday accommodation shall be limited and incidental to the predominant use of the land as determined by the Local Government. Development to R60 may be permitted subject to the preparation of design guidelines to the Local Governments satisfaction.

No.	Description of Land	Additional Use	Conditions
AU32	<p>Lot 104 Rocky Crossing Road, Willyung</p> <p>Deposited plan 49239</p> <p>AMD 4 GG 1/6/18</p>	<p>Plant and Equipment Storage and Maintenance 'D'</p> <p>Office (Incidental) 'D'</p> <p>Mobile Asphalt Plant 'D'</p> <p>Storage of materials associated with the preparation and production of asphalt 'D'</p>	<ol style="list-style-type: none"> 1. Development shall be in accordance with an approved Local Structure Plan, subject to minor variations as may be supported by the Local Government. 2. Additional uses shall be confined to areas designated for those specific uses as shown on an approved Local Structure Plan. In particular, the mobile asphalt plant use shall be confined to the north-west corner of the lot. 3. Additional uses shall be integrated as a single operation and entity and remain integrated with the overall land parcel, with no separation of additional uses from one another or from the rural land parcel by subdivision or other means. 4. A person shall not commence or carry out the Additional use(s) without having first applied for and obtained the development approval of the Local Government. In granting development approval, the Local Governemnt may set a time period from which any development approval shall cease to have effect. Upon application made to it within the time period set by the Local Government, the Local Government may grant an extension of time to an approved period. 5. Use of approved plant and equipment storage and maintenance, including any associated wash-down facilities, shall be limited to those vehicles, plant and equipment operated/owned by the site operator. 6. The office use shall be ancillary and subordinate to the predominant use of the property as determined by the Local Government. 7. Unless otherwise demonstrated through site-specific modelling and assessments to the satisfaction of the Department of Water and Environment Regulation and the Local

No.	Description of Land	Additional Use	Conditions
			<p>Government, operation of mobile asphalt plant and plant and equipment maintenance uses shall be limited to:</p> <ul style="list-style-type: none"> a) 7:00am - 5:00pm; b) Monday - Saturday; and c) no operation on public holidays. <p>8. Prior to development a noise management plan must be developed, incorporating mitigation measures where necessary, to address noise emissions arising from the mobile asphalt plant, plant and equipment maintenance uses and associated movement of heavy vehicles.</p> <p>9. Prior to development a dust management plan must be developed, incorporating mitigation measures where necessary, to address the potential for dust emissions from all uses on the site.</p> <p>10. In granting any development approval for additional uses the Local Government may impose conditions relating to matters including but not limited to:</p> <ul style="list-style-type: none"> a) positioning and shielding of lighting devices so as not to cause any direct reflected or incidental light to encroach beyond the property boundaries. b) machinery wash-down bay(s) being sealed and fitted with appropriate oil separators to capture contaminants. c) sealing of internal access roads. d) provision of a minimum 10,000L static water supply for fire fighting purposes and construction of passing bays on internal access roads. e) screening of development with suitable vegetation and landscaping having regard to bushfire management and the amenity of surrounding land owners.

No.	Description of Land	Additional Use	Conditions
			<p>f) preparation and implementation of a drainage/stormwater management plan in consultation with the Department of Water and Environmental Regulation.</p> <p>g) limitations on the total number of hours of operation of the mobile asphalt plant use within the duration of any approval period.</p> <p>11. At the time of development, the Local Government may require a contribution to the upgrade of Rocky Crossing Road between Menang Drive and the site access road.</p>
AU33	<p>Lot 312 Bay View Drive, Little Grove, Lot 1 Frenchman Bay Road, Little Grove (northern portion as identified on the Scheme Map)</p> <p>AMD 28 GG 18/1/19 AMD 33 GG 28/6/19</p>	<p>Grouped Dwelling ('A')</p> <p>Multiple Dwelling ('A')</p>	<p>1. To guide development of 'Additional Uses' the local government may request the provision of a local Structure Plan to be prepared by the proponents and endorsed by the Local Government.</p> <p>Proposed sensitive land use developments within the 50 metre separation distance from the service station, will require a local development plan and/or a site and industry specific study, to address the management of gaseous, noise, odour and risk impacts, in accordance with EPA Guidance Statement No. 3.</p> <p>2. The R40 code and Mixed-Use Development requirements, as set out in the Residential Design Codes shall apply to the development of dwellings in conjunction with commercial and/or other non-residential uses.</p> <p>3. Where residential development is proposed separate to commercial use, detailed design provisions are to be provided showing how the residential development can accommodate commercial use in the future.</p>
AU34	<p>Lot 350 Shelley Beach Road, Kronkup</p>	<p>Educational Establishment ('A')</p> <p>Caretakers Dwelling ('A')</p>	<p>1. The approval of educational establishment and/or caretakers dwelling within AU34 shall be subject to the following conditions:</p> <p>a) Where proposed development interfaces with existing or proposed residential development, special design consideration shall be required for the</p>

No.	Description of Land	Additional Use	Conditions
			<p>screening, separation or noise attenuation of adjacent premises.</p> <p>b) All buildings, structures and water storage systems shall achieve the following minimum setbacks:</p> <ul style="list-style-type: none"> • 20 metres from Coombes Road; and • 10 metres from all other lot boundaries. <p>c) All buildings shall be designed and constructed of material which allows them to blend into the landscape of the site.</p> <p>d) In order to enhance the rural amenity of the area and minimise the visual impact from developments, the Local Government may require as a condition of any planning approval the planting and ongoing maintenance of trees and/or groups of trees and species as specified by the Local Government.</p> <p>e) Where it is demonstrated that a reticulated water supply from a licensed water service provider cannot be provided, a potable water supply may be required to the satisfaction of the Local Government.</p> <p>f) Any surface water discharge must be controlled through appropriate drainage systems to avoid erosion and pollution while still maintaining the natural flow of discharge at pre-development levels.</p> <p>g) Any building or development that is required to dispose of liquid effluent shall provide an on-site effluent disposal system designed and located to minimise nutrient export from the site and be approved by the Local Government and the relevant State Government authority for that purpose.</p>
AU34	Part Lot 973 Mead Road, Lower King <i>AMD 7 GG 14/5/19</i>	Holiday Accommodation (D) Chalet/Cottage units (D) Caretaker's Dwelling (D)	1. Development is to be generally in accordance with an approved Local Development Plan. Subject to advertising, minor variations to the Local Development Plan may be permitted by Local Government.

No.	Description of Land	Additional Use	Conditions
			<ol style="list-style-type: none"> <li data-bbox="820 293 1393 674">2. The Local Development Plan is to include the maximum number of Chalet/Cottage Units and/or Holiday Accommodation, which shall be determined in accordance with the requirements for sewerage sensitive areas in the relevant Government Sewerage Policy and supported by a Site and Soil Evaluation, a hydrogeological assessment of the site under the wettest time of year conditions and a proposed servicing strategy. <li data-bbox="820 714 1393 887">3. Notwithstanding Condition 2, the maximum number of permissible holiday accommodation and/or chalet/cottage units shall be limited to 12 units with a maximum of two bedrooms per unit. <li data-bbox="820 927 1393 1128">4. The Local Development Plan is to demonstrate that the development is consistent with the characteristics of the site, and avoids conflict with any existing or future agricultural uses on the land to the north. <li data-bbox="820 1169 1393 1308">5. A Bushfire Management Plan and Emergency Evacuation Plan is to be prepared, approved and implemented in accordance with State Planning Policy 3.7. <li data-bbox="820 1348 1393 1520">6. Any development which proposes to clear, thin or otherwise modify remnant vegetation onsite for bushfire protection in order to increase developable areas will not be permitted. <li data-bbox="820 1561 1393 1733">7. Any approval for holiday accommodation or chalet/cottage unit purposes shall limit the duration of occupancy by any person in those premises to a maximum of three months during any 12-month period. <li data-bbox="820 1774 1393 1906">8. Subdivision on the basis of any chalet/cottage units, holiday accommodation or caretaker's dwellings will not be supported.

No.	Description of Land	Additional Use	Conditions
			<p>9. All buildings shall be set back a minimum of 30 metres from Mead Road.</p> <p>10. The maximum height of all dwellings shall not exceed 7.5 metres to minimise the visual impacts of such buildings from Mead Road.</p>
AU35	<p>Lot 1 (93) Nanarup Road, Lower King.</p> <p><i>AMD 7 GG 14/5/19</i></p>	Aquaculture (D)	<p>1. Development is to be in accordance with an approval Local Development Plan which delineates:</p> <p>(a) All the proposed development including but not limited to proposed buildings, tanks and ponds, accessways and parking areas, effluent disposal systems, fences, pumping stations, pipes, drainage areas, signage and landscaping; and</p> <p>(b) Precise details of the areas, heights, elevations, materials, colours and proposed staging of all development.</p> <p>(c) appropriate landscaping and use of building colours, heights, materials and design to minimise visual impacts.</p>

SCHEDULE 3 – RESTRICTED USES [CL.4.6]

No.	Description of Land	Restricted Use	Conditions
RU1	Lots 94, 100 and 9001 Down Road, Drome	Biomass Energy Plant Engineered Strand Lumber Plant Silviculture Wood-product Manufacturing Office Railway	<p>General</p> <ol style="list-style-type: none"> 1. All development to be generally in accordance with the Development Guide Plan endorsed by the CEO, subject to minor variations which may be approved by the Local Government. 2. In addition, development is to be generally in accordance with the Environmental Management Plan for the land approved by the Local Government and the relevant State Government authority. <p>Environmental Management</p> <ol style="list-style-type: none"> 3. Environmental management is to be implemented by the applicants within the framework provided by the Environmental Management Plan for the land approved by the Local Government and the relevant State Government authority. 4. Within this framework, individual proposals by industries seeking to locate in this Restricted Use zone may be required to address the following: <ol style="list-style-type: none"> (a) Demonstrate that sustainability principles have been incorporated in their proposal; (b) Demonstrate that environmental impact criteria can be met within the management area on a cumulative basis in accordance with its sound power assigned level in the Environmental Management Plan; (c) Comply with guidelines in the Landscaping and Visual Resource Management Plan; (d) Establish a Spill Response Procedure;

No.	Description of Land	Restricted Use	Conditions
			<ul style="list-style-type: none"> (e) Prepare a Traffic Management Strategy; (f) Comply with fire management guidelines <i>Planning for Bushfire Protection</i> and AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i>; (g) Prepare a Fire Safety Study and Emergency Response Plan specific to that industry and implement all necessary risk mitigation measures; (h) Prepare a Water Supply Management Strategy in consultation with the Water Corporation and the relevant State Government authority (Groundwater extraction will not be considered a desirable water supply option); (i) Prepare a Dust Management Strategy for the construction phase of the development; (j) Prepare a Noise Management Strategy for the construction phase; (k) Prepare a Waste Management Strategy; and (l) Prepare a Hazardous Materials Management Strategy including a Quantitative Risk Assessment (QRA). <p>5. The Local Government may waive the requirement for any of the above investigations where it can demonstrate that the proposal would have minimal or insignificant impacts.</p> <p>6. The management of the undeveloped portion of the site which contains the creekline and remnant vegetation shall be the subject of an agreement between landowners, which is to be</p>

No.	Description of Land	Restricted Use	Conditions
			<p>arranged by the State Government land development agency to the Local Government's satisfaction.</p> <p>Service Infrastructure</p> <p>7. Potable water supply shall be provided to the satisfaction of the Local Government and the relevant State Government authority with all sampling, analysis and/or treatment costs being borne by the applicant.</p> <p>8. All stormwater runoff, effluent disposal and drainage from individual development proposals shall be in accordance with the Environmental Management Plan.</p> <p>9. The provision of infrastructure specifically required for the use of the land by any industry shall be the responsibility of that industry.</p> <p>10. The above condition does not fetter the Western Australian Planning Commission in determining the standard of any infrastructure required in relation to the subdivision of the subject land.</p> <p>Fire Management</p> <p>11. The Local Government shall require at the development stage:</p> <ul style="list-style-type: none"> (a) The provision of strategic perimeter firebreaks, constructed and maintained to a standard suitable for all year access by heavy duty fire appliances and two-wheel drive vehicles; (b) Limited parkland clearing around all structures to establish low fuel areas which shall be kept free of debris and maintained to a suitable standard; (c) Measures to be undertaken by individual landowners to maintain satisfactory low fire fuel on their lots; and

No.	Description of Land	Restricted Use	Conditions
			<p>(d) The subdivider to make arrangements to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of <i>Planning for Bushfire Protection</i> and AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i> and the requirement for industry specific fire safety studies under the Environmental Management Plan.</p> <p>Visual Impact Management</p> <p>12. All development including infrastructure, driveways and buildings shall be established in accordance with the Local Government's requirements for Visual Resource Protection.</p> <p>13. Building facades, setbacks and the use of the setback areas shall be in accordance with the general provisions of the scheme, subject to the Local Government exercising its discretion to vary these requirements if there is no prejudicial affect on overall amenity of the area.</p> <p>14. The Local Government shall require the implementation and maintenance of the landscaping and tree/shrub planting in accordance with the Landscaping and Visual Resource Management Plan as a condition of development approval.</p> <p>Access and Car Parking</p> <p>15. On-site car parking bays will be provided in accordance with the general provisions of the scheme or one for every person employed, whichever is the greater.</p> <p>16. Car parking can be placed between the landscape setback and the building line.</p>

No.	Description of Land	Restricted Use	Conditions
			<p>17. Driveway widths and turning circles are to suit these and other functional requirements.</p> <p>18. Access to the timber processing precinct and within the precinct shall be by means of sealed roads constructed to the Local Government's satisfaction.</p> <p>19. All service and storage areas are to be set back behind the front building line and screened as far as is possible so as not to be visible from the road.</p> <p>Development within the Buffer Area</p> <p>20. No dwelling house, permanent dwelling unit or habitable structure shall be constructed within the Industrial Buffer Area identified on the Scheme Map.</p>
RU2	Lot 1423 and Reserve 49354 (Lot 7031) Swarbrick Street, Emu Point	<p>Aquaculture</p> <p>Club Premises</p> <p>Harbour Installations</p> <p>Marina</p> <p>Marine Filling Station</p> <p>Restaurant</p>	<p>1. Development requirements for the individual uses shall be determined by the Local Government upon application.</p>
RU3	Lot 2 Hanrahan Road, Mount Elphinstone Plan 230541	Fertiliser Storage and Manufacturing Plant with associated uses.	<p>1. All activities are to be contained within appropriate buffers, as defined by the <i>Environmental Protection Act 1986</i>.</p> <p>2. Prior to supporting development at the site, assessments need to be taken and not limited to the following:</p> <ul style="list-style-type: none"> (a) An assessment of the soil to determine if there are any contaminants and/or acid sulfates; (b) An assessment of the vegetation to determine if the vegetation is worth protecting and (c) An assessment of the quality and quantity of the hydrology on the site.

No.	Description of Land	Restricted Use	Conditions
			<ol style="list-style-type: none"> 3. Where acid sulfate soils have been identified, a management plan is to be written to identify how development and acid sulfate soils are managed, 4. Where contamination of the soil or hydrology has been identified, development is to be undertaken in accordance with the <i>Contaminated Sites Act 2003</i>. 5. Development is required to retain the post development hydrology as close as possible to the predevelopment hydrology. 6. A buffer distance (free of development) of 100 metres is to be maintained adjacent to Hanrahan and Lower Denmark Roads.
RU4	Lots 895, 1, 2, 1156 and 1157 Woolstores Place, Mount Elphinstone	Warehouse or other ancillary Light Industrial uses	<ol style="list-style-type: none"> 1. Activities are to be totally contained within the existing built fabric. 2. No additional development is to be supported on the site.

SCHEDULE 4 – SPECIAL USE ZONES [CL.4.7]

No.	Description of Land	Special Use	Conditions
SU1	Pt. Lot 660 La Perouse Road, Goode Beach Plan 036832	Holiday Accommodation (Chalets)	<ol style="list-style-type: none"> 1. Prior to commencement of development of the special uses on the site, the owner/developer shall submit an overall Development Guide Plan to the Local Government for endorsement. 2. The Development Guide Plan shall provide details on the development for the site including: <ol style="list-style-type: none"> (a) Achieving a low-key holiday accommodation development commensurate (maximum 10 Chalet/Cottage Units) with the fragile coastal nature of the area; (b) Buildings being clustered together; (c) Siting of buildings and access roads within degraded/cleared areas to minimise clearing required for servicing and built development; (d) The buildings to be sited away from the eastern boundary with the coastline to protect coastal processes and the significant sand dunes in this area; (e) Building density, design, colours and materials to blend the buildings within the site; (f) Coastal setbacks and Foreshore Management Plan; (g) On-site stormwater drainage, effluent disposal methods and impacts on Lake Vancouver hydrology; (h) Potable water supply; (i) Implementation of a Fire Management Plan incorporating the existing fire access tracks within the area; and

No.	Description of Land	Special Use	Conditions
			(j) Any additional controls required to be implemented to ensure the proposal complies with the objective of providing low-key holiday accommodation on the site.
SU2	Lot 200 Hayn Road, Goode Beach Plan 049833	Caretaker's Dwelling Chalet/Cottage Units Home Occupation Recreation - Private Restaurant Shop	<ol style="list-style-type: none"> 1. All subdivision, development and land use shall be generally in accordance with the Development Guide Plan endorsed by the CEO. 2. There shall be a maximum of 12 Chalet/Cottage Units permitted to be developed. 3. The shop shall have a maximum 100m² retail NLA. 4. The home occupation shall not occupy an area greater than 130m². 5. The recreation private use shall be limited and incidental to the predominant use of the property as determined by the Local Government. 6. All buildings shall be setback a minimum 10 metres from lot boundaries unless a greater setback is shown on the Development Guide Plan. 7. Dwellings shall not exceed 7.5 metres in height and be located, designed and constructed utilising materials, finishes and tonings in sympathy with the rural amenity of the area and views towards the site from Quaranup Road. 8. The Local Government shall not permit the use of unpainted zincalume and/or white, off-white colours for external cladding of buildings. 9. Chalet/Cottage Units shall not exceed 110m² (excluding verandahs, carports and storage areas). 10. All dwellings and chalet/cottage units shall be designed and constructed in accordance with AS 3959 – <i>Construction of Buildings in Bushfire Prone areas</i>. 11. All fencing shall be of post and rail/wire construction.

No.	Description of Land	Special Use	Conditions
			<p>12. No vehicular crossovers to/from La Perouse Road are permitted.</p> <p>13. On-site effluent disposal from the units shall utilise an approved alternative treatment units that retain nutrients.</p> <p>14. Tree/shrub planting and the eradication of environmental weeds shall be undertaken and maintained by the developer/operator.</p> <p>15. Preparation and implementation of a Fire Management Plan which incorporates fire access tracks, low fuel areas, building design/construction, individual hose reels, fire blankets/extinguishers and fire fighting water supplies. The firebreaks shall be designed to connect directly to the chalet units and allow for emergency access through the site from Quaranup Road to La Perouse Road. No buildings are permitted north of this connection.</p> <p>16. All chalet/cottage units shall be connected to the Water Corporation reticulated water supply network. Supplementary water supplies may be obtained from rainwater collection and storage.</p> <p>17. Amenities shall include recreational facilities for children which are protected from the weather. Such facilities may be enclosed and/or located in the amenities area as shown on the Development Guide Plan.</p> <p>18. The amenities area shall include a building for communal and/or recreational activities.</p> <p>19. The Local Government may request the Commission require the subdivider complete an Unexploded Ordnance Field Verification Study prior to soil disturbance and/or subdivision works commencing.</p>

No.	Description of Land	Special Use	Conditions
			<p>20. All subdivision and development works shall be stabilised and rehabilitated to prevent wind erosion from occurring.</p> <p>21. Minor variations may be permitted by the Local Government after following the procedures in the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>.</p> <p>22. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision for the ceding of the Public Open Space as shown on the Development Guide Plan.</p>
SU3	<p>Reserve 50239 (Location 8099) and Reserve 36721 (Location 7900) Whaling Station Road; and</p> <p>Reserve 45115 (Location 7901) Murray Road, Torndirrup</p>	<p>Museum</p> <p>Marine Interpretative Centre</p> <p>Aquaculture</p>	<p>1. Development approval</p> <p>(a) Prior to the commencement of any development including clearing of vegetation, erection of fencing and earthworks, the proponents shall apply for and obtain a Planning Consent from the Local Government;</p> <p>(b) Prior to determining an application for Planning Consent, the City shall advertise the application for public comment for a period of 21 days and refer it to relevant State Government authorities for advice.</p> <p>(c) The City shall not grant approval to any development on the land unless it is in accordance with a Development Guide Plan (as provided by Special Provision 7 (e) which has been approved by both the City and the Western Australian Planning Commission.</p> <p>2. Application for Planning Consent Submission Requirements</p> <p>The application for Planning Consent shall demonstrate compliance with the development requirements outlined under Condition 3 below and include the following details:</p> <p>(a) A detailed and professional Visual Analysis and Visual Impact Assessment of the site and the proposed development, with</p>

No.	Description of Land	Special Use	Conditions
			<p>particular emphasis on the various public vantage points in the Torndirrup National Park, King George Sound, public roads and other relevant areas;</p> <p>(b) A detailed analysis of the topography, vegetation and drainage of the site;</p> <p>(c) A survey for Aboriginal Archaeological and Ethnographic Sites;</p> <p>(d) An Opportunities and Constraints Map based on the visual and site analyses and survey referred to under Condition 2 (a) (b) and (c);</p> <p>(e) A 'Development Guide Plan' based on the opportunities and constraints map which delineates:</p> <p>(i) 'Development Envelopes', 'Development Exclusion Areas' and a 'Foreshore Protection and Recreation Area';</p> <p>(ii) All the proposed development including but not limited to proposed buildings, tanks and ponds, accessways and parking areas, effluent disposal systems, fences, pumping stations, pipes, drainage areas, signage and treeplanting; and</p> <p>(iii) Precise details of the areas, heights, elevations, materials, colours and proposed staging of all development.</p> <p>(f) Details on the quantity and quality of the water/effluent proposed to be disposed of from the site.</p> <p>3. Development Requirements</p> <p>(a) All development on the site shall be planned in close consultation with a professionally qualified Landscape Planner, the Local Government, relevant State</p>

No.	Description of Land	Special Use	Conditions
			<p>Government authorities, and be designed to have the absolute minimum possible impacts on the visual qualities of the site as viewed from the relevant public vantage points identified in the visual analysis, and on the topography and native vegetation;</p> <p>(b) Development requirements shall be to the satisfaction of the Local Government and include the following:</p> <ul style="list-style-type: none"> (i) Careful siting of buildings and associated development to ensure it is located in the least visually sensitive areas, avoids silhouetting and minimises the need for clearing of native vegetation and the disturbance of fauna habitat; (ii) Minimising cut and fill, and the storage and replacement of topsoil to aid in the revegetation of areas disturbed during siteworks; (iii) Limiting the height of the development above natural ground levels as measured at the footprints of the buildings through the use of low profile buildings or establishing floor levels below the natural ground surface; (iv) The use of building and surfacing (eg access and parking) materials which match the colours and textures of, or actually make use of, the native vegetation which characterises the site; (v) Where necessary (based on the visual analysis) the planting and maintenance of appropriate species of native vegetation to screen or minimise the visual impact of the development;

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> (vi) The maintenance of a vegetated visual buffer along the entire Whaling Station Road frontage of the site; (vii) All fencing being confined to the Development Envelope; (viii) All access/egress to/from the development being confined to Frenchman Bay Road; (ix) The use of effluent disposal systems which provide for the retention of nutrients and other pollutants on site to the satisfaction of the local government; and (x) All signage being appropriate to the surrounds. <p>4. Discharge Water Quality</p> <p>The approval of the relevant State Government authority is required for the discharging of all water or effluent from the site and the installation of any intake and outlet pipes.</p> <p>5. Foreshore Protection and Recreation Area</p> <p>Within the area to be designated as a 'Foreshore Protection and Recreation Area' on the Development Guide Plan:</p> <ul style="list-style-type: none"> (a) Unimpeded free public access shall be permitted; (b) Development shall be confined to that which would facilitate public use of the foreshore and shall be consistent with the need to retain a vegetated dune as a natural buffer against coastal erosion; and (c) Pipes and pumps may be permitted provided such equipment is concealed from view and areas disturbed during construction are stabilised and rehabilitated with native vegetation to the satisfaction of

No.	Description of Land	Special Use	Conditions
			<p>the Local Government and the relevant State Government authority.</p> <p>6. Upkeep and Appearance of the Site</p> <p>The site shall be kept in a neat and tidy condition at all times and all materials shall be stored in a manner that avoids detriment to the appearance of the site, to the satisfaction of the Local Government.</p> <p>7. All development shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour. Wherever metal cladding is used it shall be olive or green tonings.</p> <p>8. No development shall exceed five metres in height above the natural ground level.</p> <p>9. Measures shall be taken to ensure that the visual impacts of any development on the site (including car parking areas and pedestrian/vehicle access) are minimised.</p> <p>10. No processing will be permitted.</p> <p>11. Discharges to the ocean will not be permitted unless approval has been granted by the Environmental Protection Authority and the Local Government.</p> <p>12. Removal of vegetation/soil shall be minimised and shall be carried out to alleviate any potential for erosion.</p> <p>13. Within the designated 'Foreshore Protection and Recreation Area' shown on the leased area plan, development shall:</p> <ul style="list-style-type: none"> (a) Be confined to uses that facilitate public enjoyment of the foreshore; and (b) Retain a vegetated dune as a natural buffer against coastal erosion; and (c) Pumps/pipes and associated equipment may be located within the area provided such equipment is located underground and no disturbance

No.	Description of Land	Special Use	Conditions
			<p>shall occur on the vegetated foreshore dune.</p> <p>14. The following conditions apply to development on Reserve 50239 (Location 8099):</p> <ol style="list-style-type: none"> 1. All development including clearing, fencing and earthworks requires planning consent. 2. Prior to determining any application for development approval, the Local Government shall undertake consultation in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i> and consult with relevant State Government authorities. 3. All development shall comply with a Development Guide Plan adopted by the Local Government in consultation with the Western Australian Planning Commission. 4. All development shall: <ol style="list-style-type: none"> (i) Be designed to blend with the location and minimise impacts on the visual qualities of the site when viewed from relevant public vantage points; (ii) Ensure buildings are sited in the least visually sensitive areas, avoid silhouetting and minimises clearing; (iii) Minimise cut and fill and retaining topsoil for revegetation works on the site; (iv) Limit the height of development and buildings on the site; (v) Incorporate colours and finishes to match the natural vegetation colours of the area; (vi) Incorporate landscaping to screen and minimise the impact of the buildings;

No.	Description of Land	Special Use	Conditions
			<p>(vii) maintain a vegetated buffer along Whaling Station Road;</p> <p>(viii) Confine fencing to the approved development envelope; and</p> <p>(ix) Confine access/egress to Frenchman Bay Road.</p> <p>15. No discharge of water and/or effluent from the site, or installation of any intake and outlet pipes, is permitted without the approval of the relevant government authority and shall be undertaken in accordance with any conditions placed on the approval.</p> <p>16. Within the area designated as 'Foreshore Protection and Recreation Area':</p> <p>(a) Unimpeded free public access shall be permitted;</p> <p>(b) All development shall be confined to ensure public use of the foreshore and to retain a vegetated dune to protect against coastal erosion; and</p> <p>(c) Pumps/pipes may be permitted provided they are concealed from view and affected areas are stabilised and rehabilitated with native species.</p> <p>17. The overall site and individual developments being kept in a neat and tidy condition at all times and all materials and equipment being stored in a manner to enhance the appearance of the site to the satisfaction of the Local Government.</p>
SU4	Lot 52 Millbrook Road, King River Plan 029890	Tavern Caretaker's Dwelling Single House	Development requirements shall be as determined by the Local Government upon application.
SU5	Lot 501 Alison Parade, Bayonet Head Plan 301490	Caravan Park Aged Persons Accommodation	Development requirements shall be as determined by the Local Government upon application.

No.	Description of Land	Special Use	Conditions
SU6	Lot 301 (Pt. Location 5756) Millbrook Road, Millbrook Plan 048157	Aquaculture Blacksmith Workshop Caretaker's Dwelling Holiday Accommodation (Chalet/Cottage Units) Microbrewery Recreation – Private Restaurant Rural Pursuit Zoo (Farmyard Animal Display) Incidental Uses	<ol style="list-style-type: none"> 1. All subdivision and development shall generally be in accordance with the Development Guide Plan adopted by the Local Government and endorsed by the CEO. 2. All development shall be subject to the issuing of development approval. 3. Maximum of six Chalet/Cottage Units are permitted to be developed. 4. All buildings shall be set back a minimum distance of 50 metres from Millbrook Road and all other setbacks shall be as indicated on a Policy Guide Plan. 5. All buildings shall be designed and constructed of natural materials (i.e. timber, rammed earth, and brick) and use tonings in keeping with the rural amenity of the area. The Local Government shall refuse to approve walls and roofs constructed of reflective materials including zincalume and/or white, off white colours. 6. Buildings shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. 7. Boundary fencing shall be of rural construction such as post and strand to the satisfaction of the Local Government. 8. The Local Government shall require the preparation and implementation of a landscaping and tree/shrub planting plan as a condition of development approval. 9. The Local Government will require the subdivider provide for a reciprocal right of access over the northern site access leg for western portions of Lot 5756.

No.	Description of Land	Special Use	Conditions
			<p>10. Parking shall be provided in the ratio of two bays per chalet. Other parking, access and manoeuvring shall be to the Local Governments satisfaction.</p> <p>11. Stormwater drainage shall be accommodated on site to the Local Governments satisfaction and no off-site discharge shall be permitted.</p> <p>12. A minimum of 25 bays shall be provided adjacent to the Microbrewery/Restaurant building.</p> <p>13. Wastewater disposal for the Microbrewery shall comply with the <i>National Water Quality Management Strategy: Effluent Management Guidelines for Australian Wineries and Distilleries (1998)</i>.</p> <p>14. Water supplies to the Chalet/Cottage Units, Microbrewery or Restaurant shall be provided to the satisfaction of the Local Government.</p> <p>15. Alternative emergency egress shall be available at all times via a fire access track linking to Millbrook Road as shown on the Development Guide Plan to the satisfaction of the Local Government.</p> <p>16. A hardstand draughting point is to be provided at the lake to provide adequate fire emergency water supplies.</p> <p>17. The Local Government may request the preparation and implementation of a detailed bushfire protection plan at the subdivision and/or development stage.</p>
SU7	Strata 037046 (No. 256) Lot 101 and Pt. Lot 102 Cosy Corner Road, Kronkup	Holiday Accommodation (Chalet/Cottage Units) Caretaker's Dwelling Recreation - Private Shop Incidental Uses	<p>1. All subdivision and development to be generally in accordance with a Development Guide Plan endorsed by the CEO.</p> <p>2. The Local Government requires that the Strata Management Statement reflects the requirements of these Conditions.</p>

No.	Description of Land	Special Use	Conditions
			<ol style="list-style-type: none"> 3. All development shall be subject to the issuing of development approval. 4. The shop shall have a maximum 150m² retail NLA. 5. Applications shall be accompanied by complete details of colours, finishes, materials and detailed strata lot site improvement plans. 6. Chalet length of stay shall be limited to three months in any 12-month period, and such restriction shall be noted on the titles of the chalet strata lots. 7. All buildings shall be setback a minimum 10 metres from Cosy Corner Road. 8. All other setbacks shall be as indicated on the Development Guide Plan along with any variations as may be approved by the Local Government. 9. All buildings shall be designed and constructed of natural materials (i.e. timber, rammed earth, and brick) and use tonings in keeping with the rural amenity of the area. The Local Government shall refuse to approve walls and roofs constructed of reflective materials including zincalume and/or white, off white colours. 10. Buildings shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. The maximum height of any outbuildings will be at the discretion of the Local Government in order to minimise the visual impacts of such buildings when viewed from Cosy Corner Road. 11. Chalet floor areas (including carport/storage) shall not exceed 140m². 12. All development shall conform with the adopted Chalet Design Guidelines to the satisfaction of the Local Government.

No.	Description of Land	Special Use	Conditions
			<p>13. No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If boundary fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of the Local Government.</p> <p>14. The Local Government shall require the preparation and implementation of a landscaping and tree/shrub planting plan as a condition of development approval.</p> <p>15. The clearing of vegetation within the Cosy Corner Road reserve shall not be permitted.</p> <p>16. The fencing of individual strata lot boundaries shall not be permitted.</p> <p>17. No direct access will be permitted to Cosy Corner Road.</p> <p>18. The Local Government will require reciprocal access over the northern site access leg for Lot 102.</p> <p>19. Parking shall be provided in the ratio of two bays per chalet. Other parking, access and manoeuvring shall be to the Local Governments satisfaction.</p> <p>20. Stormwater drainage shall be accommodated on site to the Local Governments satisfaction and no direct discharge shall be permitted to Cosy Corner Road Reserve.</p> <p>21. Implementation of appropriate fire control measures as determined by the Local government.</p> <p>22. All wastewater effluent disposal devices and treatment fields shall be located on strata common property lots and the Body Corporate shall be responsible for all maintenance of wastewater effluent disposal devices and treatment fields.</p> <p>23. All costs of water quality testing, monitoring and supply shall be the responsibility of the Body Corporate.</p>

No.	Description of Land	Special Use	Conditions
			<p>24. Water tanks shall be painted or coloured an appropriate shade of brown or green or suitably screened with vegetation to the satisfaction of the Local Government.</p> <p>25. Any water storage and supply facilities located on Lot 102 shall be protected by easements to the Local Governments satisfaction.</p> <p>26. A minimum of 10% of the site area shall be retained as recreational areas as shown on the Development Guide Plan. The recreational area(s) shall include recreational facilities for children which are protected from the weather. Such facilities may be enclosed and/or located in the games/activities room as shown on the Development Guide Plan.</p>
SU8	Pt. Lot 22 Willyung Road, Willyung Plan 045717	Caretaker's Dwelling Chalet/Cottage Units Recreation – Private Incidental Uses	<p>1. Maximum of 12 Chalet/Cottage Units are permitted to be developed.</p> <p>2. Prior to commencement of development of the additional uses on the site, the owner/developer shall submit an overall Development Guide Plan to the Local Government for adoption.</p> <p>3. All development shall be subject to the issuing of development approval.</p> <p>4. Applications shall be accompanied by complete details of colours, finishes, materials and detailed site improvement plans.</p> <p>5. Chalet length of stay shall be limited to three months in any 12-month period.</p> <p>6. All buildings shall be located within existing cleared areas and shall be setback a minimum 20 metres from any revegetation areas.</p> <p>7. All Chalet/Cottage Units shall be located outside the 1:100-year floodplain shown the Subdivision Guide Plan for SR11.</p>

No.	Description of Land	Special Use	Conditions
			<p>8. All buildings shall be designed and constructed of natural materials (i.e.; timber, rammed earth, and brick) and use tonings in keeping with the rural amenity of the area. The Local Government shall refuse to approve walls and roofs constructed of reflective materials including zincalume and/or white, off white colours.</p> <p>9. Buildings shall not exceed 7.5 metres in height which is measured vertically from the natural ground level. The maximum height of any outbuildings will be at the discretion of the Local Government.</p> <p>10. Chalet floor areas (including carport/storage) shall not exceed 140m².</p> <p>11. No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If boundary fencing is utilised, it shall be of rural construction such as post and strand to the satisfaction of the Local Government.</p> <p>12. The Local Government shall require the preparation and implementation of a landscaping and tree/shrub planting plan as a condition of development approval.</p> <p>13. Parking shall be provided in the ratio of two bays per chalet. Other parking, access and manoeuvring shall be to the Local Governments satisfaction.</p> <p>14. Stormwater drainage shall be accommodated on site to the Local Governments satisfaction and no direct discharge shall be permitted to the foreshores of local creeks and/or rivers.</p> <p>15. Implementation of appropriate fire control measures as determined by the Local government.</p> <p>16. All wastewater effluent disposal devices shall be alternative treatment units suitable for nutrient retention and located to minimise the potential for nutrient export.</p>

No.	Description of Land	Special Use	Conditions
			<p>17. A potable water supply is required and all costs of water quality testing, monitoring and supply shall be the responsibility of the landowner.</p> <p>18. Water tanks shall be painted or coloured an appropriate shade of brown or green or suitably screened with vegetation to the satisfaction of the Local Government.</p>
SU9	<p>Lot 1 cnr. Ashwell Street/Albany Highway, Mount Melville</p> <p>Diagram 028986</p>	Service Station	<p>1. Remediation works as may be required are to occur in accordance with the <i>Contaminated Sites Act 2003</i>.</p> <p>2. All land use and development require the development approval of the Local Government.</p>
SU10	<p>Lot 48 Albany Highway, Mount Melville</p> <p>Diagram 031565</p>	Service Station	<p>1. Remediation works as may be required are to occur in accordance with the <i>Contaminated Sites Act 2003</i>.</p> <p>2. All land use and development require the development approval of the Local Government.</p>
SU11	<p>Lot 305 Middleton Beach Road, Middleton Beach</p> <p>Plan 222003</p>	Service Station	<p>1. Remediation works as may be required are to occur in accordance with the <i>Contaminated Sites Act 2003</i>.</p> <p>2. All land use and development require the development approval.</p>
SU12	<p>Lots 1 and 288 Lion Street, Centennial Park</p>	<p>Club Premises</p> <p>Medical Clinic</p> <p>Sports Centre</p> <p>Health Studio</p>	All land use and development require the development approval of the Local Government.
SU13	<p>Lots 1 and 2 Frenchman Bay Road, Frenchman Bay</p> <p>Diagram 077269</p>	<p>Caravan Park</p> <p>Caretaker's Dwelling</p> <p>Holiday Accommodation</p> <p>Shop</p>	<p>1. All land use and development shall be consistent with a Development Guide Plan prepared by the landowner and adopted by the Local Government.</p> <p>2. Despite anything contained in the Zoning Table, Shop, Office and Restaurant may only be permitted by the Local Government subject to that land use being incidental to an approved Caravan Park or Holiday Accommodation use.</p>

No.	Description of Land	Special Use	Conditions
			<ol style="list-style-type: none"> 3. All development on the land is to be setback a minimum of 75 metres from the horizontal setback datum (HSD). A greater setback may be required if recommended by any relevant public authority or in an applicable policy. 4. All development on the land is to be setback a minimum of 65 metres from the western boundary (which setback corresponds with the catchment associated with the Vancouver Springs) unless, having regard to technical information concerning the potential impact of development on the Vancouver Springs catchment, a lesser distance is supported by the relevant public authority and approved by the Local Government. 5. A Foreshore Management Plan shall be prepared in accordance with Western Australian Planning Commission State Planning Policy 2.6 <i>State Coastal Planning Policy</i> to the satisfaction of the Local Government. The foreshore management plan must designate the extent of the foreshore reserve and such land shall be ceded to the Crown free of cost. 6. A memorial is to be placed on the Certificates of Title for the land advising that the land is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years. 7. All development on the Land shall be connected to the reticulated sewerage/wastewater system provided by a licensed reticulated sewerage/wastewater disposal and treatment provider unless an alternative treatment system appropriate for the scale of the proposed development and acceptable to the relevant State Government authority can be provided to the satisfaction of the Local Government. 8. All development on the Land shall be connected to reticulated water supplied by a licensed reticulated water provider.

No.	Description of Land	Special Use	Conditions
			<p>9. A Fauna Management Plan is to be prepared to the satisfaction of the relevant State Government authority as a condition of development approval. The plan is to include management to minimise impact on fauna, measures to address injury to fauna, translocation of fauna under permit from the site where necessary, and identification of approved translocation sites for fauna.</p> <p>10. A Fire Management Plan is to be prepared in accordance with Western Australian Planning Commission <i>Planning for Bush Fire Protection Guidelines</i> in consultation with the relevant State Government authorities with regard to the Torndirrup National Park, and approved by the Local Government prior to development.</p> <p>11. The public coastal reserve is to be clearly identified from the private land by a clear demarcation.</p> <p>12. All development to comply with any Local Government Policy applicable to the Land.</p> <p>13. Development within the eastern portion of the Land having an area of approximately 3000m² and which is shown more particularly in COA <i>Frenchman Bay Plan 14-10-11 Site Constraints Plan</i>, shall conform to the following requirements in addition to those preceding –</p> <p>(a) All development within 75 metres of the HSD shall not be developed otherwise than in accordance with a Foreshore Management Plan adopted by the Local Government, and in any case shall not be used for car parking or developed with any substantial structure (i.e. no structure that requires a building licence).</p> <p>(b) In the area immediately to the south of the land affected by the Foreshore Management Plan, a 15-metre-deep section will only be capable of development at a single storey height above</p>

No.	Description of Land	Special Use	Conditions
			<p>natural ground level. Any commercial facilities permissible under the scheme must be developed in this section, and are not permitted elsewhere.</p> <p>(c) Development to a maximum height of two storeys above natural ground level may be permitted behind (to the south of) the section which is limited to single storey development.</p>
SU14	Pt. Reserve 22698 and Location 1461 Mermaid Avenue, Emu Point	Restaurant Convenience Store	All land use and development require the development approval of the Local Government.
SU15	<p>Albany Princess Royal Harbour Foreshore</p> <p><i>AMD 13 GG 10/06/16</i></p>	<p>Entertainment Precinct</p> <p>Within the Entertainment Precinct (1) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply:</p> <p>Entertainment Centre 'P'</p> <p>Market 'D'</p> <p>Restaurant 'P'</p> <p>Shop 'P'</p> <p>Office 'A'</p> <p>Tavern 'D'</p> <p>Small Bar 'D'</p> <p>Accommodation Precinct</p> <p>Within the Accommodation Precinct (2) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply:</p> <p>Motel 'P'</p> <p>Shop 'D'</p> <p>Office 'A'</p>	<p>1. Purpose</p> <p>The purpose of the Albany Princess Royal Harbour Foreshore Special Use Zone is to manage the development and use of the area in such a way that the surrounding marine environment and port and transport land uses is not impacted upon.</p> <p>2. Development Objectives</p> <p>All development within the zone is to:</p> <p>(a) Reflect a maritime context;</p> <p>(b) Cater for pedestrian flow;</p> <p>(c) Provide adequate onsite parking and vehicle access;</p> <p>(d) Provide a safe and secure environment for all members of the community;</p> <p>(e) Ensure building scale, materials, and colours which complement the existing CBD building stock;</p> <p>(f) Use materials that ensure longevity in a harsh marine environment;</p> <p>(g) Not use roof tiles;</p> <p>(h) Not use low pitch roofs concealed by parapet walls;</p> <p>(i) House mechanical services within the building or roof space;</p>

No.	Description of Land	Special Use	Conditions
		Restaurant 'D' Holiday Accommodation 'D' Hotel 'D' Small Bar 'D' Tavern 'A' Commercial Precinct Within the Commercial Precinct (3) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply: Shop 'P' Office 'D' Restaurant 'D' Museum 'D' Holiday Accommodation 'D' Small Bar 'D' Tavern 'A' Harbour Precinct Within the Harbour Precinct (4) shown on the Guide Plan adopted for the zone the following land uses and permissibility apply: Marina 'P' Harbour Installations 'P' Marine Filling Station 'D' Town Jetty Within the Town Jetty (5) shown on the Guide Plan adopted for the zone the	(j) Mitigate traffic noise in accommodation buildings; (k) Be set back a minimum of 25 metres from princess royal drive; (l) Contain all waste storage and delivered goods within the associated buildings; (m) Position car parking on the northern side; (n) Not utilise basement parking; (o) Provide disability access; and (p) Provide public art to complement the maritime theme. 3. Individual Precinct Requirements Within the individual precincts contained on the Guide Plan adopted for the zone, the following requirements and standards shall apply: (a) Entertainment Precinct (1) (i) Building Height 1. The Entertainment Centre is located on the eastern half of Precinct 1. The fly tower is the tallest component of the Entertainment centre and is not to exceed 24 metres. 2. Development on the western half of this precinct (Lot 2) is not to exceed two storeys. (ii) Plot Ratio Maximum plot ratio shall be 0.5. (iii) Car Parking Fifteen car bays shall be provided on Lot 1 and 130 car bays shall be provided on Lot 2. (iv) Setbacks (Lot 1) The following minimum setbacks apply: 1. 25 metres from Princess Royal Drive; 2. 5 metres from western boundary; 3. 5 metres from promenade;

No.	Description of Land	Special Use	Conditions
		<p>following land uses and permissibility apply:</p> <p>Restaurant 'D'</p> <p>Shop 'D'</p> <p>Office 'A'</p> <p>Small Bar 'D'</p> <p>Tavern 'A'</p>	<p>4. 4 metres from POS boundaries; and</p> <p>5. 4 metres from eastern boundary.</p> <p>(v) Setbacks (Lot 2)</p> <p>The following minimum setbacks apply:</p> <ul style="list-style-type: none"> • 25 metres from Princess Royal Drive; • 4 metres from POS boundaries; • 4 metres from western boundary; and • Nil setbacks from all other boundaries. <p>(b) Accommodation Precinct</p> <p>(i) Land Use</p> <p>Despite anything contained in the Zoning Table, Shop, Office and Restaurant may only be permitted by the Local Government subject to that land use being incidental to an approved Motel use.</p> <p>(ii) Building Height</p> <ul style="list-style-type: none"> • Hotel and/or Motel buildings are to be at a maximum height of 5 storeys; and • Holiday Accommodation buildings are to be at a maximum height of 6 storeys. <p>(iii) Plot Ratio</p> <p>Maximum plot ratio shall be 1.5.</p> <p>(iv) Car Parking</p> <p>Car parking is to be provided at the following ratio:</p> <ul style="list-style-type: none"> • One per employee +; • One per 3m² bar area +; • One per 4 seats in dining area +; • One per bedroom +; • One per 4m² other public areas; and

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> • One bicycle parking facility for every 10 car bays. <p>(v) Setbacks</p> <p>The following minimum setbacks apply:</p> <ul style="list-style-type: none"> • 25 metres from Princess Royal Drive; • 12 metres from eastern boundary; and • Nil setbacks from all other boundaries. <p>(c) Commercial Precinct</p> <p>(i) Building Height</p> <p>Buildings are to be a maximum height of two storeys.</p> <p>(ii) Plot Ratio</p> <p>Maximum plot ratio shall be 0.5.</p> <p>(iii) Car Parking</p> <p>Car parking is to be provided at the ratio of one bay per 20m² gross floor area.</p> <p>(iv) Setbacks</p> <p>The following minimum setbacks apply:</p> <ul style="list-style-type: none"> • 25 metres from Princess Royal Drive; • 12 metres from eastern boundary; • 2.5 metres from western boundary; and • Nil setbacks from all other boundaries. <p>(d) Harbour Precinct</p> <p>(i) Building Height</p> <p>Buildings are to be a maximum height of one storey.</p> <p>(ii) Car Parking</p> <p>Car parking shall incorporate 45 permanent car bays to boat trailer hard stand area.</p>

No.	Description of Land	Special Use	Conditions
			<p>(iii) Setbacks</p> <p>The following minimum setbacks apply:</p> <ul style="list-style-type: none"> • 2.5 metres from eastern boundary. <p>(e) Town Jetty Precinct</p> <p>(i) Land Use</p> <p>Despite anything contained in the Zoning Table, Office may only be permitted subject to that land use being incidental to an approved Shop or Restaurant use.</p> <p>(ii) Building Height</p> <p>Buildings are to be a maximum height of one storey.</p> <p>(iii) Plot Ratio</p> <p>Maximum plot ratio shall be 0.35.</p> <p>(iv) Car Parking</p> <p>Car parking shall incorporate 145 car parking bays to be provided along the old Town Jetty.</p> <div data-bbox="887 1061 1394 1211" style="border: 1px solid black; padding: 5px;"> <p><i>Note: The Minister for the Environment has placed ministerial conditions that apply to this area and any future development is required to comply with those conditions (Minister of Environment Statement 787 - issued 19 February 2009).</i></p> </div>
SU16	Lots 731 and 732 Wellington Street, Centennial Park P224159	<p>Residential R60</p> <p>All uses permissible in the Residential zone with permissibility as designated for that zone in Table 1 – Zoning Table.</p>	<p>1. A development setback from the boundary to the Yakamia Drain (Reserve 34381, Lot 1262) will apply to all buildings. The distance of this setback is to be determined by the Local Government in consultation with the relevant State Government authority at the time of subdivision and/or development and is to take into account:</p> <ul style="list-style-type: none"> • The potential for flooding of the Yakamia Drain; • Any future drainage or flood mitigation works undertaken or planned on the site or in the locality; and • The application of water sensitive urban design principles to maintain adequate stormwater

No.	Description of Land	Special Use	Conditions
			<p>quality prior to it entering Yakamia Creek.</p> <ol style="list-style-type: none"> 2. The Western Australian Planning Commission may impose a condition at the time of subdivision, or the local government may impose a condition at the time of development requiring the developer to provide drainage and landscaping details that detail the: <ul style="list-style-type: none"> • Need for any treatment or upgrade of the open drain as a result of the development; • Proposed interface between the creek and the private land; and • Manner and responsibility for any works to be undertaken by the developer, the Local Government or other parties. 3. The Western Australian Planning Commission may require a detailed site assessment for acid sulfate soils, in accordance with the relevant State Government authority guidelines, to be lodged with an <i>Acid Sulfate Soils Self Assessment Form</i> to accompany any application for subdivision, and may after consultation with the relevant State Government authority impose a condition at the time of development for the preparation and implementation of an Acid Sulfate Soil Management Plan. 4. The Local Government may require a detailed site assessment for acid sulfate soils, in accordance with the relevant State Government authority guidelines, to be lodged with any development application and may after consultation with the relevant State Government authority impose a condition at the time of development for the preparation and implementation of an Acid Sulfate Soil Management Plan. 5. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision or the Local Government may impose a condition at the time of development for the

No.	Description of Land	Special Use	Conditions
			<p>removal of surface soils and replacement with compacted clean sand and sub-surface drainage to the satisfaction of the Local Government.</p> <p>6. The Local Government may impose a condition at the time of development requiring noise attenuation measures and/or the preparation and implementation of a noise management plan.</p> <p>7. Prior to the development and/or subdivision of the land, the proponent is required to prepare design guidelines for the site to the satisfaction of the Local Government and such guidelines shall address matters including (but not limited to):</p> <ul style="list-style-type: none"> • Building construction, including glazing, door treatments, roof form, walls, ceilings, construction and use of fixed openings; • House design, including the sitting of outdoor entertaining areas as well as less noise sensitive internal rooms; • The design interface of Yakamia Creek and Centennial Park recreation area which shall accommodate passive surveillance principles; • Boundary fencing details; • Access and parking requirements; • Landscaping, including the use of water sensitive urban design techniques; and • 'Quiet house' design.
SU17	Lot 734 Barker Road, Centennial Park Plan 222019	Tourist Residential R60	<p>1. Notwithstanding the permissibility of land uses within the Zoning Table, the permissibility of uses is as follows:</p> <ul style="list-style-type: none"> • Chalets 'D' • Club Premises 'D' • Grouped Dwelling 'D' • Holiday Accommodation 'D'

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> • Hotel 'A' • Motel 'D' • Multiple Dwelling 'D' • Park Home Park 'D' • Recreation - Private 'D' • Residential Building 'D' • Single House 'D' <p>2. All other land uses not listed in condition 1 above are deemed to be 'X' not permitted uses.</p> <p>3. The symbols used in conditions 1 and 2 above have the same meaning as those set out in clause 3.3 of the Scheme.</p> <p>Noise Attenuation</p> <p>4. a) While lawful operating industrial uses remain within a 450m radius of the land, the Local Government will require, at subdivision and/or development stage, the landowner/developer to undertake and implement all noise attenuation measures necessary to ensure:</p> <ul style="list-style-type: none"> • Outdoor noise exposure levels are reduced to <LAeq 55dB (Day: 6.00am - 10pm); and <LAeq 50dB (Night: 10pm - 6.00am); and • All noise sensitive development is designed and constructed to comply with the relevant 'satisfactory' design sound level specified by AS 2107:2000 <i>Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors</i>. <p>b) Noise attenuation measures may include but are not limited to:</p> <p>(i) Lodgement of an acoustic report specific to the proposed development design;</p>

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> (ii) Construction of an acoustic wall along the southern boundary; (iii) Detailed design guidelines and method of implementation; (iv) Design and construction requirements including: <ul style="list-style-type: none"> (a) Location of outdoor areas away from noise sources(s); (b) Glazing – laminated glass to specified thickness, limited window areas, fixed windows and/or compression seals; (c) Doors – solid with appropriate materials, seals and glazing; (d) Walls - double brick or solid masonry; (e) Ceiling insulation – appropriate layers and materials; (f) Location of less noise sensitive rooms closer to noise source; (g) No fixed openings to bathroom/toilets; (h) Forced ventilation. (v) Notification to prospective purchasers and on all Certificates of Title advising of the potential noise impacts and the requirement for appropriate noise attenuation measures. <p>Yakamia Creek</p> <p>5. As a condition of development approval, the developer shall provide drainage and landscaping details which:</p> <ul style="list-style-type: none"> • Detail the need for any treatment or upgrade of the open drain as a result of the development;

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> Detail the proposed interface between the creek and the private land; and Detail the manner and responsibility for any works to be undertaken by the developer, the Local Government or other parties. <p>6. The development of the Park Home Park use will be subject to demonstrating compliance of proposed park homes with the R-Codes as well as the Caravan Parks and Camping Grounds Regulations 1997.</p>
SU18	Lot 22 Link Road, McKail Plan 029387	Caretaker's Dwelling Restaurant Zoo	<ol style="list-style-type: none"> All development shall be generally in accordance with the Development Guide Plan endorsed by the CEO. All development including any intensification or change of use shall require development approval. All buildings shall be setback a minimum 15 metres from the front boundary and 3 metres from all other lot boundaries. The Local Government shall not permit the use of unpainted zincalume and/or white, off-white colours for external cladding of buildings. On-site effluent disposal from the units shall utilise an approved alternative treatment unit that retain nutrients. Tree/shrub planting shall be undertaken and maintained by the developer/operator all existing vegetation is to be retained. Implementation of appropriate fire control measures as determined by the Local Government. All development being undertaken with the full knowledge that: <ol style="list-style-type: none"> The proposal is adjoining/nearby to General Agriculture zoned land on which agricultural pursuits and activities take place. The development of the proposed holiday accommodation and

No.	Description of Land	Special Use	Conditions
			<p>tourist activities shall be designed, sited and undertaken to prevent negative impacts or restrictions on the continued operation of these agricultural pursuits; and</p> <p>(b) The land may be affected by aircraft noise associated with the nearby Albany Airport and future uses shall not compromise the future operations of the Albany Airport.</p> <p>9. Access arrangements to Albany Highway are to be to the satisfaction of the Local Government in consultation with the relevant State Government authority.</p>
SU19	<p>Lot 119 and portion of Lot 120 Lower Denmark Road, Elleker</p> <p>Diagram 089583</p>	<p>Caretaker's Dwelling</p> <p>Holiday Accommodation</p> <p>Home Occupation</p> <p>Restaurant</p> <p>Service Station</p> <p>Shop</p> <p>Incidental Uses</p>	<p>1. All development including any intensification or change of use shall require development approval.</p> <p>2. All development to incorporate appropriate on-site effluent disposal utilising an approved alternative treatment unit that retain nutrients and the Local Government will not approve any use that cannot adequately dispose of wastewater on the site.</p>
SU20	<p>Lot 7250 Gwydd Close, Elleker</p> <p>Plan 213369</p>	<p>Caretaker's Dwelling</p> <p>Holiday Accommodation (Chalet/Cottage Units)</p> <p>Community Centre</p> <p>Manager's Residence</p>	<p>1. All subdivision and development shall be generally in accordance with the Development Guide Plan endorsed by the CEO.</p> <p>2. All development including any intensification or change of use shall require development approval.</p> <p>3. The Local Government requires that the Strata Management Statement reflects the requirements of these Conditions.</p> <p>4. The primary use of the development is for a health retreat and all other uses shall be ancillary and incidental to that use.</p> <p>5. The Chalet/Cottage Units are to be used for clients of the health retreat. Chalet length of stay shall be limited to three months in any 12-month period, and such restriction shall be</p>

No.	Description of Land	Special Use	Conditions
			<p>noted on the titles of the chalet strata lots.</p> <ol style="list-style-type: none"> 6. Tree/shrub planting shall be undertaken and maintained by the developer/operator between chalets and Gwydd Close and all existing vegetation is to be retained. 7. A potable water supply shall be provided to the satisfaction of the Local Government and the relevant State Government authority and all costs of water quality testing, monitoring and supply shall be the responsibility of the landowner or Body Corporate. 8. Water tanks shall have a minimum capacity of 55,000 litres. 9. Gwydd Close shall be upgraded to a sealed standard at the development stage. 10. Stormwater drainage shall be accommodated on site to the Local Governments satisfaction and no direct discharge shall be permitted to Gwydd Close. 11. Implementation of appropriate fire control measures as determined by the Local government including standpipe and access to the lake for fire fighting water emergency supplies. 12. On-site effluent disposal from the units shall utilise an approved alternative treatment unit that retain nutrients. 13. All wastewater effluent disposal devices and treatment fields shall be located on strata common property lots and the Body Corporate shall be responsible for all maintenance of wastewater effluent disposal devices and treatment fields.
SU21	Lot 200 (Pt. 6511) Two Peoples Bay Road, Kalgan Plan 061156	Aquaculture Caretaker's Dwelling Holiday Accommodation Recreation – Private (Botanical Golf/Driving	<ol style="list-style-type: none"> 1. All subdivision and development shall be generally in accordance with the Development Guide Plan endorsed by the CEO.

No.	Description of Land	Special Use	Conditions
		Range, Fishing, Animal Park, Equestrian) Restaurant Rural Pursuit Zoo Incidental Uses	<ol style="list-style-type: none"> 2. All development including any intensification or change of use shall require development approval. 3. The landowner acknowledges that the property is located in a predominantly rural area and that the amenity of the land may be affected by adjoining rural pursuits and the development of the proposed holiday accommodation and tourist activities shall be designed, sited and undertaken to prevent negative impacts or restrictions on the continued operation of these agricultural pursuits. 4. There shall be a maximum of 12 Chalet/Cottage Units permitted to be developed. 5. On-site car parking shall be provided in accordance with Scheme requirements. 6. No more than two crossovers onto Two Peoples Bay Road shall be permitted. 7. Stormwater drainage shall be accommodated on-site to the Local Governments satisfaction. 8. A potable water supply shall be provided to the satisfaction of the Local Government and the relevant State Government authority. 9. The Local Government may require the implementation of environmental management practices including nutrient and pesticide uses and stocking rates in approving any rural uses. 10. Tree/shrub planting as shown on the Development Guide Plan shall be undertaken to screen the development from adjoin properties and Two Peoples Bay Road and maintained by the developer/operator and all existing vegetation is to be retained. 11. Implementation of appropriate fire control measures as determined by the Local Government.

No.	Description of Land	Special Use	Conditions
			<p>12. On-site effluent disposal from the units shall utilise an approved alternative treatment unit that retain nutrients.</p> <p>13. All buildings shall be setback a minimum 20 metres from Two Peoples Bay Road and all other lot boundaries unless a lesser setback is shown on the Development Guide Plan.</p> <p>14. Dwellings shall not exceed 7.5 metres in height and be located, designed and constructed utilising materials, finishes and tonings in sympathy with the existing Nipper's cafe and to complement the rural amenity of the area.</p> <p>15. Chalet/Cottage Units shall not exceed 140m² (excluding verandahs, carports and storage areas).</p> <p>16. Any dwellings and Chalet/Cottage Units within 15 metres from a medium or 40 metres from a high fire hazard shall be designed and constructed in accordance with AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i>.</p>
SU22	<p>Lot 2 (Pt. 4889) Albany Highway, Drome</p> <p>Diagram 058244</p>	<p>Single House ('P')</p> <p>Animal Establishment (Equestrian Establishment/Stables) ('D')</p> <p>Caretaker's Dwelling (only permitted in accordance with Clause 1.3)</p> <p>Home Business ('D')</p> <p>Home Occupation ('D')</p> <p>Recreation – Private ('D')</p> <p>Rural Pursuit ('D')</p> <p>Grouped Dwelling (only permissible in the case of a strata subdivision)</p>	<p>1. General</p> <p>1.1 The purpose of the zone is to create a high quality, special interest, low density living environment developable for horse owners with access to communal infrastructure and to centralised management; controlled through scheme provisions and complemented by a strata management plan.</p> <p>1.2 Subdivision and development of the site is to be in accordance with a Subdivision Guide Plan endorsed by the CEO along with any minor variations that might be approved by the local Government and the Western Australian Planning Commission for the subject land prior to subdivision and development.</p> <p>1.3 No more than 77 Single Houses (plus a Caretaker's Dwelling located on common property if a Survey Strata</p>

No.	Description of Land	Special Use	Conditions
			<p>Equestrian proposal is undertaken) shall be permitted on the site. The minimum strata lot size shall be 2000m² with a minimum lot size of a one hectare where green title subdivision is proposed.</p> <p>1.4 The developer shall prepare an acoustic report to the satisfaction of the Local Government in consultation with the relevant State Government authorities at the time of subdivision and/or development to ensure separation of dwellings from Albany Highway meets the requirements of the <i>Environmental Protection Act</i> and relevant Noise Regulations.</p> <p>2. Services</p> <p>2.1 No direct access will be permitted to Albany Highway.</p> <p>2.2 The Local Government may request the Commission to impose a condition at the time of subdivision requiring a contribution to the upgrading of Gunn Road and the intersection of Gunn Road and Albany Highway to the satisfaction of the Local Government in consultation with the relevant State Government authority.</p> <p>2.3 Stormwater drainage shall be accommodated on-site and a Drainage, Nutrient and Irrigation Management Plan to the specifications of the Local Government in consultation with the relevant State Government authority will be required to be submitted as part of any development or subdivision application.</p> <p>2.4 All lots are to be connected to the Water Corporation reticulated water system.</p> <p>3. Effluent Disposal</p> <p>Effluent disposal shall be the responsibility of the individual landowner and shall be undertaken to the satisfaction of the Local Government and the relevant State Government authority with approved effluent disposal systems. Alternative Treatment Unit systems will be</p>

No.	Description of Land	Special Use	Conditions
			<p>required to service the proposed development.</p> <p>4. Landscaping and Fencing</p> <p>4.1 At the development and/or subdivision application stage for green title subdivision, a landscaping plan shall be prepared and implemented to the satisfaction of the Local Government.</p> <p>4.2 The applicant is to retain existing mature trees on site where practical.</p> <p>4.3 Boundary fencing shall be of rural construction, such as post and rail or wire. Restricted use of colorbond or wooden picket fencing may be approved for service areas and private courtyards in close proximity to the residence.</p> <p>5. Fire Management</p> <p>5.1 The Local Government will require the preparation and implementation of a Fire Management Plan to the satisfaction of the Local Government in consultation with the relevant State Government authority as part of any Strata or Subdivision Application and/or Application for Development approval.</p> <p>5.2 Areas to remain under pasture shall be maintained in a low fuel condition.</p> <p>5.3 Fire access tracks and emergency exits are to be constructed to the requirements of the relevant State Government authority and should be available for usage at all times.</p> <p>6. Building Location, Design and Construction</p> <p>6.1 All buildings should be setback a minimum of 20 metres from Albany Highway or as otherwise required by the endorsed acoustic report.</p> <p>6.2 All habitable buildings are to be setback 40 metres from adjoining Lot 401 and Lot 5.</p> <p>6.3 In the case of green title subdivision, in addition to the requirements of 6.1 and 6.2 above all buildings shall be setback 20m from lot boundaries</p>

No.	Description of Land	Special Use	Conditions
			<p>abutting public road frontages and 10 metres from all other lot boundaries.</p> <p>6.4 Other setbacks for strata title development shall be as indicated on the Development Guide Plan along with any variations as may be approved by the Local Government.</p> <p>6.5 Dwellings and outbuildings shall be designed and constructed of materials and using colours in keeping with the rural amenity of the area. The Local Government shall not approve walls and roofs constructed of reflective materials such as unpainted zincalume and off-white colours.</p> <p>6.6 Dwelling houses shall not exceed 7.5 metres in height, which is measured vertically from the natural ground level.</p> <p>7. Notification of Prospective Owners</p> <p>Provision shall be made to the satisfaction of the Local Government to ensure prospective purchasers of land within Special Use Zone 22 are given a copy of these Special Provisions prior to entering into an agreement to acquire any property.</p> <p>8. Application for Development approval</p> <p>8.1 Any use and construction of buildings including associated works such as filling, excavation, and construction of retaining walls and the removal of vegetation shall require development approval.</p> <p>9. Keeping of Animals</p> <p>9.1 Notwithstanding any other condition, in the event of green title subdivision the keeping of one horse per hectare will be permitted.</p> <p>9.2 Keeping of all animals is subject to the following conditions:</p> <p>(i) The keeping of animals shall not result in the removal or damage of revegetation and trees or result in soil degradation and dust pollution;</p>

No.	Description of Land	Special Use	Conditions
			<p>(ii) Where in the opinion of the Local Government the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust pollution or soil degradation, notice may be served on the owner of the said land, requiring immediate removal of those animals specified in the notice for a period specified in the notice;</p> <p>(iii) When notice has been served on a landowner in accordance with this clause the Local Government may also require the land to be fully rehabilitated within three months of serving the notice; and</p> <p>(iv) In the event that such action is not undertaken, the Local Government may carry out such works as are deemed necessary, with all costs being borne by the landowner.</p> <p>10. Development in Survey Strata Form for Equestrian or Other Approved Purposes</p> <p>In the case of survey strata subdivision, the following conditions shall apply in addition to the above:</p> <p>Communal Facilities</p> <p>10.1 Communal facilities shall include an equestrian centre and agistment area, caretakers dwelling, rural type fencing and bridle paths and shall be constructed to the satisfaction of the Local Government.</p> <p>10.2 All development of communal facilities shall be subject to the issue of Development approval.</p> <p>10.3 Development of communal facilities within common property shall be completed to a stage satisfactory to the Local Government prior to the issue of strata titles.</p> <p>10.4 When the strata application is made, the Local Government will only recommend approval to the Western Australian Planning Commission when a strata management plan has</p>

No.	Description of Land	Special Use	Conditions
			<p>been prepared demonstrating the ongoing management of the site and addressing issues including:</p> <ul style="list-style-type: none"> • The ongoing maintenance and future replacement of communal infrastructure including bridle paths, fencing and landscaping; • Appointment of an on-site manager and the establishment of centralised management of the development; • Appropriate management measures for the equine park and strata lots; • Acknowledgement by prospective owners that the development is a special interest equine development and that lot owners cannot complain of reasonable activity related to those special interests, or take any action that interrupts those special interest activities; • Any other matter deemed to be consistent with these Special Conditions to the satisfaction of the Local Government. <p>Building Location, Design and Construction</p> <p>10.5 All dwellings shall comply with Design Guidelines that are to be submitted at the time of lodging the planning application for the communal facilities to the satisfaction of the Local Government.</p>
SU23	<p>Portion of Lot 1004 Viastra Drive, Lange</p> <p>Lots 201, 202 and 203 Chester Pass Road, Lange</p> <p><small>AMD 18 GG 10/02/17; AMD 36 GG 08/03/2022</small></p>	<p>Consulting Room</p> <p>Hospital</p> <p>Medical Centre</p> <p>and other ancillary health and support uses approved by the Local Government</p> <p>Pharmacy</p>	<ol style="list-style-type: none"> 1. All development and land use shall require development approval from the Local Government as a D use and shall be generally in accordance with an approve Local Development Plan prepared by the proponents and endorsed by the Local Government 2. The Local Development Plan shall address: <ul style="list-style-type: none"> • Building height and bulk;

No.	Description of Land	Special Use	Conditions
		Child Care Premises Community Purpose Recreation-Private	<ul style="list-style-type: none"> • Setbacks and noise mitigation; • Building design and windows, openings and street frontages/facades; • Materials and colours; • Access, loading/servicing areas and car parking; • Landscaping, public art and signage. <ol style="list-style-type: none"> 3. The development of the land shall be subject to preparation and implementation of a Stormwater Management Plan. 4. No direct vehicular access to Chester Pass Road is permitted. 5. The Pharmacy use shall include a dispensary and the sale of incidental & medical products. 6. In making application for a Pharmacy Use, the developer shall provide evidence that approval has been granted under the Pharmacy Location Rules as set by the National Health Act 1953 and the National Health (Australian Community Pharmacy Authority Rules) Determination 2006, for as long as these rules are current. 7. A child care premises shall be limited in area and incidental to the predominant use of the land as determined by the Local Government. 8. Any development application for Child Care Premises is to be accompanied by an assessment against State Planning Policy 5.4 Road and Rail noise.
SU24	Lot 123, (No. 145) Albany Highway, Mount Melville	Service Station	<ol style="list-style-type: none"> 1. Remediation works as may be required are to occur in accordance with the <i>Contaminated Sites Act 2003</i>. 2. All land use and development require the development approval of the Local Government.

No.	Description of Land	Special Use	Conditions
SU25	<p>Middleton Beach Activity Centre</p> <p>Lot 8888 Flinders Parade</p> <p>Lots 660 and 661, Marine Terrace</p> <p>Adjacent road reserves being portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive, Middleton Beach</p> <p>AMD 1 GG 24/01/17</p>	<p>Land use permissibilities within the precincts shown on the Middleton Beach Activity Centre Precinct Plan are as follows:</p> <p>Hotel / Mixed Use Precinct</p> <p>Car Park 'D'</p> <p>Exhibition Centre 'A'</p> <p>Holiday Accommodation 'D'</p> <p>Hotel 'P'</p> <p>up to 5 storeys [21.5 metres]</p> <p>Hotel 'A'</p> <p>above 5 storeys [21.5 metres]</p> <p>Market 'D'</p> <p>Multiple Dwelling 'D'</p> <p>(1)(2)</p> <p>up to 5 storeys [21.5 metres]</p> <p>Multiple Dwelling 'A'</p> <p>(1)(2)</p> <p>above 5 storeys [21.5 metres]</p> <p>Nightclub 'D'</p> <p>Public Utility 'D'</p> <p>Recreation-Private 'A'</p> <p>Restaurant 'D'</p> <p>Shop 'A'</p> <p>Small Bar 'A'</p> <p>Tavern 'A'</p> <p>Mixed Use Precinct</p> <p>Car Park 'D'</p> <p>Consulting Rooms 'D'</p> <p>Convenience Store 'D'</p> <p>Exhibition Centre 'A'</p> <p>Holiday Accommodation 'P'</p> <p>Hotel 'D'</p> <p>Market 'D'</p> <p>Multiple Dwelling 'P' (3)</p> <p>Office 'D'</p> <p>Public Utility 'D'</p>	<p><u>Performance Criteria</u></p> <p>1. All development within the Middleton Beach Activity Centre Special Use zone shall comply with the following performance criteria:</p> <p>(a) The Middleton Beach Activity Centre is developed in a co-ordinated manner, recognising its significance for local recreation, organised sporting and cultural events and as a tourist destination;</p> <p>(b) High quality built form and public place design is provided across the Special Use zone and public foreshore reserve interfaces recognise the iconic location and significance of the site to the community;</p> <p>(c) The development of public and private land is integrated to establish a safe, vibrant mixed-use centre with an active beach front and urban edge that includes but is not limited to: local and tourist facilities; restaurants, cafes and shops; holiday and short stay accommodation; together with a range of permanent residential uses but excludes detached houses;</p> <p>(d) An effective, efficient, integrated and safe transport network that prioritises pedestrians, cyclists and public transport users is provided;</p> <p>(e) Vehicle parking is efficient and promotes the establishment of shared, reciprocal and common use facilities;</p> <p>(f) Developments incorporate sustainable technologies and design including best practice with regard to energy efficiency, water sensitive urban design and fire safety requirements; and</p>

No.	Description of Land	Special Use	Conditions
		Recreation-Private 'A' Restaurant 'D' Shop 'D' Single Attached Dwelling 'D'(3) Small Bar 'A' Tavern 'A' Residential Precinct Home Office 'D' Multiple Dwelling 'P' Public Utility 'D' Single Attached Dwelling 'P' Edge Precinct Car Park 'D' (1) Means the use is prohibited where it fronts the street at pedestrian level. (2) Means that the use is prohibited if prior or concurrent approval and development of a hotel has not occurred. (3) Means that the use is prohibited where it fronts the street at pedestrian level within the 'Primary Active Frontage' area as depicted on the Precinct Plan.	(g) Opportunities for investment and development are facilitated. 2. Due regard shall be given to the Activity Centre Structure Plan in accordance with the relevant clauses within the deemed provisions for Local Planning Schemes. 3. Development will be compliant with design guidelines that have been prepared, referred to the State Design Review Panel for its advice and recommendations, and adopted by the City of Albany prior to development of the site. 4. Notwithstanding that a use is not specifically listed in this schedule, the Local Government may consider the proposed use on its merits as an 'A' use where that use, and development complies with the performance criteria set out in Condition 1 and other relevant conditions in this schedule and is compatible with the listed uses in the designated precinct. <u>Foreshore Protection and Management</u> 5. Development within the Hotel/Mixed Use Precinct and/or creation of the Hotel/Mixed Use Lot will be subject to satisfactory arrangements for the implementation and ongoing management of coastal adaptation and protection measures consistent with State Planning Policy 2.6, including but not limited to: <ul style="list-style-type: none"> Public advertising, adoption and implementation of a Foreshore Management Plan that includes the existing foreshore reserve adjacent to the Special Use zone, prepared in conjunction with the City of Albany in accordance with SPP2.6 Sub-Clause 5.10 Coastal Strategies and Management Plans and endorsed by the WAPC; and Notification on Title stating that the lot is within a Vulnerable Coastal Area. <u>Bushfire Management</u>

No.	Description of Land	Special Use	Conditions
			<p>6. The Middleton Beach Activity Centre has been identified as a bushfire prone area and development and use of the site shall comply with the provisions of the approved Bushfire Management Plan and the Scheme.</p> <p>7. All residential buildings and, as far as is practicable, non-residential developments, are to incorporate the bushfire resistant construction requirements of the Building Code, including as appropriate the provisions of AS3959 Construction of Buildings in Bushfire Prone Areas (as amended), commensurate with the bushfire attack level (BAL) established for the relevant portion of the site.</p> <p><u>Development Requirements</u></p> <p>8. Before commencing or carrying out any development on land within the Special Use zone, the developer must:</p> <ul style="list-style-type: none"> • demonstrate that the proposal aligns with the principles of any relevant State Planning Policy for design of the built environment; • comply with the requirements of the design guidelines referred to in Condition (3) above; and • incorporate the recommendations of an appointed design review panel, where available. <p>9. Notwithstanding the permissibility of the proposed use, any works proposed to be undertaken within the Special Use zone shall require the development approval of Local government following advertising of the proposal in accordance with clause 64(3) of the Deemed Provisions unless exempted by the provisions of Schedule 2, CI 61 (1) of the Deemed Provisions to the Planning and Development Regulations 2015.</p> <p>10. Applications for development approval are to demonstrate appropriate design and management</p>

No.	Description of Land	Special Use	Conditions
			<p>controls to minimise conflict between permanent & short term residential, tourism and mixed uses and, in particular, night time hospitality and entertainment.</p> <p>11. Any approved development is to be constructed to plate height prior to the submission of any diagram or plan of survey (deposited plan) for subdivision of the parent lot to create individual lot(s) for the development(s).</p> <p>12. Basement car parking shall be integrated into the built form and screened from view, such that the car parking area is not directly visible from the street or other public spaces. Car parking areas shall be accessed from a laneway or secondary street where available.</p> <p>13. Car parking shall be provided in accordance with the provisions of the Scheme unless otherwise stated below.</p> <p>14. The following development requirements specifically apply to the following precincts as identified on the Middleton Beach Activity Centre Precinct Plan:</p> <p>Hotel / Mixed Use Precinct</p> <p>All proposals for development within this precinct are to be referred to the State Design Review Panel to ensure that building design is sympathetic to its iconic location.</p> <p>The scale of any residential development is to complement the tourism component and priority is to be given to locating the tourism component(s) on those areas of the site providing the highest tourism amenity.</p> <p><u>Key Principles for Hotel/Mixed Use Precinct</u></p> <p>Any application within the Hotel/Mixed Use Precinct for development in excess of 5 storeys (21.5 metres) in height is to:</p> <ul style="list-style-type: none"> • Demonstrate excellent design outcomes

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> • Be informed by a Visual Impact Assessment consistent with the guidelines set out in the WAPC's Visual Landscape Planning manual. • Contribute positively to the public realm; • Provide a landmark element on the axis of Adelaide Crescent and Flinders Parade; • Present no adverse impacts on the locality by overshadowing; • Respond to the site and its context and step built form away from the beach with additional height located towards Mt Adelaide; • Effectively mitigate bulk and scale of the proposed development; and • Achieve the criteria in Condition (1) above <p><u>Building Height:</u></p> <ul style="list-style-type: none"> • 1-3 storey height limit along Primary Active Frontages abutting Public Open Space, with additional height located on the southern portion of the site towards Mount Adelaide. • Except as provided for below, 5 storey (21.5 metres) height limit elsewhere on the site; • Development of a hotel use and/or holiday accommodation and/or multiple dwellings above 5 storeys (21.5 metres) may be considered to a maximum of 12 storeys (46 metres) if the proposed development accords with: <ul style="list-style-type: none"> o The key principles as outlined above; o The design guidelines referred to in Condition (3) above; and o The recommendations of the State Design Review Panel. <p><u>Setbacks:</u></p> <ul style="list-style-type: none"> • Generally nil street and side setbacks. <p><u>Car Parking:</u></p>

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> • Hotel 1 bay per 2 employees + 1 per bedroom + 1 per 4m2 in other public areas. • Retail – 1 bay per 40m2 NLA. • No visitor car parking requirement for permanent residential developments. <p><u>Bicycle Parking:</u></p> <ul style="list-style-type: none"> • 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors. <p><u>Access:</u></p> <p>Delivery services are prohibited on the Flinders Parade frontage of the Hotel / Mixed Use site.</p> <p>Mixed Use Precinct</p> <p><u>Building Height:</u></p> <ul style="list-style-type: none"> • 2 storey (11 metres) minimum / 3 storey (14.5 metres) maximum between Barnett Street and the Public Access Way. • 2 storey (11 metres) minimum / 4 storey (18 metres) maximum for development fronting the southern extent of the Public Access Way; • 2 storey (11 metres) minimum / 5 storey (21.5 metres) maximum for development south of the Public Access Way, fronting Adelaide Crescent or Flinders Parade. <p><u>Setbacks:</u></p> <p>Generally nil street and side setbacks.</p> <p><u>Car Parking:</u></p> <ul style="list-style-type: none"> • Single attached dwelling - resident parking as determined by Local government. • No visitor car parking requirement for permanent residential developments. • Retail – 1 bay per 40m2 NLA. <p><u>Bicycle Parking:</u></p> <ul style="list-style-type: none"> • 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors.

No.	Description of Land	Special Use	Conditions
			<p>Residential Precinct</p> <p><u>Building Height:</u></p> <ul style="list-style-type: none"> 2 storey (10 metres) minimum / 3 storey (13.5 metres) maximum between Barnett Street and the Public Access Way. <p><u>Setbacks:</u></p> <ul style="list-style-type: none"> Generally nil street and side setbacks. <p><u>Car Parking:</u></p> <ul style="list-style-type: none"> Single attached dwelling - resident parking as determined by Local government. No visitor car parking requirement for permanent residential developments. <p><u>Bicycle Parking:</u></p> <ul style="list-style-type: none"> 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors. <p>Active Frontages</p> <p>Areas marked as 'Active Frontage' on the Precinct Plan encourage a range of active uses at the pedestrian level. Specifically, this shall be achieved by:</p> <ul style="list-style-type: none"> Residential uses at the pedestrian level in areas delineated as 'Primary Active Frontage' are prohibited. Areas delineated as either 'Primary Active Frontage' or 'Secondary Active Frontage' shall demonstrate measures have been undertaken to build adaptability into the development at ground floor level.
SU26	<p>Lot 5780 Down Road South, Drome</p> <p><i>Amd 35 GG 03/08/2021</i></p>	Recreation – Private Club Premises	<ol style="list-style-type: none"> All development requires the development approval of the local government. Recreation – Private and Club Premises uses shall be motorsport based only. Council may consider uses that are incidental to the Special Uses listed. Applications for development approval shall be advertised in accordance with clause 64 of the deemed provisions.

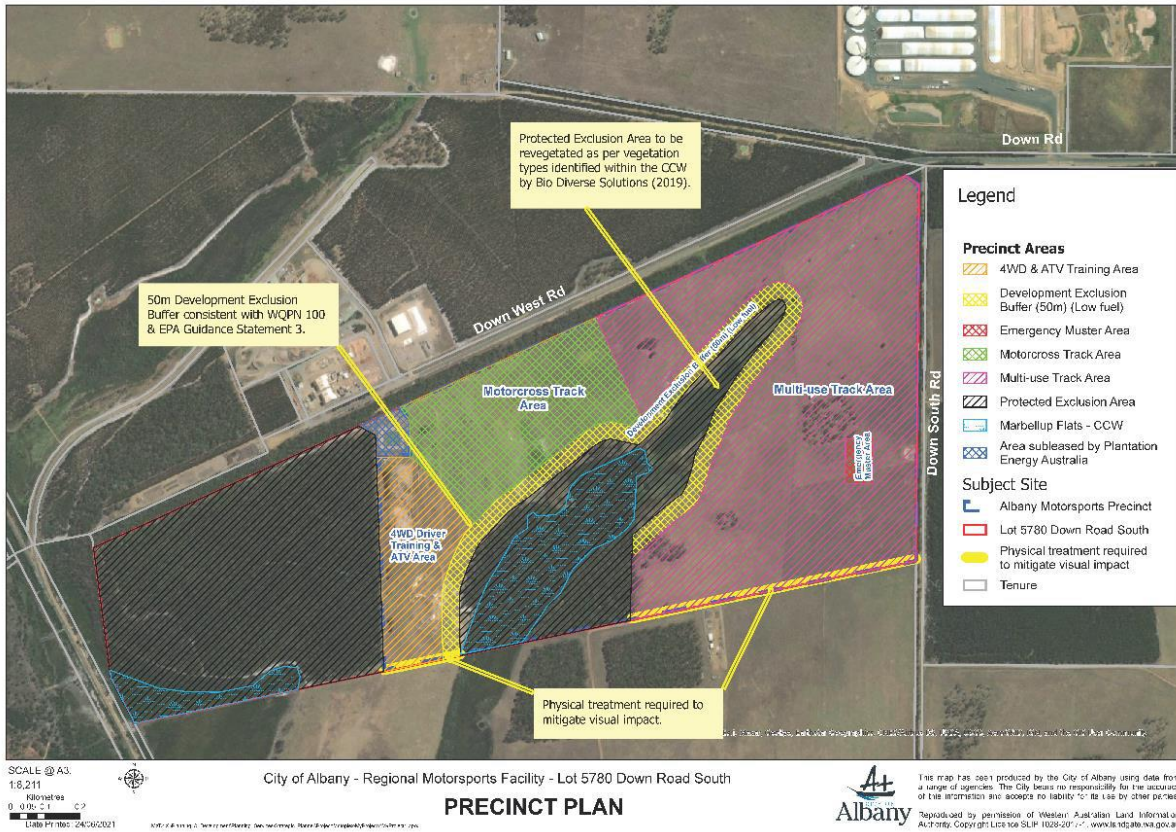
No.	Description of Land	Special Use	Conditions
			<p>4. All use and development is to be in accordance with the Regional Motorsports Park Precinct Plan and approved management plans.</p> <p>5. Any application for development approval for the site shall be accompanied by management plans to address environmental aspects, including:</p> <ul style="list-style-type: none"> (a) A Noise Management Plan for construction and operation of the site, to the satisfaction of the local government and Department of Water and Environmental Regulation, and which includes but is not limited to: <ul style="list-style-type: none"> (i) Limitations on hours of operation as follows: <ul style="list-style-type: none"> • Sundays: 9 am – 6 pm; • Monday – Saturday: 8 am – 6 pm. (ii) Events not occurring on both the multi-use track and the motocross track at the same time; (iii) Timing of race events to manage impacts on agricultural operations (livestock handling) on adjacent rural properties; (iv) Frequent/ongoing monitoring and reporting on noise emissions; and (v) Provide notification of events to stakeholders / landholders. (b) A Water Management Plan for construction and operation of the site, consistent with a Local Water Management Strategy and any associated management plans, to the satisfaction of the local government and Department of Water and Environmental Regulation. (c) A Hydrocarbon Management Plan for operation of the site. (d) A Waste Management Plan for construction and operation of the site.

No.	Description of Land	Special Use	Conditions
			<ul style="list-style-type: none"> (e) A Dust Management Plan for construction and operation of the site. (f) An Acid Sulfate Soils (ASS) Management Plan to manage the risk from ASS during construction and operation of the site, to the satisfaction of the local government and Department of Water and Environmental Regulation. (g) A Protected Exclusion Area Management Plan for construction and operation of the site, to the satisfaction of the local government and Department of Water and Environmental Regulation, addressing management responsibilities, fencing of the Protected Exclusion Area, revegetation, and vegetation condition and wetland water quality monitoring. (h) A Decommissioning Plan for operation of the site, to the satisfaction of the local government and Department of Water and Environmental Regulation, that identifies actions for rehabilitation, if or when motorsports cease to operate at the site. (i) A Construction Management Plan. <p>6. Any application for development approval for the site shall be accompanied by a visual impact assessment to determine the appropriate physical treatments to mitigate visual impact to Lot 5781 Down Road South, Drome.</p> <p>7. Development shall be in accordance with an approved Bushfire Management Plan that has been implemented to the satisfaction of the Local Government and the Department of Fire and Emergency Services.</p> <p>8. Development shall be subject to prior securing of appropriate tenure and/or</p>

No.	Description of Land	Special Use	Conditions
			<p>easements and prior or concurrent construction of a secondary vehicular access/egress route for emergency purposes, to the relevant standards.</p> <p>9. Any application for development approval for the site shall be accompanied by a Traffic and Parking Management Plan for construction and operation of the site, including consideration of peak parking and traffic management during larger and special events (i.e. events attracting greater than 500 attendees).</p>



Middleton Beach Activity Centre Precinct Plan



SCHEDULE 5 – EXEMPTED ADVERTISEMENTS [CL.8.2(F)]

Land Use and/or Development	Exempted Sign Type & No. (Includes the change of posters or poster signs and applies to non-illuminated signs unless otherwise stated).	Maximum Area
Dwellings	One professional nameplate as appropriate.	0.2m ²
Home Business or Home Occupation	One advertisement sign describing the nature of the home business or home occupation.	0.5m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement sign detailing the function and/or activities of the institution involved.	0.5m ²
Cinemas/Theatres	Two advertisement signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	No sign is to exceed 5m ²
Shops, Showrooms and Other Uses appropriate to a Shopping Area	All advertisement signs affixed to the building below the top of the awning or, in the absence of any awning, below a line measured at 5 metres from the ground floor level of the building.	Not applicable
Industrial and Warehouse Premises	A maximum of four advertisements signs applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building and excluding signs which are connected to a pole, wall or other building. A maximum of two freestanding advertisement signs not exceeding five metres in height above ground level.	Total area of such advertisements not to exceed 15m ² Total area of such advertisements not to exceed 10m ² and individual advertisement signs are not to exceed 6m ²
Racecourses, Major Racing Tracks, Sports Stadia, Major Sporting Grounds and Complexes	All advertisement signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not applicable
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government, a public authority or Local Government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body; (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park,	Not applicable

	<p>cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Local Government; and</p> <p>(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon the railway station.	No sign is to exceed 2m ²
Advertisements within Buildings	All advertisement signs placed or displayed within buildings, which cannot be seen by a person outside of those buildings.	Not applicable
All Classes of Buildings other than Dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Other Signs	Refer to Local Planning Policy <i>Signs</i> .	Not applicable
Temporary Signs	<p>Exempted Sign Type & No.</p> <p>(Includes non-illuminated signs unless otherwise stated).</p>	Maximum Area
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:</p> <p>a) Dwellings</p> <p>b) Multiple Dwellings, Shops, Commercial and Industrial Properties</p> <p>c) Large Developments or Redevelopment Projects involving Shopping Centres, Offices or Other Buildings exceeding three storeys in height.</p>	<p>a) One advertisement sign per street frontage containing details of the project and the contractors undertaking the construction work;</p> <p>(b) One sign as for a) above; and</p> <p>(c) One sign as for a) above and one additional sign showing the name of the project builder</p>	<p>a) 2m²;</p> <p>b) 5m²; and</p> <p>c) 10m² (main sign) & 5m² (additional sign)</p>

Sales of Goods or Livestock	One advertisement sign per lot displayed for a period not exceeding three months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions (advertisement signs displayed only for the duration of the period over which property transactions are offered and negotiated) as follows: a) Dwellings b) Multiple Dwellings, Shops, Commercial and Industrial Properties c) Large Properties comprised of Shopping Centres, Buildings in excess of four storeys and Rural Properties in excess of five hectares	a) One advertisement sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is displayed; b) One advertisement sign as for a) above; and c) One advertisement sign as for a) above.	a) 2m ² ; b) 5m ² ; and c) 10m ²
Display Homes (advertisement signs displayed only for the duration of the period over which homes are on display for public inspection)	One advertisement sign for each dwelling on display plus one additional advertisement sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	2m ² (individual sign) 5m ² (additional sign)
Other Signs	Refer to Local Planning Policy <i>Signs</i> .	Not applicable

SCHEDULE 6 – FORM OF APPLICATION FOR DEVELOPMENT APPROVAL [CL.9.1.1]

The form of an application for development approval is contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

SCHEDULE 7 – ADDITIONAL INFORMATION FOR ADVERTISEMENTS [CL.9.1.2]

The form for providing additional information for development approval for advertisements is contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

SCHEDULE 8 – NOTICE OF PUBLIC ADVERTISEMENT OF PLANNING PROPOSAL [CL.9.4.4]

The form of a notice of public advertisement of a planning proposal is contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

**SCHEDULE 9 – NOTICE OF DETERMINATION ON APPLICATION FOR DEVELOPMENT APPROVAL
[CL.10.4.1]**

The form of a notice of determination on an application for development approval is contained in the Planning and Development (Local Planning Schemes) Regulations 2015.

SCHEDULE 10 – ENVIRONMENTAL CONDITIONS [CL.5.6.1]

- (1) The conditions set out in the Table are environmental conditions that apply to this Scheme as a result of an assessment carried out under the *Environmental Protection Act 1986* Part IV Division 3.
- (2) The environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- (3) The local government —
 - (a) must make available for public inspection during business hours at the offices of the local government all statements relating to this Scheme published under the *Environmental Protection Act 1986* Part IV Division 3; and
 - (b) may publish those statements on the website of the local government.

SCHEME OR AMENDMENT NO.	GAZETTAL DATE	ENVIRONMENTAL CONDITIONS
There are no environmental conditions imposed under the <i>Environmental Protection Act 1986</i> that apply to this Scheme.		

SCHEDULE 11 – INDUSTRIAL AREA [CL.5.5.12.2]

No.	Industrial Area	Special Conditions Applying to Industrial Area
IA1	Ardess Light Industrial Estate, Chester Pass Road and Terry Road, Walmsley	<p>1. Subdivision</p> <p>(a) Subdivision of the land shall generally be in accordance with Development Guide Plan IA1 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. Land Use</p> <p>2.1 Notwithstanding any other requirements of the Zoning Table, the following land use restrictions shall apply:</p> <p style="padding-left: 40px;">(i) All industrial uses within the zone shall comply with the definition of a 'Dry Industry' as follows:</p> <p style="padding-left: 80px;"><i>Dry Industry means an industrial land use which can demonstrate to the satisfaction of the Local Government that the quality/quantity and volume of wastes produced from its operations can be successfully disposed of on-site without creating any adverse environmental or health effects.</i></p> <p>2.2 The Local Government may permit a maximum of 16 dry industries (industries which do not have significant effluent or waste disposal requirements) on the lot (average density = 1.62 hectares per industry).</p> <p>3. Site and Building Requirements</p> <p>3.1 All buildings and structures are to have minimum setbacks as follows:</p> <p style="padding-left: 40px;">(i) Internal Road: 9 metres; and</p> <p style="padding-left: 40px;">(ii) Revegetation Areas: 10 metres.</p> <p>3.2 The setback from the internal road can be used for landscaping, car parking or trade display.</p> <p>4. Access to Ardess Industrial Estate</p> <p>4.1 Access to the estate will be via a single entry road onto Chester Pass Road.</p> <p>4.2 All internal roads and crossovers will be required to be sealed to the satisfaction of the Local Government. The minimum road pavement width for the internal road(s) should be 10 metres with 2 metre shoulders to allow the passage of two passing vehicles past a further vehicle parked at the verge. Minor roads are to be constructed to at least 5 metres pavement width.</p> <p>5. Stormwater Management</p> <p>5.1 The Local Government will require stormwater disposal measures to be implemented to ensure that maximum retention and infiltration occurs on site through the use of individual soakwells, retention basins or other measures as deemed necessary. Oil and grease traps are to be provided within each building site to the satisfaction of the Local Government to ensure that nutrient export off the site is kept to a minimum.</p> <p>6. Effluent Disposal</p> <p>6.1 On-site effluent disposal shall utilise alternative treatment effluent disposal systems unless the applicant can provide advice to the Local Government that soil conditions are conducive to the operation of septic tanks and leach drains and will not result in unacceptable loss of nutrients to surrounding waterways, or create a risk to public health.</p>

No.	Industrial Area	Special Conditions Applying to Industrial Area
IA2	Pendeen General Industrial Estate, Chester Pass Road, Pendeen Road, Copal Road and Mallard Road, Willyung	<p>1. Subdivision</p> <p>1.1 Subdivision of the land shall generally be in accordance with Development Guide Plan /IA2 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. Land Use</p> <p>2.1 Notwithstanding any other requirements of the Scheme, any change of use shall require development approval to be granted by the Local Government.</p> <p>2.2 Despite anything contained in the Zoning Table, the Local Government shall not permit an industrial use unless it can be demonstrated to the satisfaction of the Local Government that the current buffer area for that use can be accommodated wholly within the buffers shown on the Development Guide Plan.</p> <p>2.3 Industries shall be required to be located within the Pendeen Industrial Estate as follows:</p> <ul style="list-style-type: none"> (i) Lots located within the '<200 metre' buffer precinct as shown on the Development Guide Plan shall be set aside for industries that require no more than a 200m buffer. (ii) Lots located within the '200m to 300 metres' buffer precinct as shown on the Development Guide Plan shall be set aside for industries that require a buffer between 200 metres and 300 metres. (iii) Lots located within the '>300 metre' buffer precinct as shown on the Development Guide Plan shall be set aside for industries that require a minimum buffer of 300 metres. <p>2.4 Prospective industries shall provide detailed information to the satisfaction of the Local Government regarding all potential impacts associated with their operation, particularly in relation to the maintenance of landscape areas, remnant vegetation retention areas, any vegetation to be protected, noise levels, waste and effluent disposal, emissions, storage and management of hazardous materials and the provision of emergency access to the rear of lots to demonstrate that there will be no detrimental impact to the environment or the function of surrounding industrial uses as a result of their location within the estate.</p> <p>2.5 Within the IA2 Buffer Area shown on the Development Guide Plan, the Local Government shall not permit the following land uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Caretaker's Dwelling; • Chalet/Cottage Unit; • Civic Use; • Club Premises; • Community Purpose; • Educational Establishment; • Family Day Care; • Farm Workers Accommodation; • Holiday Accommodation;

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<ul style="list-style-type: none"> • Home Business; • Home Occupation; • Home Office; • Industry – Cottage; • Place of Worship; • Recreation – Private; • Single House; and • Relocated Dwelling. <p>3. Site and Building Requirements</p> <p>3.1 All buildings and structures are to have minimum setbacks as follows:</p> <ul style="list-style-type: none"> (i) Primary Road: 15 metres; (ii) All other lot boundaries: 5 metres; and (iii) Landscape Area and/or Remnant Vegetation Retention Area: 5 metres. <p>4. Access and Signs to Pendeen Industrial Estate</p> <p>4.1 No direct vehicular access is to be permitted from individual lots to Menang Road or Chester Pass Road.</p> <p>4.2 The industrial estate shall be identified by entry statements at Chester Pass Road and Menang Road. All other signage and identification of uses within the estate shall be confined to internal subdivision roads. Advertising signs for individual businesses shall not be permitted to be visible from Chester Pass Road or Menang Road.</p> <p>5. Stormwater Management</p> <p>5.1 All stormwater runoff shall be contained within each lot and disposed of to the specification and satisfaction of the Local Government. Pollutants such as oil, grease and suspended solids shall not be permitted to enter natural drainage systems. Runoff shall be contained onsite by a system of drains and directed to settling and/or evaporation ponds. Such ponds shall be sealed to ensure there is no seepage of contaminants into the water table.</p> <p>6. Effluent Disposal</p> <p>6.1 On-site effluent disposal shall be by way of alternative treatment systems unless the applicant can provide technical advice to the satisfaction of the Local Government and relevant government authority that soil conditions are suitable for septic tanks/leach drains.</p> <p>7. Landscaping and Fencing</p> <p>7.1 The landowners shall prepare and implement a landscape plan for the zone to the satisfaction of the local Government that includes:</p> <ul style="list-style-type: none"> (i) The retention of significant remnant vegetation on the site; and (ii) Adequate screening of the industrial estate from public view along Chester Pass Road, other public vantage points and surrounding properties. <p>7.2 Those areas shown as landscape area and/or remnant vegetation retention area on the Development Guide Plan shall be maintained and managed by the individual landowner to the satisfaction of the Local Government.</p>

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<p>7.3 No vegetation shall be removed from any as landscape area and/or remnant vegetation retention areas without the approval of the Local Government.</p> <p>7.4 No fencing shall be permitted within a landscape area and/or remnant vegetation retention areas.</p>
IA3	Milpara Light Industrial Estate, John Street and Morris Road, Milpara	<p>1. Subdivision</p> <p>1.1 Subdivision of the land shall generally be in accordance with Development Guide Plan /IA3 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>1.2 Connection to reticulated water and sewer is to be established to the specifications of the Water Corporation at the time of subdivision.</p> <p>1.3 An Urban Water Management Plan shall be prepared at the time of subdivision to the specifications of the Local Government and relevant government authority.</p> <p>2. Land Use</p> <p>2.1 Despite anything in the Zoning Table, the following land use restrictions shall apply:</p> <p>(a) Within Precinct A as shown on the Development Guide Plan:</p> <p>(i) The following land uses are 'P' permitted:</p> <ul style="list-style-type: none"> • Car Park; and • Warehouse. • The following land uses are 'D' discretionary: <ul style="list-style-type: none"> • Caretaker's Dwelling; • Industry – Light; • Industry – Service; • Motor Vehicle, Boat or Caravan Sales; • Place of Worship; • Public Utility; and • Telecommunications Infrastructure. <p>(ii) The following land uses are 'A' advertised discretionary:</p> <ul style="list-style-type: none"> • Civic Use; • Community Purpose; • Garden Centre; • Medical Centre; and • Motor Vehicle/Boat Repair. <p>(b) Within Precinct B as shown on the Development Guide Plan:</p> <p>(i) The following land uses are 'P' permitted:</p> <ul style="list-style-type: none"> • Car Park; • Industry – Light; • Industry – Service;

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<ul style="list-style-type: none"> • Motor Vehicle/Boat Repair; • Public Utility; and • Telecommunications Infrastructure. <p>(ii) The following use classes are 'D' discretionary:</p> <ul style="list-style-type: none"> • Caretaker's Dwelling; • Dry Cleaning Premises; • Motor Vehicle, Boat or Caravan Sales; • Motor Vehicle/Boat Repair; and • Place of Worship. <p>(iii) The following land uses are 'A' advertised discretionary:</p> <ul style="list-style-type: none"> • Showroom; • Civic Use; • Community Purpose; • Garden Centre; • Medical Centre; • Transport Depot; and • Industry Rural. <p>(c) All other land uses not mentioned in clauses (a)(i) – (iii) and (b)(i) – (iii) above are 'X' not permitted within the zone</p> <p>(d) Within Precinct A and B shown on the Development Guide Plan, the Local Government will only permit Office and Trade Display where such use is considered to be incidental to the predominant industrial use existing on-site as determined by the Local Government.</p> <p>3. Site and Building Requirements</p> <p>3.1 All buildings and structures are to have minimum setbacks as follows:</p> <p>(a) Within Precinct A shown on the endorsed Guide Plan:</p> <ul style="list-style-type: none"> (i) Primary Street: 9 metres from road boundary; (ii) Side Street: 5 metres from road boundary; (iii) Side: 5 metres from boundary on one side; and (iv) Rear: 5 metres from edge of Development Exclusion Zone. <p>(b) Within Precinct B as shown on the endorsed Guide Plan:</p> <ul style="list-style-type: none"> (i) Primary Street: 15 metres from road boundary; (ii) Side Street: 7.5 metres from road boundary; (iii) Side: 5 metres from boundary on one side; and (iv) Rear: 10 metres from boundary. <p>3.2 The Local Government may approve the use of the front and side setback areas for the purposes of landscaping, car parking and/or trade display.</p> <p>3.3 The Local Government may vary the setback requirements if the landowner can demonstrate that the reduced setback will not adversely impact upon adjoining industries and/or any revegetation/landscaping areas. As a condition of approving a reduced setback the Local Government may require the landowner</p>

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<p>implement additional screening within the reduced setback area to compensate for any loss of amenity.</p> <p>4. Development Exclusion Zone</p> <p>4.1 Within the Development Exclusion Zone shown in Precinct A on the endorsed Development Guide Plan:</p> <ul style="list-style-type: none"> (i) No building, structure, access way, parking area, storage or hardstand is permitted; (ii) Where the Development Exclusion Zone is identified for 'Vegetation Retention and Protection', all indigenous vegetation and flora species are to be retained, protected and maintained by the landowner at all times. (iii) The area is to be revegetated with indigenous vegetation and flora species at the time of subdivision and maintained by the landowner at all times. This vegetation is to include a mix of understorey and tree species representative to the vegetation found on the site prior to development; and (iv) The Local Government shall request a Landscape Plan be prepared and implemented for the Development Exclusion Zone by the subdivider at the time of subdivisional approval. The Landscape Plan shall include species and density of planting that achieves an effective visual and noise buffer between the industrial lots and surrounding residential areas. <p>5. Building Design and Construction</p> <p>5.1 Walls of buildings facing the Development Exclusion Zone shall not contain any opening(s) and shall be constructed of masonry or steel cladding with an internal sound reduction lining.</p> <p>5.2 All buildings shall comply with the following requirements as to facades:</p> <ul style="list-style-type: none"> (a) Each facade of the building shall be constructed of brick, stone, concrete or glass or a combination of one or more of these materials as approved by the Local Government; (b) Other materials of a type and to a design approved by the Local Government may be permitted on a facade provided that the materials to be used are structurally and aesthetically acceptable to the Local Government. <p>5.3 The use of unpainted 'zincalume' steel sheeting as wall cladding is not permitted on all lots within 'Precinct A'.</p> <p>5.4 All access ways, parking areas and hardstands are to be sealed, drained and kerbed to the satisfaction of the Local Government.</p> <p>5.5 A 3m wide landscaping strip is to be installed and maintained at all times along all street frontages.</p> <p>5.6 Verge areas abutting each lot are to be integrated into the landscaping strip of these provisions and maintained at all times.</p> <p>6. Verge Areas and Fencing</p> <p>6.1 The use of verge areas for parking, storage or purposes other than landscaping is prohibited.</p> <p>6.2 Uniform solid panel fencing is to be installed at the time of creation of lots within Precinct A.</p>

No.	Industrial Area	Special Conditions Applying to Industrial Area
IA4	Mirambeena Strategic Industrial Area, cnr. Down Road and Albany Highway, Drome	<p>1. Subdivision and Development</p> <p>1.1 Subdivision of the land shall generally be in accordance with Development Guide Plan <i>IA4</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>1.2 All development to be generally in accordance with the Development Guide Plan as endorsed by the CEO subject to minor variations which may be approved by the Local Government.</p> <p>2. Land Use within Industrial Buffer Area</p> <p>2.1 The Local Government shall permit as 'D' discretionary uses all those land uses permissible within the Priority Agriculture zone except the following uses which are 'X' not permitted:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Caretaker's Dwelling; • Chalet/Cottage Units; • Civic Use; • Club Premises; • Community Purpose; • Educational Establishment; • Family Day Care; • Farm Workers Accommodation; • Holiday Accommodation; • Home Business; • Home Occupation; • Home Office; • Place of Worship; • Relocated Dwelling; • Veterinary Centre; and • Zoo <p>2.2 Development approval is required for any land use and/or development.</p> <p>2.3 No dwellings or other habitable structures shall be permitted within the Industry Buffer Area designated on the Scheme Map.</p> <p>2.4 In addition, on land within 200 metres of the boundaries of IA4, the Local Government may permit Industry – Light and Industry – Service associated with the uses in the industry zone subject to an application being advertised as an 'A' use and being compatible with the adjoining rural land.</p> <p>3. Site and Building Requirements</p> <p>3.1 All buildings and structures are to have the minimum setbacks as follows:</p> <p>(a) Primary Street: 15 metres.</p> <p>(b) All other boundaries 5 metres.</p>

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<p>3.2 Unless otherwise approved by the Local Government, a person shall not use the land within 10 metres of the common boundary with, or boundaries adjacent to, the Rural Zone, Down Road or Albany Highway for any purpose other than either:</p> <ul style="list-style-type: none"> (a) A means of access; and/or (b) Lawns, gardens or the planting of trees or shrubs. <p>3.3 All service and storage areas are to be setback behind the front building line and screened as far as is possible so as not to be visible from the road.</p> <p>3.4 Any approved dwelling will be required to incorporate design and construction methods/materials to reduce noise impacts into the building.</p> <p>3.5 The development of any lots for industrial uses shall be undertaken in a manner which ensures the noise generated by the development meets the assigned sound power levels for that lot as identified on the <i>Mirambeena Timber Processing Precinct Environmental Management Plan (2005)</i>.</p> <p>4. Access to Mirambeena Industry Estate</p> <p>4.1 No subdivisional or vehicle access shall be gained directly to Albany Highway.</p> <p>5. Car Parking</p> <p>5.1 Car parking bays will be provided in accordance with Table 5 or one bay for every person employed, whichever is the greater.</p> <p>5.2 Car parking can be placed between the landscape setback and the building line. Similarly, bay sizes, driveway widths and turning circles are to suit these and other functional requirements.</p> <p>5.3 No parking is permitted on the street verge.</p> <p>6. Landscaping</p> <p>6.1 The Local Government shall require the implementation of a landscaping and tree/shrub planting plan as a condition of development approval which shall accord with the Landscaping Plan.</p> <p>6.2 The Local Government may, if it appears to be in the interest of amenity and orderly and proper planning to do so, require such landscaping as it sees fit as a condition of development approval.</p> <p>7. Fire Management</p> <p>7.1 The Local Government shall require at the development stage:</p> <ul style="list-style-type: none"> (a) The provision of strategic perimeter firebreaks which are to be maintained to the satisfaction of the Local Government which shall be constructed and maintained to a standard suitable for all year access by heavy duty fire appliances and two-wheel drive vehicles. (b) Limited parkland clearing around all structures to establish low fuel areas. The low fuel areas shall be kept free of debris and maintained to a standard approved by the Local Government. (c) Measures to be undertaken by individual landowners to maintain fire fuel on their lots at levels satisfactory to the local Government. (d) The subdivider to make arrangements to the satisfaction of the Local Government to ensure prospective purchasers, in the transfer of lots, are aware of the Western Australian Planning Commission <i>Planning for Bushfire Protection Guidelines, AS 3959 – Construction of Buildings in Bushfire Prone Areas</i> and the requirement for industry specific fire safety studies under the Environmental Management Plan.

No.	Industrial Area	Special Conditions Applying to Industrial Area
		<p>8. Servicing and Infrastructure</p> <p>8.1 Potable water supply shall be provided to the satisfaction of the Local Government and the relevant State Government authority with all sampling, analysis and/or treatment costs being borne by the proponent.</p> <p>8.2 All stormwater runoff/drainage and effluent/waste disposal from individual development proposals shall be undertaken in accordance with an Environmental Management Plan approved by the Local Government.</p> <p>8.3 The provision of infrastructure specifically required for the use of the land by any industry shall be the responsibility of that industry.</p> <p>9. Referral of Applications</p> <p>9.1 Upon receipt of an application, the Local Government may refer the proposal to the Environmental Protection Authority for its recommendation and shall not issue approval/refusal until the recommendation of the Environmental Protection Authority has been received.</p> <p>9.2 The Environmental Protection Authority will assess the impacts of any industrial activity on the following environmental factors:</p> <ul style="list-style-type: none"> (a) Noise. (b) Air quality. (c) Risk. (d) Surface and Groundwater Quality. (e) Watercourse.

SCHEDULE 12 – CONSERVATION ZONE [CL.5.5.14]

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
CZ1	<p>Nullaki Peninsula Conservation zone</p> <p><i>AMD 13 GG 10/06/16</i></p>	<p>1. Subdivision</p> <p>a. Subdivision of CZ1 shall generally be in accordance with the Subdivision Guide Plan CZ1 endorsed by the CEO and the Western Australian Planning Commission and further breakdown of lots will not be supported.</p> <p>b. The minimum lot size should be no less than 30 hectares and the average minimum lot size should be no less than 40 hectares.</p> <p>2. Objectives of Conservation Zone 1</p> <p>2.1 The purpose of CZ1 is to:</p> <p>(a) Protect, enhance and rehabilitate the flora, fauna and landscape qualities of the Nullaki Peninsula;</p> <p>(b) Provide for controlled public access to the Peninsula, the Wilson Inlet Foreshore and Anvil Beach; and</p> <p>(c) Provide for limited wilderness retreat subdivision and development in a manner that is compatible with the conservation values of the Nullaki Peninsula.</p> <p>3. Land Use</p> <p>3.1 Within Conservation Zone Area No. 1 the following uses shall be permitted subject to the Special Approval of the Local Government:</p> <ul style="list-style-type: none"> • Caretakers Accommodation (maximum floor area 150m²), which is to be co-located with the main dwelling or located between the main dwelling and the main access point to the lot and utilised shared access. As a minimum, applications for development of caretakers' accommodation must – <ul style="list-style-type: none"> (a) Meet the objectives of the zone, and (b) Be subject to the prior or concurrent approval of the Development Area for the main dwelling, and (c) Demonstrate provision of security and management benefit to the property, and (d) Comply with all provisions relevant to Development Areas and the development of a dwelling, and (e) Be contained within a maximum one-hectare combined Development Area as per provisions 4.1 and 4.2. (f) Subdivision or strata titling to provide separate title to caretakers' accommodation will not be permitted. • Single House <p>3.2 The following uses may be permitted subject to the Special Approval of the Local Government:</p> <ul style="list-style-type: none"> • Bed and Breakfast; • Home Office; • Industry-Cottage;

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<ul style="list-style-type: none"> • Home Occupation; and • Other incidental activities considered appropriate by the Local Government which are consistent with the objectives of the Zone. <p>3.3 All other land uses, other than those listed in cl.3.1 and 3.2 above, are 'X' not permitted within CZ1.</p> <p>4. Development Areas, Development Exclusion Areas and Site Requirements</p> <p>4.1 No development within CZ1 may proceed without the development approval of the Local Government.</p> <p>4.2 Within CZ1, the siting of development areas, the construction of buildings including associated site works and removal of vegetation shall require development approval.</p> <p>4.3 The Development Area refers to the area within which all development on each lot (including the main dwelling, caretaker's accommodation, sheds, water storage, low fuel area and effluent disposal areas) must be confined and is not to exceed one hectare.</p> <p>4.4 The Development Area may be split to allow the separate development of the main dwelling and caretaker's accommodation, but the total of the combined areas is not to exceed one hectare.</p> <p>4.5 Prior to the issue of development approval, the Local Government shall require landowners to submit a comprehensive professional assessment of the selected Development Area and proposed access way/driveway in accordance with the Environmental Protection Authority <i>Guidance Statement No. 51 – Terrestrial Flora and Vegetation</i> and <i>No. 56 Terrestrial Fauna Surveys for Environmental Impact Assessment in Western Australia</i> to determine the presence of rare, endangered and/or threatened flora or fauna species, and an archaeological assessment for the presence of potential Aboriginal sites. Should such species or sites be identified, the Local Government shall require the selection of an alternative Development Area or the modification of the Development Area so as to protect said sites or rare, endangered and/or threatened species.</p> <p>4.6 The selected development area on a lot shall be sited in consultation with the Local Government and shall achieve the following criteria:</p> <ul style="list-style-type: none"> (a) Provide for minimum setbacks of: <ul style="list-style-type: none"> (i) 50 metres from the Wilson Inlet foreshore reserve; (ii) 200 metres from the coastal foreshore reserve; (iii) 100 metres from boundaries of lots shared with intensive agricultural uses; and (iv) 20 metres from all lot boundaries. (b) All buildings and structures shall be setback a minimum of 20m from any boundary. (c) Notwithstanding the above, The Local Government may permit variation to the setback requirements where it can be clearly demonstrated to the Local Government's satisfaction that a lesser setback will be necessary to satisfy the visual and/or environmental objectives of the zone and where it can be clearly demonstrated that the location of the development area at another location is not practical. The Local Government shall require a site specific

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>setback analysis by a qualified coastal engineer which locates the current horizontal setback datum (HSD) and determines the (S1) Distance for Absorbing Acute Erosion (Extreme Storm Sequence), (S2) Distance to all for Historic Trends (Chronic Erosion or Accretion) and (S3) Distance to Allow for Sea Level Change. This is to include a topographic survey extending to the waterline, and exact location of the proposed development and neighbouring building and structure;</p> <ul style="list-style-type: none"> (d) Avoid the sand blowouts and highly exposed steeply sloping sites where low coastal heath does not provide for effective screening of development and where erosion potential is high; (e) Be located off significant ridgelines and preferably within sheltered well vegetated swales; (f) Be located, where possible, on the calcareous sands or podzols; (g) Be located to ensure access roads/accessways can be achieved with minimal disturbance to vegetation and are not visually intrusive from within or outside the area; (h) Be located to ensure sites can accommodate fire control measures and low fuel areas can be achieved and readily maintained; (i) Be located to address the cost of constructing access roads and providing services such as telecommunications and electricity; and (j) Not be located in any development exclusion area shown on the Subdivision Guide Plan to ensure development blends in with the landscape and does not stand out or dominate a particular view from public roads and adjacent view. <p>4.7 (a) Applications for approval of development areas shall be accompanied by a photographic assessment demonstrating that the proposed development area and the buildings proposed thereon, will blend in with the visual landscape in terms of height and rooflines, colouring/toning and form and scale, and will not dominate a land based view when viewed from Anvil Beach Lookout, a public roadway, a foreshore node or the foreshore, the coastal walk trail and/or the Ocean Beach Lookout.</p> <p>(b) The Local Government may request the photographic assessment include photographs covering the views to the proposed development area from surrounding roads and other public use nodes/areas within and adjoining the zone and include the identification, by the positioning of posts, markers and/or scaffolds on or above ground, the proposed height and extent of buildings, structures and site works proposed within the development area.</p> <p>4.8 In the case of Lots 101, 103, 105, 111, 115, 116, 119, 120, 127 and 128 as shown in the Subdivision Guide Plan, the photographic assessment shall also be accompanied by details of the overall horizontal and vertical extents of the buildings proposed.</p> <p>4.9 In the instance of Lots 102, 104, 106, 107, 108, 109 and 110, where development areas are proposed between the Foreshore Reserve and Nullaki Drive, development shall be designed and/or located such that it is not visible from a foreshore node or the Bibbulmun Track.</p> <p>4.10 With the aim of ensuring any buildings from Anvil Beach, the Anvil Beach lookout, a public roadway, a foreshore node or the foreshore, the costal walk trail and/or the Ocean Beach Lookout do not dominate the visual</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>landscape, the Local Government may apply conditions to the approval of a development area that limit, or control building height, colouring and materials and site works and/or require landscaping for visual screening purposes.</p> <p>5. Fire Protection</p> <p>5.1 The Local Government may request the Commission to impose a condition at the time of subdivision requiring:</p> <ul style="list-style-type: none"> (a) That roads and access legs include slashed verges within 20m road reserves; (b) The subdivider/s to provide a dual purpose medium size fire fighting appliance, radio, call out equipment and appliance shed; (c) The subdivision/s to provide a 20-metre-wide slashed low fuel firebreak generally following the western side of the vermin proof fence and generally following the eastern edge of CZ1 as indicated on the Subdivision Guide Plan; and (d) The provision of a 90,000-litre standpipe and handstand facility, to be located as marked on the Subdivision Guide Plan. <p>5.2 The clearing of fire breaks other than for slashed low fuel fire break purposes in accordance with provision 5.1 is not permitted.</p> <p>5.3 Dwellings shall be designed and constructed in accord with AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i>. The AS 3959 level of building construction must be sufficient to ensure that all low fuel areas, including Building Protection and hazard Separation Zones, are contained within the maximum permitted one-hectare Development Area as per provisions 4.3 and 4.4.</p> <p>5.4 Building protection zones in accordance with the <i>Planning for Bushfire Protection</i> Policy are to be provided around dwellings and shall be maintained in a low fuel conditions by individual landowners.</p> <p>5.5 Where any development area is proposed in or adjacent to an area identified as Karri Forest on the Subdivision Guide Plan, the Local Government may require the preparation and implementation of a Bushfire Management Plan as a condition of development approval.</p> <p>5.6 (a) All dwellings shall have installed and operational, an effective sprinkler system to dampen buildings and their surroundings in the event of a fire. The sprinkler system is to serve each residence using a fire proof main and is to be operated from an independent pump system.</p> <p>(b) Applications for approval for the development of a dwelling shall be accompanied by a sprinkler system plan, which provides details on water supply, sprinkler coverage, materials to be used and the type of generator to be used which shall be independent of the mains power supply.</p> <p>5.7 Each dwelling shall have a water supply of not less than 30,000 litres available for fire fighting purposes, which may be from underground supplies or roof catchment, and fitted with a 100 mm Female Camlock coupling and gate vale to the satisfaction of the Local Government and the relevant State Government authority. Where the fire fighting supply forms part of the domestic supply, the outlet for domestic use shall be located part way up the tank so as to ensure the lower 30,000 litres remain available for fire fighting purposes.</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>5.8 If only part of CZ1 is developed, an alternative fire break system or strategic fire break system shall be prepared and put in place, to the satisfaction of the Local Government.</p> <p>5.9 Where lots abut access legs, road reserves and/or a slashed low fuel firebreak, it shall be the responsibility of individual landowners to maintain such slashed low fuel verges/firebreaks to the satisfaction of the Local Government. Fencing and/or gates across the firebreaks shall only be permitted at the discretion and to the satisfaction of the Local Government.</p> <p>5.10 Prior to approving a development area, or dwelling on a proposed lot, a fire audit is to be submitted detailing the following:</p> <ul style="list-style-type: none"> (a) Assessment of the site and whether proposed building envelope will cater for recommended bushfire protection zone around the proposed dwelling. (b) A determination of fire threat classification (either low, medium, high or extreme) in accordance with AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i>. <p>6. Roads and Access</p> <p>6.1 The Local Government may request the Commission to impose a condition at the time of subdivision requiring that:</p> <ul style="list-style-type: none"> (a) The subdivider/s contribute to or upgrade the portion of Eden Road west of the flood gates adjacent to Nenamup Inlet; (b) Subdivisional roads be constructed and drained to the satisfaction of the Local Government, commensurate with a "wilderness living" environment; and (c) Existing tracks, where not utilised for roads or other access, shall be blocked from public access and rehabilitated to the satisfaction of the Local Government. <p>7. Coastal and Foreshore Management</p> <p>7.1 The Local Government may request the Commission to impose a condition at the time of subdivision requiring the:</p> <ul style="list-style-type: none"> (a) Preparation and implementation of a Coastal Foreshore & Sand Blowout Management Plan to the satisfaction of the Local Government; (b) Preparation and implementation of a Foreshore Management Plan for the Wilson Inlet foreshore of CZ1, to the satisfaction of the Local Government, in consultation with the advice of the Wilson Inlet Management Advisory Group; and (c) Where the inlet or coastal foreshore management plans justify the need for a variation of the respective foreshore reserves, such variation will be sought by the Local Government.
CZ2	Rainbows End, Big Grove Conservation zone	<p>1. Subdivision</p> <p>1.1 Subdivision of CZ2 shall generally be in accordance with the Subdivision Guide Plan CZ2 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>1.2 The Local Government will not recommend lot sizes less than eight (8) hectares. The Local Government will not recommend approval to the further breakdown of lots; however, the Local Government may recommend that the Western Australian Planning Commission approve minor variations to the Subdivision Guide Plan.</p> <p>2. Objectives of Conservation Zone 2</p> <p>The purpose of CZ2 is to provide large lot bush retreat living opportunities:</p> <ul style="list-style-type: none"> • Within close proximity to the Albany Town Centre; • That address visual impact issues; • That address the area's location adjacent to one of the South Coast's premier National Parks; and • That does not create or give rise to undue environmental impacts. <p>3. Land Use</p> <p>3.1 Within CZ2 the following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>3.2 Within CZ2 the following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed & Breakfast/Farmstay; • Home Occupation; • Home Office; and • Industry – Cottage <p>3.3 All other land uses, other than those listed in 3.1 and 3.2 above, are 'X' not permitted within CZ2.</p> <p>4. Designated Building Envelopes and Site Requirements</p> <p>4.1 All development (including dwelling and outbuilding), water storage systems and low-fuel zones shall be confined centrally to a designated building envelope (maximum area 5,000m²) delineated on site by the landowner and approved by the Local Government.</p> <p>4.2 The designated building envelope shall site to achieve the following requirements:</p> <ol style="list-style-type: none"> Be located outside of any landscape protection areas shown on the Subdivision Guide Plan; Be setback a minimum of 20 metres from any lot boundary; Avoid highly exposed sloping sites and ridgelines; Minimises visual impact; Ensures access roads/driveways to designated building envelopes can be achieved with minimal disturbance to vegetation and are not visually intrusive from within or outside the area;

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>(f) Ensure sites can accommodate fire control measures and low fuel areas can be practically achieved and readily maintained; and</p> <p>(g) To address the cost of constructing access roads and providing services such as telecommunications and electricity.</p> <p>4.3 All buildings shall be setback minimum of 20 metres from the internal boundary of the designated building envelope.</p> <p>5. Fire Protection</p> <p>5.1 The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring:</p> <p>(a) The 20-metre-wide firebreaks as shown on the Subdivision Guide Plan to be constructed and slashed to form a firebreak to the satisfaction of the Local Government;</p> <p>(b) The construction of the emergency access/egress leg as shown on the Subdivision Guide Plan to a standard suitable for year-round emergency access by two wheel drive vehicles and heavy duty fire appliances;</p> <p>(c) The provision of a standpipe and handstand facility, to be located as marked on the Subdivision Guide Plan; and</p> <p>(d) A contribution towards the provision of fire fighting facilities in the locality.</p> <p>5.2 The clearing of fire breaks other than for slashed low fuel fire break purposes in accordance with provision 5.1 is not permitted.</p> <p>5.3 Within the designated building envelope, an area not less than 20-metre-wide surrounding buildings shall be maintained in a low fuel condition by individual landowners and the Local Government prefers the slashing of undergrowth to maintain low fuel areas.</p> <p>5.4 Domestic potable supplies shall be available for fire fighting purposes and shall be fitted with a suitable hose coupling and gate valve to satisfaction of the Local Government.</p> <p>5.5 Where lots abut access legs, road reserves and/or a slashed low fuel firebreak, it shall be the responsibility of individual landowners to maintain such slashed low fuel verges/firebreaks to the satisfaction of the Local Government. Fencing and/or gates across the firebreaks shall only be permitted at the discretion and to the satisfaction of the Local Government.</p> <p>6. Roads and Access</p> <p>6.1 The Local Government may request the Commission to impose a condition at the time of subdivision requiring that:</p> <p>(a) The subdivider/s contribute to the upgrading of Torndirrup Road;</p> <p>(b) The battleaxe legs be constructed and drained to the satisfaction of the Local Government; and</p> <p>(c) Existing tracks, where not utilised for roads or other access, shall be blocked from public access and rehabilitated to the satisfaction of the Local Government.</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
CZ3	Torbay Beach Road, Kronkup Conservation zone	<p>1. Subdivision</p> <p>1.1 Subdivision of CZ3 shall generally be in accordance with the Subdivision Guide Plan CZ3 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>1.2 The Local Government will not recommend approval to the further breakdown of lots; however, the Local Government may recommend that the Western Australian Planning Commission approve minor variations to the Subdivision Guide Plan.</p> <p>2. Objectives of Conservation Zone 3</p> <p>The purpose of CZ3 is to provide large lot bush retreat living opportunities:</p> <ul style="list-style-type: none"> • Close to the beaches of Torbay; • That address visual impact issues; • That remove the land from rural use pressure; • That address the area's location adjacent to one of the South Coast's premier National Parks; and • That does not create or give rise to undue environmental impacts. <p>3. Land Use</p> <p>3.1 Within CZ3 the following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>3.2 Within CZ3 the following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed & Breakfast/Farmstay; • Home Occupation; • Home Office; and • Industry – Cottage <p>3.3 On Lot 5 (as shown on the Subdivision Guide Plan), the Local Government may permit chalet/cottage units subject to the following conditions:</p> <ol style="list-style-type: none"> (a) No more than five units will be permitted; (b) The units are confined to the approved designated building envelope area; (c) The units comprise appropriate design, location and materials and other development components in accord with these provisions; (d) Potable water supplies are developed to comply with Local Government and relevant State Government authority requirements; and (e) Fire safety requirements (including water supplies and equipment) are provided to comply with Local Government requirements. <p>3.4 All other land uses, other than those listed in 3.1 - 3.3 above, are 'X' not permitted within CZ3.</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>4. Designated Building Envelopes and Site Requirements</p> <p>4.1 All development (including dwelling and outbuilding), water storage systems and low fuel zones shall be confined centrally to a designated building envelope delineated on site by the landowner and approved by the Local Government.</p> <p>4.2 The designated building envelopes shall be a maximum area of:</p> <ul style="list-style-type: none"> (a) 2,500m² for Lots 1, 2, 3, 4, 6, 7 and 8; and (b) 1,500m² for the strata lots within Lot 5, <p>as shown on the Subdivision Guide Plan.</p> <p>4.3 The designated building envelope shall sited to achieve the following requirements:</p> <ul style="list-style-type: none"> (a) Be located outside of any landscape protection areas shown on the Subdivision Guide Plan; (b) Where possible, be located within existing cleared areas of the property; (c) Be setback a minimum of 20 metres from any lot boundary; (d) Avoid highly exposed sloping sites and ridgelines; (e) Minimises visual impact; (f) Ensures access roads/driveways to designated building envelopes can be achieved with minimal disturbance to vegetation and are not visually intrusive from within or outside the area; (g) Ensure sites can accommodate fire control measures and low fuel areas can be practically achieved and readily maintained; and (h) To address the cost of constructing access roads and providing services such as telecommunications and electricity. <p>4.4 All buildings shall be setback minimum of five metres from the internal boundary of the designated building envelope.</p> <p>5. Fire Protection</p> <p>5.1 The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring:</p> <ul style="list-style-type: none"> (a) The fire access tracks as shown on the Subdivision Guide Plan to be constructed to the satisfaction of the Local Government to a standard suitable for year-round emergency access by two wheel drive vehicles and heavy duty fire appliances; (b) The provision of a standpipe and handstand facility, to be located as marked on the Subdivision Guide Plan; and (c) A contribution towards the provision of fire fighting facilities in the locality. <p>5.2 The clearing of fire breaks other than for slashed low fuel fire break purposes in accordance with provision 5.1 is not permitted.</p> <p>5.3 Within the designated building envelope, an area not less than 20-metre-wide surrounding buildings shall be maintained in a low fuel condition by individual landowners and the Local Government prefers the slashing of undergrowth to maintain low fuel areas.</p> <p>5.4 Domestic potable supplies shall be available for fire fighting purposes and shall be fitted with a suitable hose coupling and gate valve to satisfaction of the Local Government.</p>

No.	Specified Conservation Zone	Special Provisions Applying to Specified Conservation Zone
		<p>5.5 Where lots abut access legs, road reserves and/or a slashed low fuel firebreak, it shall be the responsibility of individual landowners to maintain such slashed low fuel verges/firebreaks to the satisfaction of the Local Government. Fencing and/or gates across the firebreaks shall only be permitted at the discretion and to the satisfaction of the Local Government.</p> <p>5.6 For Lots 2 and 3 as shown on the Subdivision Guide Plan, the landowners shall be responsible to construct and maintain a fire access track link to join the driveways/dwellings to the fire access track system in the zone.</p> <p>6. Roads and Access</p> <p>6.1 Lot access roads shall follow the route of fire access tracks alignment on Lots 1, 3, 4 and 5 as shown on the Subdivision Guide Plan.</p> <p>6.2 The Local Government may request the Commission to impose a condition at the time of subdivision requiring that:</p> <ul style="list-style-type: none"> (a) The subdivider/s contribute to the upgrading of Torbay Beach Road; (b) The joint crossovers and/or driveways be constructed and drained to the satisfaction of the Local Government; and (c) Existing tracks, where not utilised for roads or other access, shall be blocked from public access and rehabilitated to the satisfaction of the Local Government.

SCHEDULE 13 – DEVELOPMENT CONTRIBUTION AREAS [CL.5.9.3]

Reference:	DCA1
Area name:	Bayonet Head Outline Structure Plan
Infrastructure and administrative items to be funded:	<p>Provision of main drainage including:</p> <ul style="list-style-type: none"> (a) Installation (b) Basin Construction (c) Minor Landscaping (d) Land Value <p>Upgrade of Lower King Road:</p> <ul style="list-style-type: none"> • Planning and design • Land acquisition • Earthworks and site works (including servicing) • Construction costs for roads and paths (including tenders) • Landscaping and drainage • Footpaths <p>Administration and Management</p> <ul style="list-style-type: none"> • Cost to prepare and administer the plan during the period of operation; • Costs to prepare the cost apportionment schedule • Valuation costs
Method for calculating contributions:	The shared cost shall be apportioned in the proportion that the net subdividable area of the land being subdivided bears to the total net subdividable are of the land within the ODP area.
Period of operation:	
Priority and timing:	
Review Process:	The Schedule of Shared Costs is to be reviewed annually in the month of July in each year. The Local Government shall, prior to their adoption, distribute the revised Shared Costs to the owners who will be allowed 21 days in which to comment.

SCHEDULE 14 – RURAL RESIDENTIAL ZONE [CL.5.5.13]

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
RR1C	Sandalwood Road, Cape Riche Rural Residential zone	<p>Objective:</p> <p>The objectives of RR1C are to provide for rural residential living that:</p> <ul style="list-style-type: none"> • Protects and enhances the natural resources of the site including native flora and fauna and nearby water bodies; and • Is sympathetic to the picturesque landscape of the Cape Riche locality. <p>The following special provisions shall apply in addition to and, to the extent of any conflict, take precedence over the general provisions for the Rural Residential zone set out in clause 4.5.3 and 3.2.14 of the Scheme.</p> <ol style="list-style-type: none"> 1. Subdivision <ol style="list-style-type: none"> (a) Subdivision of RR1C shall generally be in accordance with the Subdivision Guide Plan <i>RR1C</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. (b) Lot sizes shall be as shown on the Subdivision Guide Plan. (c) No further subdivision will be supported. 2. Land Uses <ol style="list-style-type: none"> (a) The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Single House (b) The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling • Bed and Breakfast/Farmstay • Home Occupation • Industry – Cottage 3. Building Design <ol style="list-style-type: none"> (a) All development (including dwelling, outbuildings, landscaping, effluent disposal and water storage systems) shall be centrally located to a designated building envelope (maximum area of 3,000m²) as shown on the Subdivision Guide Plan and endorsed Fire Management Plan. (b) Notwithstanding the building envelope size, vegetation clearance for the purpose of constructing a house, shed and/or other buildings shall be limited to a maximum of 3000m² unless approved by the Local Government in consultation with the relevant State Government authority. (c) All buildings are to be designed and constructed to a minimum of the BAL 29 specifications of <i>AS 3959 – Construction of Buildings in Bushfire Prone Areas</i> or subsequent standard. (d) All buildings, effluent disposal systems and access ways shall be located to avoid adverse effect upon any rare flora and/or fauna.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>(e) When submitting an application for the development of a Single House, the applicant shall provide details of any landscaping and species of plants to be used for approval by the Local Government and the species of plants to be used shall be endemic native species of the Cape Riche locality and a maximum of 100m² of lawn/turf area is permitted per lot.</p> <p>4. Fire Protection</p> <p>The Local Government and/or relevant agency may request the Commission to impose, at the time of subdivision, the implementation of an endorsed Fire Management Plan for the land, including the construction of fire access tracks to the specifications of the Local Government in consultation with the relevant State Government authority.</p> <p>5. Modifications to Designated Building Envelopes/Setbacks</p> <p>Changes to the building envelope location will not be supported.</p> <p>6. Fencing</p> <p>Boundary fencing shall not be allowed outside of Building Envelopes. Where it is necessary to define a boundary within the conservation covenant area, bollards or other approved alternative demarcation measures must be used.</p> <p>7. Remnant Vegetation and Clearing Controls</p> <p>(a) At the time of subdivision, subject to agreement from the relevant agency, the Local Government may request that the Commission impose a condition requiring a conservation covenant in perpetuity to protect the vegetation outside the designated building envelopes.</p> <p>(b) No clearing shall be permitted outside the designated building envelopes.</p> <p>(c) No vehicle or motorcycle shall be driven along firebreaks or other areas apart from established roads or tracks except where such use is necessary for maintenance or management purposes and is in accordance with the Fire Management Plan and Dieback and Weed Hygiene Plan.</p> <p>(d) With the intention of preventing soil erosion and any other land degradation, whether by land management practices, or destruction of vegetation, the Local Government may, with the advice of the relevant State Government authority, take any soil conservation action considered necessary to reduce or eliminate the adverse effects on the environment and any costs incurred by the Local Government in taking such action shall be recoverable by the Local Government from the landowner and/or occupier.</p> <p>8. Keeping of Animals</p> <p>The keeping of livestock, animals and domestic pets, other than dogs, is not permitted.</p> <p>9. Effluent Disposal</p> <p>Alternative treatment effluent disposal systems are to be used on all lots.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>10. Dieback and Weed Hygiene Plan</p> <p>(a) The subdivider shall undertake a dieback survey (pre and post approval) to inform the development and implementation of an endorsed Dieback and Weed Hygiene Plan to the specifications of the relevant State Government authority.</p> <p>(b) The Plan shall be implemented prior to the issue of a Development Approval for site works, to the satisfaction of the Local Government on advice from the relevant State Government authority.</p> <p>Bushland Management Plan</p> <p>(a) The subdivider shall prepare and implement a Bushland Management Plan to the specifications of the relevant State Government authority; and</p> <p>(b) Make arrangements for the Plan to be provided to all purchasers and subsequent landowners.</p> <p>11. Control of Off Road Vehicles</p> <p>No vehicle shall be driven along firebreaks or other areas apart from established roads or tracks within the Rural Residential zone except where such use is necessary for maintenance or management purposes (for example construction or maintenance of fences, maintenance of firebreaks, weed control or fire fighting).</p>
RR3B	Millbrook Rural Residential zone	<p>1. Subdivision of RR3B shall generally be in accordance with the Subdivision Guide Plan <i>RR3B</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be two hectares.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Recreation – Public • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Agriculture – Intensive (which shall be limited to existing cleared and pastured land only) • Ancillary Dwelling • Home Occupation • Public Utility • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All buildings shall be setback a minimum of 15 metres from any boundary.</p>
RR4A	Mead Road, Kalgan Rural Residential zone	<p>1. Subdivision of RR4A shall generally be in accordance with the Subdivision Guide Plan <i>RR4A</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ol style="list-style-type: none"> 2. The minimum lot size shall be one hectare (south of Aldo Road) and 8 hectares (north of Aldo Road). 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Agriculture – Intensive (which shall be limited to existing cleared and pastured land only) • Ancillary Dwelling • Home Occupation • Industry – Cottage • Public Utility • Rural Pursuit (which shall be limited to existing cleared and pastured land only) 5. All buildings, water storage systems and building protection zones shall be located outside of any development exclusion area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks: <ol style="list-style-type: none"> (a) 15 metres from Mead Road; (b) 7.5 metres from any internal road and accessway; and (c) 10 metres from all other lot boundaries. 6. No additional or new access/egress points onto Nanarup Road will be permitted. 7. Future access/egress to proposed lots shall be confined to utilising existing cleared firebreaks and tracks.
RR5	Austin/McBride Roads, Goode Beach Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR5 shall generally be in accordance with the Subdivision Guide Plan <i>RR5</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. However, the further breakdown of lots is prohibited. 2. The minimum lot size shall be one hectare. 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Single House. 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling • Home Occupation 5. All development (including dwelling, outbuildings, landscaping, effluent disposal and water storage systems) shall be confined to the designated building envelope (maximum area 2,000m²) as shown on the Subdivision Guide Plan. 6. Notwithstanding this requirement: <ol style="list-style-type: none"> (a) Local Government may permit a variation of the Building Envelope if it is shown to the satisfaction of the Local Government and the Department of Planning that the proposed

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>location of the Building Envelope will not be detrimental to the landscape or the environment;</p> <p>(b) Building envelopes as shown on the Subdivision Guide Plan shall be delineated on site by landowners and approved by the Local Government prior to the commencement of any clearing whatsoever, and the Local Government may require an alternative building envelope if it considers the envelope delineated would be detrimental to the landscape or environment.</p> <p>7. Buildings shall be centrally located within designated Building Envelopes.</p> <p>8. Minimum setbacks for any building from any boundary shall be 15 metres.</p> <p>9. Notwithstanding provision 8, the Local Government may approve a side setback variation where it will facilitate the sharing of a building protection zone and/or hazard separation zone, in order to reduce the amount of vegetation clearing required for fire risk mitigation.</p> <p>10. The keeping of grazing animals shall not be permitted.</p> <p>11. The keeping of cats shall not be permitted.</p> <p>12. All vegetation within the connective vegetation corridors between Lots 5-6 and 7-8 as shown on the Subdivision Guide Plan shall be retained.</p> <p>13. Clearing of native vegetation for the erection of a dwelling with Local Government approval shall not exceed the minimum level required to achieve the minimum Bushfire Attack Level (BAL) standard of construction applicable to the lot.</p> <p>14. No more than one effluent disposal system shall be permitted per lot.</p> <p>15. The Local Government shall request a condition at the time of subdivision for the implementation of the Fire Management Plan ('Developer's Responsibility'). Thereafter the 'proposed Owner's Responsibilities' shall be implemented and maintained by individual landowners.</p> <p>16. The Local Government shall request the Western Australian Planning Commission to apply a condition, at the time of subdivision, for the preparation of Building Protection Zones and Hazard Separation Zones. Thereafter these low fuel areas will be maintained by landowners.</p> <p>17. The Subdivider shall make arrangements to the satisfaction of the Local Government to ensure prospective purchasers are aware of the Fire Management Plan, the fire management guidelines of the <i>Homeowners' Bushfire Survival Manual</i> and AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i>.</p> <p>18. All new buildings shall be built in accordance with AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i> and will comply in all aspects to a minimum Bushfire Attack Level (BAL) 19 standard of construction unless the outcomes of a BAL assessment prepared and submitted to the Local Government by individual lot owners at the Building Application stage requires a higher standard to be applied.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>19. Notwithstanding provision 18, all new buildings on Lot 5, 6, 7 and 8 as shown on the Subdivision Guide Plan will comply in all aspects to a minimum Bushfire Attack Level (BAL) 29 standard of construction unless the outcomes of a BAL assessment prepared and submitted to Local Government by individual lot owners at the Buildings Application stage required a higher standard to be applied.</p> <p>20. The Local Government may request a condition at the time of subdivision for the placement of a Notification on the title of lots created advising of the Special Provisions of the Scheme and the Fire Management Plan.</p>
RR6	Swan Point Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR6 shall generally be in accordance with the Subdivision Guide Plan <i>RR6</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be two hectares. 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Recreation – Public • Single House 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling, • Bed and Breakfast/Farmstay • Home Occupation • Industry – Cottage • Rural Pursuit (which shall be limited to existing cleared and pastured land only) • Restaurant 5. All development (including dwelling and outbuildings) shall achieve the following minimum setbacks: <ol style="list-style-type: none"> (a) 40 metres from Gull Rock or Nanarup Roads; (b) 15 metres from all other lot boundaries; and 6. All buildings on part of Lot 22, Lot 23 and Lot 600—Pt Loc 1569 are to be located wholly within building envelopes of up to 2000m² that are shown on the Subdivision Guide Plan. Where lots do not have building, envelopes shown on the Subdivision Guide Plan they are to be selected and delineated on-site by the landowner, and approved by the Local Government. 7. The Local Government may request the Commission to impose a condition at the time of subdivision requiring the provision of a Weed Management Plan and Implementation Programme. 8. The effluent disposal system for proposed Lot A of Lot 600 Pine Rise, Kalgan, shall be located in the area indicated on the Subdivision Guide Plan. Alternative locations for the effluent disposal system can be supported, if additional late winter testing is provided, proving that the land is capable of supporting the effluent disposal system to the satisfaction of the Local Government and the relevant State Government authority.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>9. Any new buildings constructed on (proposed Lot A) Lot 600 Pine Rise, shall be constructed to AS 3959 BAL-29 or greater.</p> <p>10. A Section 70A notification is to be placed on the title of proposed Lot A of Lot 600 Pine Rise, Kalgan at the time of subdivision to advise potential purchasers that they may be affected by emissions associated with the rural activity occurring on Lot 21 Davies Road, Kalgan.</p>
RR8	Quaranup Road/Shoal Bay Retreat, Big Grove Rural Residential zone	<p>1. Subdivision of RR8 shall generally be in accordance with the Subdivision Guide Plan <i>RR8</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be 2.4 hectares.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All buildings, structures, water storage systems and low fuel zones shall be confined to a designated building envelope (maximum area 3,000m²) nominated by the landowner and approved by the Local Government.</p> <p>6. The designated building envelope shall be located outside of any building exclusion area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p> <ul style="list-style-type: none"> (a) 30 metres from Quaranup Road; (b) 80 metres from Austin Road; and (c) 20 metres from all other lot boundaries. <p>7. No fencing of internal common lot boundaries is permitted above the 26-metre contour or below the 6 metre contour as shown on the Subdivision Guide Plan.</p> <p>8. Prior to any development earthworks being commenced, the applicant shall conduct a limited form of field validation study to determine whether or not a potential threat from unexploded ordnance exists.</p>
RR9	Nanarup Road, Kalgan Rural Residential zone	<p>1. Subdivision of RR9 shall generally be in accordance with the Subdivision Guide Plan <i>RR9</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All development (including dwelling and outbuildings) and any low fuel zones shall be located outside of any development exclusion area, revegetation area and/or creekline protection area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p> <ol style="list-style-type: none"> (a) 15 metres from Gull Rock or Nanarup Roads; (b) 15 metres from all other lot boundaries; and (c) 25 metres from any lot boundary with Location 1462. <p>6. No new access/egress points onto Nanarup Road will be permitted.</p> <p>7. Within Special Design Areas (Lots 15-22, 37-47 & 56-74 as shown on the Subdivision Guide Plan), applicants will be required to submit an overall design and landscape plan which addresses:</p> <ol style="list-style-type: none"> (a) setbacks from property boundaries and creeklines; (b) existing and proposed vegetation/revegetation; (c) low lying, flood prone and stormwater disposal areas; (d) low fuel zones; (e) that cut, and fill of the site shall be kept to a minimum with preference given to split level development and the breaking up of building mass; (f) that only one out building shall be permitted with a maximum size of 65m² and maximum height to the eaves of 3 metres; (g) driveways shall be designed to minimise visual impact and erosion by being aligned with the contours of the site and planted with trees and shrubs. Stormwater runoff shall be attenuated to ensure erosion does not occur; and (h) the landscape plan shall indicate the number, type and location of shrubs and trees to be planted and maintained as a condition of Development Approval to effectively minimise the visual impact of all development on the site.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
RR10	Rowney Road, Robinson Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR10 shall generally be in accordance with the Subdivision Guide Plan <i>RR10</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be two hectares. 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling; • Home Occupation; • Industry – Cottage; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). 5. All development (including dwelling and outbuildings) and any low fuel zones shall be located outside of any development exclusion area and/or revegetation area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks: <ol style="list-style-type: none"> (a) 15 metres from all lot boundaries. 6. No Single House shall be permitted to be constructed within the 200-metre sand extraction area buffer as shown on the Subdivision Guide Plan until the sand extraction activities have ceased. <ol style="list-style-type: none"> (a) At the time of subdivision, the developer may be required to relocate/rationalise the High Voltage Power Lines to the road reserves.
RR11	Sheringa Park, Lower King Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR11 shall generally be in accordance with the Subdivision Guide Plan <i>RR11</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be one hectare. 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Home Occupation; • Industry – Cottage; • Recreation – Public; • Rural Pursuit (which shall be limited to existing cleared and pastured land only); and • Restaurant.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>5. All development (including dwelling and outbuildings) and any low fuel zones shall be located outside of any development exclusion area and/or revegetation area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p> <p>(a) 40 metres from Nanarup Road; and</p> <p>(b) 15 metres from all other lot boundaries.</p>
RR12	Neilson/Pineaster Roads, Willyung Rural Residential zone	<p>1. Subdivision of RR12 shall generally be in accordance with the Subdivision Guide Plan <i>RR12</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare unless a larger size is shown on the Subdivision Guide Plan.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All development (including dwelling, outbuildings and effluent disposal systems) and any low fuel zones shall be located outside of any public open space and/or development exclusion area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p> <p>(a) 30 metres from Rocky Crossing Road; and</p> <p>(b) 15 metres from all other lot boundaries.</p>
RR13	Peet Rise/Coombes Road, Kronkup Rural Residential zone	<p>1. Subdivision of RR13 shall generally be in accordance with the Subdivision Guide Plan <i>RR13</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be two hectares.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Home Occupation; and • Industry – Cottage.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>5. All buildings, structures, water storage systems and low fuel zones shall be confined to a designated building envelope (maximum area 3,000m²) located outside of any development exclusion area and/or revegetation area as shown on the Subdivision Guide Plan to be nominated by the landowner and approved by the Local Government.</p>
RR14	Forsyth Glade/Hortin Road, Kronkup Rural Residential zone	<p>1. Subdivision of RR14 shall generally be in accordance with the Subdivision Guide Plan <i>RR14</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be two hectares.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Home Occupation; • Industry – Cottage; • Recreation – Public; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All buildings, structures, water storage systems and low fuel zones shall be located outside of any development exclusion area, effluent exclusion areas and/or landscape protection area as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p> <p>(a) 30 metres from Hortin Road; and</p> <p>(b) 15 metres from all other lot boundaries.</p>
RR15	Robinson Road, Robinson Rural Residential zone	<p>1. Subdivision of RR15 shall generally be in accordance with the Subdivision Guide Plan <i>RR15</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be four hectares.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Home Occupation; • Industry – Cottage; and • Single House. <p>4. All buildings, structures, water storage systems and low fuel zones shall be located outside of any development exclusion areas, revegetation areas, landscape protection areas and/or vegetation areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>(a) 60 metres from Robinson Road; and</p> <p>(b) 15 metres from all other lot boundaries.</p>
RR17	Greatrex Road/Hart View, King River Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR17 shall generally be in accordance with the Subdivision Guide Plan <i>RR17</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be one hectare with a minimum average lot size in the zone of two hectares. 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Home Occupation; • Industry – Cottage; • Rural Pursuit (which shall be limited to existing cleared and pastured land only); • Chalet/Cottage Units; and • Rural Use. <p>"Rural Use" means the use of land for any of the purposes set out hereunder, and shall include such building normally associated therewith:</p> <ul style="list-style-type: none"> • The growing of vegetables, fruit, cut fresh flowers, cereals or food crops on a maximum cultivated area of 5000m²; • The rearing or agistment of goats, sheep, cattle or beasts of burden; • The breeding and raising of freshwater fish and crustaceans (aquaculture); • The outdoor growing of trees, plants, shrubs or flowers for replanting in domestic, commercial or individual gardens on a maximum cultivated area of 5000m²; • Free range poultry farming; • Low key tourist uses and accommodation with a maximum of three chalets (except for lots 19, 20, 21, 22, 23 & 24 as shown on the Subdivision Guide Plan where this use is not permitted); • The wholesale marketing of produce grown solely on the lot; • The cultivation of wildflowers; • Firewood production; and • Other incidental or non-defined or incidental activities considered appropriate by the Local Government which are consistent with the objective of the zone.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>5. All buildings, structures, water storage systems and low fuel zones shall be located outside of any development exclusion areas, tree/shrub planting areas, and/or vegetation protection areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p> <p>(a) 30 metres from the proposed 10 metre road widening area along Greatrex Road; and</p> <p>(b) 10 metres from all other lot boundaries.</p> <p>6. The subdivider shall ensure that any prospective purchaser of a lot within RR17 is advised in writing of the existence and operations of the Pendeen industrial area, Chester Pass Road and Albany Ring Road transport corridors and existing horticultural activities conducted in the vicinity of the lot that may affect their use and enjoyment of the land from time to time.</p>
RR21	Bushby Road, Lower King Rural Residential zone	<p>1. Subdivision of RR21 shall generally be in accordance with the Subdivision Guide Plan <i>RR21</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The Local Government may support the subdivision of Lots 1, 7, 10 and 33 (from Pt. Lot 50) and Lot 1 (Pt. Lot 1336) subject to the following criteria:</p> <p>(a) The design of the lots complies with the intent and requirements of the zone;</p> <p>(b) The subdivision is suitable having regard to the physical characteristics of the site; the need to protect remnant vegetation; and the amenity of adjoining properties; and</p> <p>(c) The proposed subdivision can be adequately serviced which is supported by a geotechnical analysis of the site.</p> <p>4. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>5. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Holiday Accommodation (which is limited to 1 chalet per lot); • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>6. All buildings, structures and water storage systems shall be located outside of any building exclusion areas, vegetation protection area and/or landscape protection areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>(a) For Lots 4, 35 and 46 Bushby Road, Lot 31 Bon Accord Road and Lot 30 Prideaux Road on the Subdivision Guide Plan, dwellings and effluent disposal systems shall be located within the building area shown on the Subdivision Guide Plan; and</p> <p>(b) For all other lots on the Subdivision Guide Plan, all buildings shall be setback:</p> <p>(i) 20 metres from public roads; and</p> <p>(ii) 10 metres from all other lot boundaries.</p> <p>7. No Single House (other than additions to existing dwellings) shall be permitted to be constructed within the 500 metre Liquid Waste Disposal Site Buffer area as shown on the Subdivision Guide Plan until the disposal activities have ceased and the site has been rehabilitated to the satisfaction of the Local Government in consultation with the relevant State Government authority.</p> <p>8. The subdivider shall place a notification on title in the form of a memorial on the Certificate of Title advising of the existence of a hazard to state:</p> <p><i>"This lot is in close proximity to mosquito breeding areas. The Mosquito species is known to carry Ross River Virus and other diseases".</i></p>
RR22	Lowanna Drive, Marbelup Rural Residential zone	<p>1. (a) Subdivision of RR22 shall generally be in accordance with the Lowanna Drive Subdivision Guide Plan, endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>(b) Subdivision and development of land bound by South Coast Highway, George Street, Lowanna Drive and Charles Street, shall generally be in accordance with the Gledhow Local Structure Plan, endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p style="text-align: right;"><i>AMD 9 GG 24/08/2021</i></p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p><u>Lowanna Drive Subdivision Guide Plan</u></p> <p><i>AMD 9 GG 24/08/2021</i></p> <p>5. (a) All buildings, structures, water storage systems and low fuel zones shall be located outside of any building exclusion areas and/or tree/shrub planting areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>(i) 15 metres from Lowanna Drive and Charles Street; and</p> <p>(ii) 10 metres from all other lot boundaries.</p> <p><u>Gledhow Local Structure Plan</u></p> <p>(b) On those lots with a designated building envelope as shown on the Subdivision Guide Plan, all buildings and structures shall be confined to the building envelope.</p> <p>6. (a) All habitable buildings within the Gledhow Local Structure Plan shall be located outside of the acoustic setback zone. Non-habitable buildings shall be set back a minimum of 20m from the future ring road reserve and South Coast Highway.</p> <p>(b) A restrictive covenant shall be placed on the Certificate of Title of Lots 15, 16 and 17 South Coast Highway at the full expense of the landowner/ applicant, is to specify:</p> <p>(i) Lots 15 and 16 "Access to and from South Coast Highway is to be via a single constructed crossover"</p> <p>(ii) Lot 17 "Access to and from South Coast Highway is not permitted. Access to and from Lot 17 is to be via Charles Street."</p> <p>(c) A restrictive covenant shall be placed on the Certificate of Title of Lots 8, 9, 110 and 15 preventing vehicular access onto George Street at the full expense of the landowner/applicant.</p> <p>(d) At the subdivision stage of Lots 8, 9, 110 George Street, Lots 15, 16 and 17 South Coast Highway, a notification is to be placed on the Certificate of Title advising the lot(s) are situated in the vicinity of a transport corridor and is currently affected, or may in the future be affected by transport noise.</p> <p style="text-align: right;"><i>AMD 9 GG 24/08/2021</i></p>
RR25	Lancaster Road, McKail Rural Residential zone	<p>1. Subdivision of RR25 shall generally be in accordance with the Subdivision Guide Plan <i>RR25</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only).

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>5. (a) All buildings, structures, water storage systems, effluent disposal systems and low fuel zones shall be located outside of any development exclusion areas and/or effluent disposal system exclusion areas as shown on the Subdivision Guide Plan.</p> <p>(b) All buildings and structures shall be confined to the nominated designated building envelopes (nominated building sites) as shown the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p> <p>(i) 12 metres from Lancaster Road; and</p> <p>(ii) 10 metres from all other lot boundaries.</p> <p>6. The subdivider shall ensure that any prospective purchaser of a lot within RR25 is advised in writing that modifications may be required to the Subdivision Guide Plan to ensure the subdivision can accommodate changing land use activity in the area including the construction of the Albany Ring Road.</p>
RR27	Link Road, Marbelup Rural Residential zone	<p>1. Subdivision of RR27 shall generally be in accordance with the Subdivision Guide Plan <i>RR27</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All buildings, structures and water storage systems shall be setback:</p> <p>(a) 20 metres from public roads;</p> <p>(b) 10 metres from all other lot boundaries;</p> <p>(c) Outside of the tree planting areas as shown on the Subdivision Guide Plan;</p> <p>(d) Outside of the acoustic setback area as shown on the Subdivision Guide Plan;</p> <p>(e) 40 metres from the boundary with Lot 401 as shown on the Subdivision Guide Plan; and</p> <p>(f) Outside the Western Power Easement as shown on the Subdivision Guide Plan.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>6. No Single House or other noise-sensitive development shall be approved by the Local Government unless it is satisfied that the development can achieve the standards for indoor noise levels in <i>AS/NZS 2107:2000 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors</i>.</p> <p>7. The subdivider shall ensure that any prospective purchaser of a lot within RR27 is advised in writing of:</p> <ul style="list-style-type: none"> (a) The existence and operations of the Attwell Park Speedway Noise Buffer Planning Policy; (b) Proposed Lot 1 is within 500 metres of a kennel; and (c) Once construction of the Albany Ring Road project commences, all existing vehicular access points onto Link Road will be affected by the construction of the Albany Ring Road transport corridor project. <p>8. The subdivider shall place a notification on the Certificate of Title of proposed Lots 23-31 as shown on the Subdivision Guide Plan stating that:</p> <p><i>“This lot is situated adjacent to the proposed Albany Ring Road and may be affected by transport noise. Further information regarding transport noise, including development restrictions and noise insulation requirements for noise-affected property are available from the Local Government”.</i></p>
RR28	South Coast Highway, Marbelup Rural Residential zone	<p>1. Subdivision of RR28 shall generally be in accordance with the Subdivision Guide Plan <i>RR28</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be two hectares.</p> <p>3. The following land uses are ‘P’ permitted uses:</p> <ul style="list-style-type: none"> • Public Utility; and • Single House. <p>4. The following land uses are ‘D’ discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. All buildings, structures and water storage systems and low fuel zones shall be located outside of any revegetation areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p> <ul style="list-style-type: none"> (a) 40 metres from South Coast Highway; (b) 20 metres from all other public roads; and (c) 10 metres from all other lot boundaries.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>6. The subdivider shall ensure that any prospective purchaser of a lot within RR28 is advised in writing of the existence of the extractive industries conducted on adjoining Lot 125.</p>
RR29	<p>Racecourse Road, Robinson Rural Residential zone <i>AMD 13 GG 10/06/16</i></p>	<ol style="list-style-type: none"> 1. Subdivision shall generally be in accordance with the Subdivision Guide Plans as endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission – <ol style="list-style-type: none"> (a) Subdivision Guide Plan <i>RR29</i>; (b) The plan for Lots 45, 111 & 118 Manni Road, Lots 115-117 Monroe Court and Lot 33 Roberts Road, reference number <i>ATK ALB-2-03b</i>, dated 26/05/2010; and (c) The plan for Lots 5 and 80 Racecourse Road and Lots 81, 82 and 9000 Roberts Road, reference <i>14214-01H</i> dated 10/01/12. 2. In respect of land within – <ol style="list-style-type: none"> (a) The Subdivision Guide Plan referred to in 1(b) (above), the minimum lot size shall be not less than 1.5 hectares (lots wholly outside the WHPZ) and two hectares (lots wholly within the WHPZ) with an average lot size of two hectares; and (b) The Subdivision Guide Plan referred to in 1 (c) (above), the minimum lot size shall be not less than three hectares with an average lot size of four hectares. 3. The following land uses are ‘P’ permitted uses: <ul style="list-style-type: none"> • Single House 4. The following land uses are ‘D’ discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). 5. All buildings, structures and water storage systems and low fuel zones shall be located outside of any development/dwelling exclusion areas and/or vegetation protection areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks: <ol style="list-style-type: none"> (a) 40 metres from Roberts Road; and (b) 15 metres from all other lot boundaries. 6. In regard to lots located wholly or partially within either the 100 metre or 300 metre Public Water Bore (Well Head Protection Zone) Buffer(s) as illustrated on the Subdivision Guide Plan referred to in 1(a), buildings, tanks and structures shall be located— <ul style="list-style-type: none"> • Wholly outside of the 100 metre Buffer; and • So as to maximise separation to Public Water Bore(s) on those lots wholly within the 300 metre Buffer; and

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Wholly outside of the 300 metre Buffer, on those lots that straddle the 300 metre Buffer (with the exception of proposed Lot 11). <p>7. In addition to Clause 4.5.13.2.8 (i), the keeping of horses, sheep, goats, poultry and other grazing animals shall be subject to the prior approval of the Local Government and these animals shall be restricted to fenced areas of the lot to the satisfaction of the Local Government. No animal houses (for example pens, stables, cow-shed, pig sty, fowl house and poultry sheds) shall be located within the 300m Public Water Bore (Well Head Protection Zone) Buffer. The Owner/Tenant shall be responsible for the maintenance of stock proof fencing to protect native vegetation and revegetation areas. The keeping of livestock/animals is restricted as recommended under the relevant legislation, policies and guidelines of the relevant government authority. Animal numbers shall not exceed the stocking rates recommended by the relevant State Government authority. The keeping of animals shall not result in the removal or damage of significant vegetation and trees, water pollution or result in soil degradation and dust pollution.</p> <p>8. Buildings, tanks and structures shall not be constructed within any 'Development Exclusion Area' designated on the Subdivision Guide Plan.</p> <p>9. Where lot boundaries traverse existing vegetation and/or ridgelines, as shown on the Subdivision Guide Plan referred to in 1.1(a), they shall be demarcated by the use of bollards, or other means/method considered suitable by the Local Government, so as to minimise the removal of vegetation.</p> <p>10. In addition to Clause 4.8.2, in regard to land identified within the Subdivision Guide Plan referred to in 1(a) –</p> <ul style="list-style-type: none"> (a) Effluent disposal systems are not permitted within the 100 metre Public Water Bore Buffer, as illustrated on the Subdivision Guide Plan; (b) Conventional effluent disposal systems are not permitted within the 300 metre Public Water Bore (Well Head Protection Zone) Buffer, as illustrated on the Subdivision Guide Plan; and (c) In regard to lots located wholly or partially within either the 100 metres or 300 metre Public Water Bore (Well Head Protection Zone) Buffer(s) as illustrated on the Subdivision Guide Plan, alternative effluent disposal systems shall be located: <ul style="list-style-type: none"> • Wholly outside of the 100 metre Buffer; • So as to maximise separation to Public Water Bore(s) on those lots wholly within the 300 metre Buffer; and • Wholly outside of the 300 metre Buffer, on those lots that straddle the 300 metre Buffer (with the exception of proposed Lot 11). <p>11. Any habitable structures on Lot 8 Racecourse Road on Subdivision Guide Plan shall be designed and constructed in accordance with AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i> to withstand BAL-19 and provided with a building protection/hazard separation zone of not less than 31 metres, in accordance with</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>Planning for <i>Bush Fire Protection Guidelines Edition 2</i> or any document superseding it.</p> <p>12. In regard to land identified within the 200 metre Sand Extraction Area Buffer shown on the Subdivision Guide Plan referred to in 1(a), subdivision/residential development shall not be permitted unless –</p> <p>(a) The sand extraction use is discontinued to the Local Government's satisfaction; or</p> <p>(b) Appropriate means of mitigating the impacts of dust and noise associated with sand extraction activities are implemented to the Local Government's satisfaction. Means of mitigating the impacts of dust and noise impacts may include but not be limited to –</p> <ul style="list-style-type: none"> • earth bunding; • tree/shrub planting; • solid wall construction <p>and all means of mitigation are to be subject to environmental engineering certification to the Local Government's satisfaction.</p> <p>13. The subdivider shall rehabilitate the former sand extraction area in the north-western corner of Lot 7 on Subdivision Guide Plan reference 14-214-01H with planting of trees and shrubs at a density and distribution to the satisfaction of the Local Government's, prior to the transfer of a lot(s) to a new owner.</p>
RR30	<p>Stewart House Hill/Migo Place/ Cosy Corner Road, Kronkup Rural Residential zone <i>AMD 13 GG 10/06/16</i></p>	<p>1. Subdivision of RR30 shall generally be in accordance with the Subdivision Guide Plan <i>RR30</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be two hectares unless a larger size is shown on the Subdivision Guide Plan.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Home Occupation; • Rural Pursuit (which shall be limited to existing cleared and pastured land only); and • Livestock grazing and dams on Lots A-F, H-O and T-V inclusive and Lot Y as shown on the Subdivision Guide Plan subject to the provisions of clause 4.5.12.2.8 of the Scheme and provided that they are located outside of "Conservation of Flora and Fauna Protection Areas" shown on the Subdivision Guide Plan. Dams are to be located in accordance with the setbacks detailed in provision 6(a) below and will not be permitted in visually sensitive areas. These uses are prohibited on Lots G, P-S inclusive, W and X.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>5. The following land uses are 'D' discretionary uses on Lot 'T', as shown on the Subdivision Guide Plan:</p> <ul style="list-style-type: none"> • Up to a maximum of three Chalet/Cottage Units; • Industry – Cottage; • Restaurant; • Agriculture – Intensive; • Garden Centre; and • Sales Outlet for the olive grove. <p>6. (a) All buildings, structures and water storage systems shall be located outside of any conservation of flora and fauna areas, landscape protection areas, wildlife corridor and/or creek protection areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks:</p> <ul style="list-style-type: none"> (i) 100 metres from the rural zoned land to the north; (ii) 50 metres from Coombes and Cosy Corner Roads; (iii) 30 metres from the motel zoned land; and (iv) 20 metres from all other lot boundaries. <p>Setback (i) may be reduced to 40 metres, subject to the establishment of a vegetated buffer designed to address potential impacts of spray drift and/or dust, smoke and ash from adjoining land.</p> <ul style="list-style-type: none"> (b) On those lots with a designated building envelope shown on the Subdivision Guide Plan, all buildings, structures and water storage systems shall be confined to the building envelope. (c) Any outbuilding is to be located within 40 metres of the approved dwelling or vice versa. (d) In order to protect native fauna, the keeping of cats is prohibited. (e) The Local Government will request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring a foreshore management plan to be prepared for the 'Creek protection area' on Lot W. (f) The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring a weed management strategy to be prepared for Lots T-Y, to address weed management in both degraded areas and the 'Conservation of Flora and Fauna Areas'. (g) The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring planting and maintenance of buffers to adjoining agricultural uses, as indicated on the Subdivision Guide Plan. (h) Dwellings in areas which are classified as being extreme, high or medium fire hazards shall be designed and constructed in accordance with the relevant construction requirements of AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i> based on the outcomes of the Bushfire Attack Level (BAL) assessment

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>prepared and submitted to the Local Government by individual lot owners at the Building Application stage.</p> <ul style="list-style-type: none"> (i) All new habitable buildings erected on Lots T and W on the Subdivision Guide Plan shall be designated and constructed to the AS3959 requirements for a minimum Bushfire Attack Level (BAL 19) and all new buildings on Lot X shall be designed and constructed to the requirements for a minimum BAL 29. (j) On Lot A, U and W on the Subdivision Guide Plan, subject to late winter site testing, the Local Government will allow either an alternative amended soil treatment and disposal system within the building envelope, or a system which pumps treated effluent to a disposal area within the lot which satisfies the required setbacks from water courses. The Local Government may require the use of Aerobic Treatment Units (ATUs) on Lots T and V. (k) The Local Government shall ensure prospective purchasers of land within the subdivision are provided with a copy of the following prior to entering into an agreement to purchase any property within the zone: <ul style="list-style-type: none"> (i) These special provisions and the Subdivision Guide Plan applicable to the zone; (ii) An information sheet which lists the flora and fauna species prevalent in the area, and explains the wildlife corridor across Lots 2 and 5; and (iii) An information sheet regarding the management and control of invasive weeds. (l) The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring a Section 70A notification to be placed on the titles of Lots U, V, W, X and Y advising that amenity of the lots may be affected by ongoing agricultural and/or horticultural uses on adjacent land.
RR31	Coombes Road/Forest Court, Kronkup Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR31 shall generally be in accordance with the Subdivision Guide Plan <i>RR31</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Single House 3. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Holiday Accommodation; • Home Occupation; and • Industry – Cottage.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ol style="list-style-type: none"> 4. The approval of Holiday Accommodation within RR31 shall be subject to the following conditions: <ol style="list-style-type: none"> (a) The development of Holiday Accommodation is restricted to Strata Lots S1, S1a and S2a as shown on the Subdivision Guide Plan; (b) Land capability assessment will be required to determine the most suitable locations for the chalets; (c) The maximum floor area of any chalet shall be 130m² with a maximum of two bedrooms; and (d) Length of stay is limited to three months from any 12 month period. 5. All buildings, structures and water storage systems shall be located within the designated building envelopes and strata lot areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks: <ol style="list-style-type: none"> (a) 20 metres from Coombes Road; and (b) 10 metres from all other lot boundaries. 6. Fencing shall be restricted to proposed strata lots, designated building envelopes and/or public roads. 7. The subdivider shall place a notification on the Certificate of Title of alerting purchasers and successors in title of the responsibilities of the Fire Management Plan covering this land.
RR32	Bottlebrush Road, Gledhow Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR32 shall generally be in accordance with the Subdivision Guide Plan <i>RR32</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be two hectares. 3. The following land uses are 'P' permitted uses: <ol style="list-style-type: none"> (a) Single House 4. The following land uses are 'D' discretionary uses: <ol style="list-style-type: none"> (a) Ancillary Dwelling; (b) Home Occupation; (c) Industry – Cottage; and (d) Public Utility. 5. All buildings, structures, on-site effluent disposal systems and water storage systems shall be located outside of any development exclusion areas (a minimum of 10 metres from the edge of the riparian vegetation) as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks: <ol style="list-style-type: none"> (a) 12 metres from Bottlebrush Road; and (b) 5 metres from all other lot boundaries. 6. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination of systems to service all dwellings.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>7. Future access/egress to the proposed southern lot shall be confined to utilising the existing track along the southern boundary.</p>
RR33	Henderson Road, Drome Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR33 shall generally be in accordance with the Subdivision Guide Plan <i>RR33</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be one hectare. 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Single House 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). 5. No direct access to Albany Highway is permitted and all access shall be from Link/Henderson Roads. 6. A notification shall be placed each Certificate of Title of all new lots created by the subdivision advising landowners of the proximity of the existing dog kennels on adjoining Lot 7 to the south. 7. Provision shall be made to ensure prospective purchasers of land with the zone are made aware in writing that: <ol style="list-style-type: none"> (a) the lots adjoin the future Albany Ring Road route and proposed interchange with Albany Highway and noise-sensitive development within 165 metres of Albany Highway or the proposed Albany Ring Road route will need to be designed in accordance with the Package A noise insulation measures specified in the Implementation Guidelines for State Planning Policy 5.4; and (b) that no direct vehicular access to Albany Highway will be permitted. 8. The Local Government may request that the Western Australian Planning Commission impose a condition at the time of subdivision requiring notifications to be placed on the Certificates of title of the proposed lots stating that this property is adjacent to the proposed Albany Ring Road and may be affected by transport noise. Further information regarding transport noise, including development restrictions and noise insulation requirements for noise-affected property are available from the City of Albany. 9. No dwelling or other noise-sensitive development within 165 metres of Albany Highway or the proposed Albany Ring Road route shall be approved until such time as Local Government is satisfied that the design complies with the Package A house insulation measures specified in the Implementation Guidelines for State Planning Policy 5.4.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>10. All non-habitable buildings and structures (excluding fencing) shall be setback a minimum of 40 metres from Albany Highway and all habitable buildings shall be setback a minimum of 80 metres from Albany Highway.</p> <p>11. All buildings and structures shall be setback a minimum of 15 metres from Henderson and Link Roads and 10 metres from all other boundaries (with the exception of Albany Highway) unless the Local Government approves a lesser distance; that is if the Local Government is of the opinion that the location of the building will not detract from the semi-rural landscape quality of the area or from the amenity of the existing or future residences on adjoining lots.</p> <p>12. The maximum height of all outbuildings will be at the discretion of the Local Government in order to minimise the visual impacts of such buildings when viewed from Link Road and/or Albany Highway and from within the subdivision.</p>
RR34	Lancaster Road, McKail Rural Residential zone	<p>1. Subdivision of RR34 shall generally be in accordance with the Subdivision Guide Plan <i>RR34</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Home Business; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. Any dwelling shall be located outside of any development exclusion areas as shown on the Subdivision Guide Plan and all buildings shall achieve the following minimum setbacks:</p> <p>(a) 15 metres from the front boundary;</p> <p>(b) 12 metres from a secondary road boundary; and</p> <p>(c) 10 metres from all other lot boundaries.</p>
RR35	Link Road/Redgum Trail, McKail Rural Residential zone <i>AMD 13 GG 10/06/16</i>	<p>1. Subdivision of RR35 shall generally be in accordance with the Subdivision Guide Plan <i>RR35</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>3. The following land uses are 'P' permitted uses:</p> <p>(a) Holiday Accommodation; and</p> <p>(b) Single House.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Agriculture – Intensive; • Ancillary Dwelling; • Aquaculture; • Educational Establishment; • Home Occupation; • Industry – Cottage; • Public Utility; • Rural Pursuit (which shall be limited to existing cleared and pastured land only); and • Restaurant. <p>5. All buildings, structures and water tanks and/or similar structures shall be located:</p> <p>(a) Within the indicative building envelopes for lots created from the subdivision of Lot 24 Link Road as shown on the Subdivision Guide Plan; and</p> <p>(b) Outside of the development exclusion areas, priority landscape buffer areas, creekline protection areas and existing vegetation areas for lots created from Lot 6 Link Road (now Redgum Trail) as shown on the Subdivision Guide Plan.</p> <p>6. All buildings and structures shall be setback:</p> <p>(a) 15 metres from all lot boundaries;</p> <p>(b) Outside the acoustic setback shown on the Subdivision Guide Plan; and</p> <p>(c) Outside the 40 metres setback with the boundary of Lot 401 as shown on the Subdivision Guide Plan.</p> <p>7. Where no building envelope is shown on the Subdivision Guide Plan, dwellings shall be sited in a development area not exceeding 2,000m² in area selected by the landowner and approved by the Local Government in accordance with provisions 4 and 5.</p> <p>8. No dwelling or other noise sensitive development shall be approved by the Local Government until such time as it is satisfied that indoor noise levels accord with <i>AS 2107:2000 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors</i>.</p> <p>9. The subdivider shall ensure that any prospective purchaser of a lot within RR35 is advised in writing of the Local Government's preferred option for road access to land on the west side of Link Road.</p> <p>10. Direct vehicular access between any of the proposed lots and Link Road/Albany Ring Road is prohibited.</p>
RR36	Malima Road, Kronkup Rural Residential zone	<p>Plan of Subdivision</p> <p>1. Subdivision of RR36 shall generally be in accordance with the Subdivision Guide Plan <i>RR36</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>2. The minimum lot size shall be two hectares, however larger lots are required over environmentally and visually sensitive parts of the sites.</p> <p>Land Uses</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary land uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Holiday Accommodation (where it can be demonstrated to the satisfaction of the Local Government that the scale of the development is consistent with the objectives for the zone and the sensitivities of the site); • Home Occupation; and • Industry – Cottage. <p>Location of Buildings and Structures</p> <p>5. Buildings, tanks and structures shall not be constructed within the "Building Exclusion Area" designated on the Plan of Subdivision.</p> <p>6. All buildings and structures shall be located within the building envelope indicated on the Plan of Subdivision to the satisfaction of and approved by the Local Government. The identification of the building envelope shall include consideration of (but not limited to) setbacks from creek line, protection of vegetation, setbacks from West Cape Howe National Park, visual impacts and fire protection.</p> <p>7. In relation to visual impacts, the location of the building envelopes is to prevent buildings projecting above the skyline, and to prevent buildings being positioned consecutively in a straight line down a slope.</p> <p>Vegetation Protection</p> <p>8. A Vegetation, Flora and Fauna Management Plan shall be prepared in consultation with the relevant State Government authority as a prerequisite to subdivision or development of the land. The Vegetation, Flora and Fauna Management Plan shall address the following (but not limited to):</p> <ul style="list-style-type: none"> (a) Proximity to West Cape Howe National Park; (b) Identify all areas of Karri vegetation and designate to be retained and protected; (c) Identify large stands of vegetation and designate to avoid dissection by lot boundaries and/or fencing as far as practical; (d) Identify creekline vegetation and provide for a vegetative buffer with a minimum width of 30 metres to be maintained/established along the creekline. (e) Identify degraded remnant vegetation and develop a program for revegetation and restoration; (f) Weed management;

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		<p>(g) Fertiliser and pesticide application restrictions;</p> <p>(h) Stock restrictions; and</p> <p>(i) Maintenance program.</p> <p>9. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision which requires the subdivider to revegetate the road verge and any other areas affected by site works.</p> <p>10. In order to enhance the rural amenity of the land in areas the local government considers deficient in tree cover it may require as a condition of any development approval the planting of such trees and / or groups of trees and species as specified by the local government and as indicated on the Subdivision Guide Plan or any subsequent Plan of Subdivision.</p> <p>Environmental Management and Rehabilitation</p> <p>11. An Environmental Management Plan shall be prepared in consultation with the relevant State Government authority as part of the Plan of Subdivision to minimise land degradation risks including from wind erosion, earthworks, visual impacts (including roads, fire access tracks and building envelopes) and disturbance to vegetation of the subdivision design and construction and develop mitigation measures and rehabilitation strategies for construction and maintenance.</p> <p>12. The use, development and management of any lot within the Plan of Subdivision shall be in accordance with the Environmental Management Plan.</p> <p>Stormwater Management and Drainage</p> <p>13. A Stormwater Management Plan shall be prepared in consultation with the relevant State Government authority as a prerequisite to any subdivision or development proposal. The plan is to demonstrate treatment and infiltration at source according to the relevant <i>Stormwater Management Manual for Western Australia</i>. The Stormwater Management Plan shall include details of appropriate infrastructure such as basins and swales.</p> <p>Water Supply</p> <p>14. A Water Supply Assessment shall be prepared in consultation with the relevant State Government authority and the Local Government as a prerequisite to any subdivision or development application to ensure sufficient water is available to the proposed lots.</p> <p>15. Prior to occupation, each dwelling house shall be provided with a water supply with a minimum capacity of 120,000 litres. This may be supplied from underground supplies or rainwater storage system to the satisfaction of the Local Government and the relevant State Government authority. In addition, a supplementary 30,000 litre water supply for fire fighting purposes will be required.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>Effluent Disposal</p> <p>16. An Effluent and Waste Water Management Plan shall be prepared in consultation with the Local Government and relevant State Government authorities as a prerequisite to any subdivision or development application.</p> <p>17. The effluent disposal system shall comply with the contemporary standards for the sustainable disposal requirements, with adequate phosphorous retention capacity, as determined and licensed by the relevant State Government authorities.</p> <p>18. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Effluent disposal areas for new dwellings shall be set back a minimum of 100 metres from the natural permanent watercourse and situated 2 metres above the highest known groundwater level, unless a variation is approved as provided by 16 below.</p> <p>19. Variations to the design or location of effluent disposal areas require a suitably qualified practitioner demonstrating that effluent disposal will not cause environmental or health impact to the satisfaction of the relevant State Government authorities and the Local Government.</p> <p>Bushfire Management and Control</p> <p>20. A revised Bushfire Protection Plan shall be prepared as a prerequisite to any subdivision or development application to the satisfaction of the Local Government and the relevant State Government authority.</p> <p>21. A 50,000-litre water tank and hydrant or standpipe is required for bush fire fighting purposes. This facility shall be designated on the Local Government endorsed Plan of Subdivision to be created within a Crown reserve at the SW corner of Lot 4 with Malima Road. The water tank and associated facilities are to be vested in the Local Government.</p> <p>22. Each owner shall ensure their house has a supplementary tank of at least 30 kilolitres available for fire fighting purposes supplied from a bore or from rainwater. Alternatively, should a single rainwater tank be provided it must be located accessible to the road and of at least 150 kilolitres in capacity with the bottom one quarter of the tank set aside for fire fighting purposes. The tanks are to be fitted with a dual tap system to Local Government's specification and satisfaction.</p> <p>23. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision which requires a notification on the certificate of title for all new lots which specifies the requirements and responsibilities of landowners for protection of life and property from bush fires to the satisfaction of the relevant State Government authority and local government.</p> <p>24. Landowners within the subdivision must comply with the Fire Protection Plan.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>Notification of Prospective Owners</p> <p>25. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision which requires a notification on the certificate of title for all new lots to advise prospective purchasers that a Plan of Subdivision and specific scheme provisions apply to the land.</p> <p>26. A notification shall be placed on each Certificate of Title of all lots created by a subdivision advising prospective purchasers of the following –</p> <p><i>“Due to the close proximity of West Cape Howe National Park, which is managed by the Department of Parks and Wildlife, amenity of proposed lots may be affected on occasion by the following –</i></p> <ul style="list-style-type: none"> <i>(a) Prescribed burning for conservation or fire hazard reduction purposes;</i> <i>(b) Baiting with poison to control predators of native fauna and/or shooting or trapping to control declared animal species;</i> <i>(c) Weed control using herbicides; and</i> <i>(d) Firebreak construction and/or maintenance.”</i> <p>AND</p> <p><i>“Domestic pets are to be controlled from posing a threat to native flora and/or fauna and must be confined within the development area at all times. Cats and rabbits are considered to pose a threat to native fauna and are to be confined inside buildings.”</i></p> <p>Road Access</p> <p>27. A Traffic Impact Assessment and Management Plan shall be prepared in consultation with the Local Government as a prerequisite to any subdivision or development application.</p> <p>28. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring works or monetary contribution towards the upgrading of Shelley Beach Road and the intersection with Coombes Road to a standard applicable to the anticipated traffic. Should a dispute arise in determining the anticipated traffic, it shall be determined in consultation with the relevant State Government authority.</p>
RR37	Sandalwood Road, Wellstead Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR37 shall generally be in accordance with the Subdivision Guide Plan <i>RR37</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be one hectare unless a larger size is shown on the Subdivision Guide Plan. 3. The following land uses are ‘P’ permitted uses: <ul style="list-style-type: none"> • Home Occupation; and • Single House. 4. (a) The following land uses are ‘D’ discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Bed and Breakfast/Farmstay; • Civic Use; • Community Purpose; • Garden Centre; • Holiday Accommodation; • Home Business; • Industry – Light; • Industry – Service; • Public Utility; • Rural Pursuit (which shall be limited to existing cleared and pastured land only); • Storage; and • Restaurant. <p>(b) In determining applications for any discretionary uses, the Local Government shall have regard to the objectives for the zone and the recommendations and outcomes contained in the Wellstead Townsite Strategy.</p> <p>5. No dwelling is permitted on a lot unless the minimum combined roof area of all structures is 350m² or greater.</p> <p>6. All buildings shall be confined within the building envelope for those lots where a building envelope is shown on the Subdivision Guide Plan.</p> <p>7. On those lots designated with an interim hazard separation zone shown on the Subdivision Guide Plan, all habitable buildings shall be designed and/or setback to take account of the fire hazard risk on the adjoining Crown Land in accordance with Western Australian Planning Commission <i>Planning for Bush Fire Protection</i> or other subsequent Fire Protection Policy.</p> <p>8. Except as provided in provisions 5 and 6, all buildings shall be located to achieve the following minimum setbacks:</p> <ul style="list-style-type: none"> (a) 20 metres from the front boundary; (b) 10 metres from any side boundary; and (c) 20 metres from any rear boundary adjoining any other special rural lots; (d) 30 metres from any rear boundary adjoining any rural zoned land; and (e) 60 metres from any lot adjoin any Crown Land. <p>9. On those lots identified as susceptible to wind erosion, any site works, removal of vegetation or disturbance of topsoil shall require the prior approval of the Local Government and shall be confined to a building envelope (maximum area of 60% of the lot). The Local Government may require management controls and conditions be imposed on any approval to minimise dust and ensure rehabilitation of the site.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>10. On those lots identified as possibly requiring inverted leach drains, further testing may be required to the satisfaction of the Local Government to determine the appropriate type and location of the on-site effluent disposal system.</p> <p>11. The subdivider shall place a memorial on the Certificate of Title warning that there is potential for mining operations to occur within 2 kilometres of the land and these operations may adversely impact on the amenity of the lots.</p>
RR39	Home/Bramwell Roads, Robinson Rural Residential zone	<ol style="list-style-type: none"> 1. Subdivision of RR39 shall generally be in accordance with the Subdivision Guide Plan <i>RR39</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be one hectare. 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Single House. 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling • Home Occupation • Industry – Cottage • Public Utility • Rural Pursuit (which shall be limited to existing cleared and pastured land only) • Other incidental or non-defined activities considered appropriate by the Local Government, which are consistent with the objective of the zone. 5. All buildings and structures shall be setback a minimum of 15 metres from a road boundary and 10 metres from all other lot boundaries. 6. All buildings and structures shall be located within the designated building envelope. However, Local Government may consider variations to the designated location where all of the following are achieved – <ol style="list-style-type: none"> (a) A detailed geotechnical report determines the alternative envelope is suitable for effluent disposal; (b) Setbacks to surface water and drainage lines and depth to groundwater meet the requirements of the relevant government authority; (c) Minimum setbacks are in accordance with 5.1, above; and (d) No clearing of remnant vegetation is required to accommodate the envelope or achieve hazard separation zones required in accordance with <i>Planning for Bush Fire Protection</i> or subsequent fire management policy. 7. All on-site effluent disposal shall utilise nutrient retaining alternative treatment systems such as amended soils or aerobic systems. 8. No more than one effluent disposal system will be permitted per lot.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>9. In addition to clause 4.5.13.2.8, the keeping of horses, sheep, goats and other grazing animals shall not exceed a maximum stocking rate of 10 DSE/ha (equivalent to one horse per hectare).</p> <p>10. A Fire Management Plan in accordance with <i>Planning for Bush Fire Protection Guidelines</i> or subsequent fire protection policy document shall be prepared to the satisfaction of the Local Government or responsible fire authority, prior to subdivision of the land. The local government may request implementation of the relevant requirements of the plan as condition(s) of subdivision and development.</p> <p>11. The subdivider shall make arrangements to the satisfaction of the Local Government to ensure prospective purchasers, in the transfer of lots, are aware of the landowner's obligations in the fire management plan, the fire management guidelines of the <i>Homeowners' Bushfire Survival Manual</i> and AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i>.</p> <p>12. Prior to subdivision of the potentially affected area, investigation for soil and groundwater contamination shall be carried out in accordance with the <i>Contaminated Sites Management Series</i> guidelines or subsequent publication by the relevant State Government authority.</p> <p>13. Remediation, including validation of remediation, of any contamination identified shall be completed prior to the issue of titles.</p> <p>14. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision, requiring the application of reciprocal rights arrangements to adjoining battleaxe legs on the parent lot.</p>
RR40	Beaudon Road, McKail Rural Residential zone	<p>Plan of Subdivision</p> <p>1. Subdivision of RR40 shall generally be in accordance with the Subdivision Guide Plan <i>RR40</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be one hectare.</p> <p>Land Use</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Craft Studio; • Holiday Accommodation; • Home Office; • Home Business; • Home Occupation;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Industry – Cottage; • Public Utility; and • Other non-defined or incidental activities considered appropriate by the Local Government which are consistent with the objective of the zone. <p>Keeping of Livestock/Animals</p> <p>5. The keeping of livestock and animals shall not be undertaken within areas marked 'Vegetation to be Retained', except for those areas the Local Government deems to be only for vegetative screening.</p> <p>Location of Buildings and Structures</p> <p>6. All buildings and structures shall be located outside of the 'Development Exclusion Area' marked on the Subdivision Guide Plan.</p> <p>7. All buildings and structures, subject to provision 6 above, are to be setback a minimum of 15 metres from Beaudon Road and South Coast Highway and 10 metres from all other lot boundaries.</p> <p>8. The Local Government shall not permit the development of buildings or structures within the Waste Water Treatment Plant Buffer unless it is of the opinion that this development would not be detrimental to the operation of the Waste Water Treatment Plant.</p> <p>9. All buildings and structures, subject to 6 above, are to be setback a minimum of 15 metres from Beaudon Road and South Coast Highway and 10 metres from all other lot boundaries.</p> <p>10. Any proposed development below the 30 metre contour identified on the Subdivision Guide Plan will require geotechnical and fire hazard assessments to confirm site suitability.</p> <p>Fencing</p> <p>11. Lot boundaries within existing vegetated areas or revegetated areas are to be delineated by methods other than fencing. Pegs and/or cairns or other similar measures are acceptable.</p> <p>Vegetation Protection and Revegetation</p> <p>12. Landowners shall maintain existing vegetation within the 'Vegetation to be Retained' areas as depicted on the Subdivision Guide Plan.</p> <p>13. The Local Government may request the Western Australian Planning Commission to impose a condition at the subdivision stage requiring the provision of a Weed Management Plan and Implementation Programme.</p> <p>Water Supply</p> <p>14. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots.</p> <p>Effluent Disposal</p> <p>15. The Local Government shall require the use of amended soil type effluent disposal systems, such as EcoMax/ATU Systems in the following situations –</p> <ul style="list-style-type: none"> • Where a 100-metre setback from a creek line or water course cannot be achieved;

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		<ul style="list-style-type: none"> Where the system would be installed on any part of the land below the 35 metre AHD contour, as depicted on the Subdivision Guide Plan; Where soil conditions are not conducive to the retention of nutrients; and on white sands and in low lying areas. <p>16. The Local Government shall require a geotechnical assessment proving the land is capable of on-site effluent disposal, where the use of these systems falls below the 30 metre AHD contour as depicted on the Subdivision Guide Plan.</p> <p>17. No more than one effluent disposal system will be permitted on one lot.</p> <p>Access</p> <p>18. Battleaxe legs are to be a minimum width of 6 metres. Where access legs are to be collocated, their combined width may be reduced to 10 metres.</p> <p>19. All driveways and underground infrastructure shall be designed and constructed so as to avoid erosion impacts and prevent unnecessary discharge of storm water.</p> <p>20. Additional access points onto South Coast Highway are prohibited.</p> <p>21. Existing, cleared firebreaks and tracks shown on the subdivision guide plan shall be utilised for access to future lots. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring the creation and construction of reciprocal rights of carriageway over joint use of battleaxe lot access legs and/or joint use of crossovers.</p> <p>Fire Management</p> <p>22. Development within the 100 metre Fire Setback line will require a Fire Management Plan to accompany an Application for Planning Scheme Consent, outlining how development will meet the requirements of <i>Planning for Bushfire Protection Guidelines</i> and AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i>.</p>
RR41	Lot 50 Chester Pass Road, King River Rural Residential zone	<p>Plan of Subdivision</p> <ol style="list-style-type: none"> Subdivision shall be generally in accordance with the adopted Subdivision Guide Plan <i>RR41</i>, as endorsed by the CEO. The Local Government and Western Australian Planning Commission may support variations to the Subdivision Guide Plan where sufficient justification is provided. Minor variations to the Subdivision Guide Plan can be considered as part of subdivision applications. Further subdivision of lots shown on the Subdivision Guide Plan is not permitted. A minimum lot size of one hectare shall apply. <p>Objectives of Zone</p> <ol style="list-style-type: none"> Within the Special Rural Zone Area No. 41, the objectives are to: <ul style="list-style-type: none"> Provide for rural residential lifestyle opportunities in close proximity to Albany;

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<ul style="list-style-type: none"> • Provide larger lots where it is desirable for creek line protection, vegetation retention or to avoid the creation of building envelopes in buffer areas to extractive industries; • Provide for the further subdivision of the land in a manner that respects the site's characteristics, constraints and opportunities. • Provide for development in accord with the objectives of the Local Planning Strategy; and • Minimise the visual impact of development and further subdivision. <p>Land Use</p> <p>6. Within Special Rural Zone No. 41, the following uses are permitted:</p> <ul style="list-style-type: none"> • Single House <p>7. The following uses may be permitted subject to the special approval of the Local Government (A):</p> <ul style="list-style-type: none"> • Bed and Breakfast/Farmstay; • Craft Studio; • Cottage Industry; • Home Business; • Home Occupation; • Home Office; • Keeping of hoofed animals, grazing animals or beasts of burden; • Stables; • Public Utility; and • Other non-defined or incidental activities considered appropriate by the Local Government which are consistent with the objectives of the zone. <p>Location of Buildings and Structures</p> <p>8. All buildings and structures shall be located outside Building Exclusion Areas as depicted on the Subdivision Guide Plan.</p> <p>9. All buildings and structures are to be contained within a Building Envelope approved by the Local Government at the time of development and comprising an area of 10% of the lot area, or 1,000m², whichever is the greater.</p> <p>10. Subject to sub-clauses 4.1 & 4.2 above, all buildings are to be setback as follows:</p> <ul style="list-style-type: none"> • Chester Pass Road <ul style="list-style-type: none"> - Habitable Building – 80 metres - Other Buildings – 40 metres • Lot 4849 – 40 metres • Primary Street – 15 metres • Secondary Street/Side/Rear – 10 metres

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>11. The Local Government may require applications for Planning Consent or building licences to be accompanied with a geotechnical assessment, proving the land is suitable for the development proposed.</p> <p>Building Design, Materials and Colour</p> <p>12. No dwelling or other noise-sensitive development shall be approved by the Local Government until such time as the Local Government is satisfied that indoor noise levels accord with <i>AS 2107:2000 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors</i>.</p> <p>13. Lot boundaries within existing vegetated areas or revegetated areas are to be delineated by methods other than fencing. Pegs and/or cairns or other similar measures are acceptable.</p> <p>Vegetation and Creek Protection</p> <p>14. The Local Government will request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring preparation and implementation of a foreshore management and revegetation plan for the creekline.</p> <p>15. No clearing of vegetation shall occur within Building Exclusion Areas except for trees that present an imminent danger to human health or are required to be cleared for approved lot access or fire management.</p> <p>16. No clearing of any vegetation located along the creek line is permitted.</p> <p>17. The Local Government shall request the Western Australian Planning Commission to impose a condition at the time of subdivision, requiring tree/shrub planting within Rural Residential zone Area No. 41, as depicted on the Subdivision Guide Plan with endemic native trees and shrubs.</p> <p>18. Landowners shall maintain existing vegetation within the Building Exclusion and Revegetation areas as depicted on the Subdivision Guide Plan.</p> <p>19. The Local Government may impose a condition at the time of development requiring tree/shrub planting to screen future house sites.</p> <p>20. The Local Government shall request the Western Australian Planning Commission to impose a condition at the subdivision stage requiring the provision of stock proof fencing to protect the riparian vegetation along the creek line as shown on the Subdivision Guide Plan.</p> <p>21. The Local Government shall request the Western Australian Planning Commission to impose a condition at the subdivision stage requiring the preparation and implementation of a Weed Management Plan with particular emphasis on the eradication and/or control of declared environmental and pest weeds on the property.</p> <p>22. Except with the approval of the Local Government after consultation with the relevant State Government authority, the construction of dams or artificial retention flow, pumping, diversion of water or modification of the creek line or its banks is prohibited.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>Water Supply</p> <p>23. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots.</p> <p>Effluent Disposal</p> <p>24. Effluent disposal systems are prohibited within Development Exclusion Areas and Effluent Disposal Exclusion Areas as depicted on the approved Subdivision Guide Plan.</p> <p>25. Effluent disposal systems are to be located inside the building envelope required by sub-clause 4.2.</p> <p>26. No more than one effluent disposal system will be permitted per lot.</p> <p>Access</p> <p>27. All driveways and underground infrastructure shall be designed and constructed so as to avoid erosion impacts and prevent unnecessary discharge of storm water.</p> <p>28. The Local Government shall request the Western Australian Planning Commission to impose a condition at the subdivision stage requiring a restrictive covenant to be registered on the Certificate of Title(s) for all lots adjacent to Chester Pass Road, pursuant to s.150 of the <i>Planning and Development Act 2005</i>, to prohibit vehicular access from these lots to Chester Pass Road.</p> <p>29. The Local Government shall request that the Western Australian Planning Commission impose a condition at subdivision stage requiring the re-routing of Millbrook Road and appropriate intersection treatment at Chester Pass Road to the specifications of the relevant State Government authority and at the subdivider's cost.</p> <p>Fire Management</p> <p>30. Development within areas depicted on the approved Subdivision Guide Plan as 'Medium' Bush Fire Hazard Risk is to comply with the requirements of relevant bushfire protection guidelines and AS 3959 – <i>Construction of Buildings in Bushfire Prone Areas</i>.</p> <p>31. Fire hydrants in accordance with the relevant agency's requirements will be required as a condition of subdivision.</p> <p>Water Management and Drainage</p> <p>32. An Urban Water Management Plan shall be lodged with an application for subdivision. The Local Government may request that the Western Australian Planning Commission impose a condition relating to the implementation of the Urban Water Management Plan (water usage and stormwater).</p> <p>Visual Management and Buffers</p> <p>33. At the time of subdivision, the Local Government may request that the Western Australian Planning Commission impose a condition relating to the preparation and implementation of a Visual Landscape Assessment and Plan.</p> <p>34. No subdivision shall proceed until all commercial extractive industry activities on Lot 50 have ceased for sand extraction and supply of gravel transported off the lot, and plans for rehabilitation have been substantially progressed to the satisfaction of the local government.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>35. The Local Government shall not support subdivision within the designated buffer areas to the sandpit Lot 4849 or the gravel pit on Lot 50 until the respective operations are closed and rehabilitated.</p> <p>36. An Acoustic Assessment to determine road noise levels and any necessary mitigation measures in accordance with <i>Statement of Planning Policy 5.4 – Road and Rail Transport Noise and Freight Considerations in Land Use Planning</i> is to be lodged with any application for subdivision.</p> <p>Notification of Prospective Owners</p> <p>37. The Local Government may recommend that the Western Australian Planning Commission impose a condition at subdivision stage requiring a notification or memorial on the Certificate of Title(s) for proposed lots to advise prospective purchasers that:</p> <ul style="list-style-type: none"> • There may be potential for nuisance as lots in the vicinity are utilised for rural uses and extractive industries which have potential for dust, noise and emissions. • Portions of the subdivided land have contained sand and gravel extraction pits which have been filled by the developer. At building permit stage, the Local Government may require owners to lodge a geotechnical report demonstrating that the land can support the load of proposed development. • This property is situated adjacent to a major freight route and may be affected by transport noise. Further information regarding transport noise, including development restrictions and noise insulation requirements for noise-affected property are available from the Local Government. <p>Geotechnical Report</p> <p>38. The Local Government shall recommend to the Western Australian Planning Commission that a condition be imposed on the subdivision requiring a detailed geotechnical report to be approved by the local government both prior to commencement of subdivision works and following completion of subdivision works. The report to provide adequate information proving that the land is suitable to accommodate future dwellings.</p>
RR42	Little Grove Rural Residential zone	<p>1. The minimum lot size shall be two hectares.</p> <p>2. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Single House. <p>3. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Home Business; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only).

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>4. All buildings and structures shall be:</p> <ul style="list-style-type: none"> (a) Located off any ridgeline as shown on the Subdivision Guide Plan as determined by the Local Government; (b) Located to retain the maximum amount of remnant vegetation on the site; and (c) Setback a minimum of 15 metres from any lot boundary.
RR43	<p>Lot 114 Frenchman Bay Road, Robinson and Lot 84 Harding Road, Lots 85 and 86 Home Road, and Lots 87 and 98 Frenchman Bay Road.</p> <p><i>AMD 27 GG 2/07/2021</i></p>	<p>Plan of Subdivision</p> <ol style="list-style-type: none"> 1. Subdivision of RR43 shall generally be in accordance with an approved Local Structure Plan, and supported by a Site and Soil Evaluation and hydrogeological assessment of the site under the wettest time of year conditions. 2. The Western Australian Planning Commission may allow an alternative plan of subdivision, should it be satisfied that the plan of subdivision is consistent with the objectives and outcomes of the zone and Local Structure Plan. 3. The Local Government will not generally recommend lots sizes less than one hectare. <p>Land Use</p> <ol style="list-style-type: none"> 4. Within Special Rural Zone Area No. 43, the following uses are permitted – <ul style="list-style-type: none"> • Single House 5. The following uses may be permitted subject to the special approval of the Local Government ('A') – <ul style="list-style-type: none"> • Home Occupation (cottage industry); • Public Utility; • Bed and Breakfast/Farmstay; • Holiday Accommodation; • Stables; • Home Office; • Home Business; and • Other non-defined or incidental activities considered appropriate by the Local Government which are consistent with the objectives of the zone. <p>Location of Buildings and Structures</p> <ol style="list-style-type: none"> 6. Any building on a lot must be constructed within a building envelope and outside of the identified Effluent Disposal Exclusion Area, Vegetation Protection Area and the Vegetated Agricultural Buffer shown on the Local Structure Plan. Such building envelopes shall not exceed 2000m². Indicative building envelopes are shown on the Local Structure Plan.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>7. Notwithstanding the requirement the Local Government may permit an alternative Building Envelope location if it is shown to be specification of the Local Government that:</p> <ul style="list-style-type: none"> (a) The proposed location of the building envelope can achieve the setbacks outlined on Provision 8; (b) All effluent disposal systems remain outside of the Onsite Effluent Disposal Exclusion Area; (c) The proposed location of the building envelope can demonstrate that it can meet the requirements of the Government Sewerage Policy. (d) The proposed location of the building envelope is located outside of Vegetation Protection Area and Vegetated Agricultural Buffer, and does not necessitate clearing for development or fire protection. <p>8. All buildings are to be setback a minimum of 10 metres from all lot boundaries.</p> <p>Water Supply</p> <p>9. At the time of subdivision and development of Lot 84 Harding Road, Lots 85 and 86 Home Road, and Lots 87 & 98 Frenchman Bay Road, the developer shall connect to a reticulated water supply from a licensed water provider. For all other lots, and if reticulated water is not available; each dwelling shall be provided with a sustainable potable water supply with a minimum capacity of 50,000 litres.</p> <p>Effluent Disposal</p> <p>10. The Local Government shall require the use of amended soil type effluent disposal systems, such as EcoMax/ATU Systems.</p> <p>11. Effluent disposal systems are to be located outside of the effluent disposal exclusion areas marked on the Local Structure Plan.</p> <p>12. No more than one effluent disposal system will be permitted on one lot.</p> <p>Access</p> <p>13. Battleaxe legs are to be a minimum of 5 metres. Where access legs are to be co-located, their combined width may be reduced to 7.5 metres.</p> <p>14. All driveways and underground infrastructure shall be designed and constructed so as to avoid erosion impacts and prevent unnecessary discharge of storm water.</p> <p>Water Management</p> <p>15. The wastewater, stormwater and effluent disposal solutions documented in the <i>Local Water Management Strategy and Urban Water Management Plan Lot 114 (No. 142) Frenchman Bay Road, Robinson, City of Albany (April 2011)</i> shall form the basis for the detailed water management strategies.</p> <p>Finished Floor Levels</p> <p>16. All buildings must achieve a minimum finished floor level of 2.64 metres AHD.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>Notification of Prospective Owners</p> <p>17. The Local Government may require the subdivider to make arrangements satisfactory to the Local Government to ensure prospective purchases are advised that a Bushfire Management Plan may apply to the land; and the existence of sand extraction and horticulture activity taking place within 500 metres may affect rural amenity.</p> <p>Agricultural Buffer</p> <p>18. Where shown on a Local Structure Plan a vegetated agricultural buffer is to be provided to the minimum width of 20 metres, plus where shown, a 10 metre setback for access.</p> <p>19. In relation to the 20 metre vegetated agricultural buffer to the north of the existing market garden, species used in the closest 10 metre portion of the buffer shall not be capable of growing taller than 3 metres to prevent the incidence of overshadowing.</p>
RR44	Torabay Hill, Kronkup Rural Residential zone	<p>1. Subdivision of RR44 shall generally be in accordance with the Subdivision Guide Plan <i>RR44</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be four hectares unless a larger size is shown on the Subdivision Guide Plan.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Agroforestry; • Ancillary Dwelling; and • Single House. <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Community Purpose; • Home Occupation; • Industry – Cottage; • Public Utility; and • Rural Pursuit (which shall be limited to existing cleared and pastured land only). <p>5. The following land uses are 'A' discretionary uses:</p> <ul style="list-style-type: none"> • Agriculture – Intensive; • Consulting Rooms; • Educational Establishment; and • Hospital. <p>6. All buildings and development shall be setback a minimum of 20 metres from all lot boundaries.</p> <p>7. No development shall be permitted within 20 metres of Marron Creek and/or Verne Brook.</p>

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
RR45	<p>Johnston Creek Rural Residential Zone</p> <p>AMD 7 GG 14/05/19</p>	<ol style="list-style-type: none"> 1. Subdivision of RR45 shall generally be in accordance with an approved Local Structure Plan, and supported by a Site and Soil Evaluation and hydrogeological assessment of the site under the wettest time of year conditions. 2. The minimum lot size is 1 hectare; however larger lots may be required over parts of the site in order to respond to site characteristics. 3. A maximum of two lots shall be supported over Johnston Creek. 4. Subdivision and development is to be in accordance with the requirements for sewerage sensitive areas in the relevant Government Sewerage Policy, including but not limited to: <ol style="list-style-type: none"> (a) Separation from the highest known seasonal groundwater level. (b) Separation from water resources such as waterways, surface or subsurface drainage systems. (c) Use of secondary treatment sewage with nutrient removal disposal systems. 5. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Single House 6. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Ancillary Dwelling; • Bed and Breakfast/Farmstay; • Industry – Cottage; • Recreation – Public; • Rural Pursuit (which shall be limited to existing cleared and pastured land only); and • Restaurant. 7. Unless permissible by an 'Additional Use' zoning, all other uses are not permissible (X). 8. All development (including dwellings and outbuildings) and any Asset Protection Zones shall be located outside of any development exclusion area and/or revegetation area for the protection of Johnston Creek as shown on the approved Local Structure Plan, and shall achieve the following minimum setbacks: <ol style="list-style-type: none"> (a) 40 metres from Nanarup Road; and (b) 15 metres from all other lot boundaries.

No.	Specified Rural Residential Zone	Special Provisions Applying to Specified Rural Residential Zone
		<p>9. At subdivision, a notification, pursuant to section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificates of title of lots abutting General Agriculture zoned land advising of the existence of an existing agricultural activity.</p> <p>10. At subdivision, a vegetative buffer to the specifications of the state department responsible for health, is to be established on any lots abutting General Agriculture zoned land. An easement-in-gross shall be registered on the relevant lots to ensure the vegetative buffer is maintained by the relevant landowners accordingly.</p> <p>11. At subdivision, a notification, pursuant to section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificates of title of proposed lots within 500 metres of the existing extractive industry, advising of its existence.</p> <p>12. At subdivision, a Foreshore Management Plan for Johnston Creek, including revegetation of drainage lines as shown on the approved Local Structure Plan, is to be prepared and implemented to the specification of the state department responsible for water.</p> <p>13. At subdivision, an easement-in-gross, which requires the landowners to maintain the area the subject of the Foreshore Management Plan as implemented, is to be placed on the relevant certificates of title of the proposed lots.</p>

SCHEDULE 15 – SPECIAL RESIDENTIAL ZONE [CL.5.5.18]

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
SR1	Discovery Woods Karrakatta Road, Goode Beach Special Residential zone	<ol style="list-style-type: none"> Subdivision of SR1 shall generally be in accordance with the Subdivision Guide Plan SR1 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. The minimum lot size shall be 4,000m². The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> Ancillary Dwelling; and Single House. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> Home Occupation; and Home Office. All buildings and effluent disposal systems shall be confined within a designated building envelope (maximum area 900m²) nominated by the landowner and approved by the Local Government which is outside any environmental elements areas as shown on the Subdivision Guide Plan. All buildings shall be setback: <ol style="list-style-type: none"> 15 metres from the front boundary 5 metres from the side boundary; and 5 metres from rear boundaries, with the exception of Lots 600-602, where development shall be restricted to below the 18 metre contour. The erection of boundary fencing is not permitted. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. Prior to any development earthworks being commenced, the applicant shall conduct a limited form of field validation study to determine whether or not a potential threat from unexploded ordinance exists.
SR2	Bayonet Head Road, Bayonet Head Special Residential zone	<ol style="list-style-type: none"> Subdivision of SR2 shall generally be in accordance with the Subdivision Guide Plan SR2 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. The minimum lot size shall be 1,400m². The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> Ancillary Dwelling; and Single House. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> Home Occupation; and

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ul style="list-style-type: none"> • Home Office. <ol style="list-style-type: none"> 5. All buildings and effluent disposal systems shall be confined within a designated building envelope (maximum area 800m²) nominated by the landowner and approved by the Local Government which is outside any development exclusion areas as shown on the Subdivision Guide Plan. 6. All buildings shall be setback: <ol style="list-style-type: none"> (a) 6 metres from the front boundary; (b) 3 metres from the side boundary; and (c) 6 metres from the rear boundary. 7. The Local Government will require all dwellings are connected to the Water Corporation deep sewerage infrastructure network. 8. Development of portion of land to the south of the proposed extension of Oyster Heights Road shall be subject to: <ol style="list-style-type: none"> (a) removal of all uncontrolled fill, vegetation and peaty topsoil and replacement with clean freely draining sand to the Local Government's specification and satisfaction; (b) the land being filled to enable proposed lots to be connected to the existing sewer; and (c) all development, fill, retaining walls and associated works being contained within the subject land to ensure no incursion or detrimental impact on the adjoining foreshore reserve.
SR3	Endeavour Way, McKail Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR3 shall generally be in accordance with the Subdivision Guide Plan SR3 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000m². 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Educational Establishment; • Home Occupation; • Home Office; • Industry – Cottage; and • Public Utility. 5. On lots shown within the Wastewater Treatment Plant Odour Buffer as shown on the Subdivision Guide Plan all dwellings shall be confined within a designated building envelope which is located outside of the buffer area. 6. All designated building envelopes and/or buildings shall be setback: <ol style="list-style-type: none"> (a) 40 metres from South Coast Highway;

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>(b) 15 metres from the front boundary;</p> <p>(c) 5 metres from any rear and/or side boundary;</p> <p>(d) Outside any landscape buffer areas as shown on the Subdivision Guide Plan; and</p> <p>(e) 15 metres from eastern boundary with adjoining Lot 488 as shown on the Subdivision Guide Plan.</p> <p>7. No direct vehicular access/egress onto South Coast Highway is permitted.</p> <p>8. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.</p>
SR4	Warrenup Place, Warrenup Special Residential zone	<p>1. Subdivision of SR4 shall generally be in accordance with the Subdivision Guide Plan SR4 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be 4,000m².</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. <p>4. The following land uses are 'D' discretionary uses: Educational Establishment, Home Occupation, Home Office, Industry – Cottage and Public Utility.</p> <p>5. All buildings shall be setback:</p> <p>(a) 15 metres from the front boundary;</p> <p>(b) 10 metres from the rear boundary;</p> <p>(c) 5 metres from the side boundary; and</p> <p>(d) Outside any revegetation areas as shown on the Subdivision Guide Plan.</p> <p>6. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.</p>
SR5	Moortown Road, Gledhow Special Residential zone	<p>1. Subdivision of SR5 shall generally be in accordance with the Subdivision Guide Plan SR5 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be 4,000m².</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Industry – Cottage; • Home Occupation; and

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ul style="list-style-type: none"> • Home Office. <ol style="list-style-type: none"> 5. All buildings shall be confined within the designated building envelopes as shown on the Subdivision Guide Plan which shall achieve the following minimum setbacks: <ol style="list-style-type: none"> (a) 15 metres from Moortown Road; (b) 10 metres from Sydney Street (for the north-eastern most lot); (c) 5 metres from all other boundaries; and (d) 20 metres outside any vegetation protection areas as shown on the Subdivision Guide Plan. 6. The Local Government will require the installation of on-site effluent disposal systems as follows: <ol style="list-style-type: none"> (a) For the three southern most lots, all dwellings shall utilise standard septic tank/leach drain systems; (b) All other lots, all dwellings shall utilise approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems; and (c) For the two north-eastern most lots (fronting Moortown Road) and the western most lot (fronting Sydney Street), deep ripping of the effluent irrigation fields (to 750 millimetres in depth).
SR6	Morilla Road, Lower King Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR6 shall generally be in accordance with the Subdivision Guide Plan SR6 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000m². 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Industry – Cottage; • Educational Establishment; • Home Occupation; • Home Office; and • Public Utility. 5. On Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 22, 23, 24, 25, 26, 27 and 28 all buildings and water storage systems shall be confined within the designated building envelopes (maximum area 1,200m²) as shown on the Subdivision Guide Plan. 6. On Lots 7, 8, 9, 10, 11, 12 and 13 all dwellings shall be confined within the designated building envelopes (building area) as shown on the Subdivision Guide Plan.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>7. All buildings shall be setback:</p> <ul style="list-style-type: none"> (a) 30 metres from Nanarup Road, which may be reduced to 20 metres provided extensive vegetation screening as shown on the Subdivision Guide Plan is implemented; (b) 12 metres from the front boundary; (c) 12 metres from the rear boundary; and (d) 5 metres from the side boundary. (e) Outside any revegetation areas as shown on the Subdivision Guide Plan. <p>8. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. On Lots 26 and 27 all effluent shall be disposed of within the effluent disposal areas as shown on the Subdivision Guide Plan.</p>
SR7	Rufus Street, Milpara Special Residential zone	<p>1. Subdivision of SR7 shall generally be in accordance with the Subdivision Guide Plan SR7 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. A minimum lot size of 2,000m², subject to demonstrated land capability.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Educational Establishment; • Home Occupation; • Home Office; • Industry – Cottage; and • Public Utility. <p>5. All buildings shall be setback:</p> <ul style="list-style-type: none"> (a) 10 metres from the front boundary; and (b) 5 metres from any side/rear boundaries. <p>6. No building or on-site effluent disposal system shall be located within any creekline protection areas and/or building exclusion areas as shown on the Subdivision Guide Plan.</p> <p>7. Floor levels for dwellings shall achieve a minimum 1.1 metre vertical separation above the estimated maximum flood level as shown on the Subdivision Guide Plan.</p> <p>8. Floor levels for all other buildings shall achieve a minimum 600 millimetres vertical separation above the estimated maximum flood level as shown on the Subdivision Guide Plan.</p>

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>9. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.</p> <p>10. As per the annotation on the Subdivision Guide Plan, any revegetation plan required should include an analysis by a qualified aborist on the safety risk posed by the existing Sugar Gums and, where such trees are to be removed, they are to be replaced by local endemic species.</p> <p>11. No direct vehicular access is permitted from development on Lot 7 Rufus Street, Milpara to the proposed Henry Street extension.</p>
SR8	<p>La Perouse Court, Goode Beach Special Residential zone <i>AMD 13 GG 10/06/16</i></p>	<p>1. Subdivision of SR8 shall generally be in accordance with the Subdivision Guide Plan SR8 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be 2,000m².</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. <p>4. The following land uses are 'D' discretionary uses:</p> <p>(a) Holiday House</p> <ul style="list-style-type: none"> • Home Occupation; and • Home Office. <p>5. All buildings and effluent disposal systems shall be confined within the designated building envelopes (maximum area 900m²) as shown on the Subdivision Guide Plan.</p> <p>6. The erection of boundary fencing is not permitted. The Local Government may approve boundary fencing along lots adjoining the Lake Vancouver Public Open Space Reserve or Vancouver Beach Foreshore Reserve.</p> <p>7. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.</p> <p>8. The maximum height of buildings constructed within the zone shall be in accordance with Figure 1 – Measurement of Heights:</p> <div data-bbox="798 1590 1244 1904"> <p>Wall Height: Measures the height of any wall measured to the vertical distance between the Blue Line Height and the top plane of the wall or ceiling heights as illustrated in Fig 1.</p> <p>Side Slope Height: Measures the level of a roof determined from the following formula:</p> $(A \times B) + (C \times D) = \text{Side Slope Height}$ <p>Where A, B, C and D are the horizontal distances on the site within 2000m of the building envelope, not related to an adopted datum, and where there are more than two lines of measurement, the highest value shall be used. The formula is also noted as being determined by the above formula, the Council shall determine the Side Slope Height of the site.</p> </div>

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
SR9	Gladville Road, McKail Special Residential zone	<ol style="list-style-type: none"> 1. (a) Subdivision of SR9 shall generally be in accordance with the Subdivision Guide Plan SR9 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. (b) Although the Subdivision Guide Plan does not depict any subdivision of Lots 26, 27, 28, 29, 30, 31, 121, 122 and 301 Federal Street, the Local Government may recommend subdivision approval to the Commission provided that: <ol style="list-style-type: none"> (i) The design provides for a minimum lot size of 4,000m²; (ii) The proposed subdivision is suitable having regard to the physical characteristics of the site, capability and suitability considerations, adjoining development, on-site effluent disposal, proximity to the Attwell Park Speedway and Western Power substation and the need to preclude direct lot access to Albany Highway; and (iii) The proposed subdivision can be adequately serviced. (c) Subdivision of Lots 36-38 shall not be supported until such time as the Speedway has been permanently closed or relocated. 2. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. 3. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Educational Establishment; • Home Occupation; • Home Office; • Industry – Cottage; • Public Utility; and • Rural Pursuits (Rural Pursuits not permitted on Lots 17, 18 and 28 as shown on the Subdivision Guide Plan) 4. On Lot 301 Federal Street all buildings shall be confined within the designated building envelope as shown on the Subdivision Guide Plan. 5. On all other lots, all buildings shall be setback: <ol style="list-style-type: none"> (a) 12 metres from the front boundary; and (b) 5 metres from any side/rear boundaries. 6. No building, structure or tank shall be located within any building exclusion areas as shown on the Subdivision Guide Plan. 7. Lots 36-52 shall be required to provide a water tank of not less than 50,000 litres capacity to harvest rainwater for non-potable household and garden use. 8. On Lot 301 Federal Street all buildings shall achieve a minimum finished floor level of 10.50 metres AHD.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ol style="list-style-type: none"> 9. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. 10. Late Winter site testing for onsite effluent disposal capability on Lots 36-52 on the Subdivision Guide Plan may be required prior to subdivision, on the advice of the Local Government and/or the relevant State Government authority. <ol style="list-style-type: none"> (a) If the late winter site testing determines that the relevant requirements cannot be met and a reticulated sewerage service cannot be provided, subdivision will not be supported. (b) If the late winter site testing determines that the relevant requirements can be met, effluent disposal shall be undertaken with an approved Phosphorous Retaining Alternative Treatment Unit (ATU) to the specifications of the Local Government and the relevant State Government authority. 11. No direct vehicular access/egress onto Albany Highway is permitted. 12. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision for road upgrading contributions and upgrading to the existing drainage system within the road reserves on Gladville Road, Federal Street and/or McKail Road. 13. No development of Lot 301 is permitted until such time as a drainage study is prepared which details the location and width of a drainage easement capable of accommodating a 1:100 year storm event. 14. The provisions relating to Speedway Noise Buffering requirements relate only to Lots 36-52 as shown on the Subdivision Guide Plan. 15. Should the Local Government be satisfied that the Speedway is closed, operate in a manner that substantially the noise levels as of 2009 or relocated from its current site in Reddale Road, provisions relating to Speedway Noise Buffering will not be applicable to Lots 36-52 as shown on the Subdivision Guide Plan. 16. No additional habitable dwellings are permitted within the 71dB(A) noise buffer. 17. Further development of Lots 36-52 will be subject to quiet house design guidelines adopted by the Local Government, in addition to any other development requirements of the Scheme. 18. Existing development or alterations to existing development are to be excluded from the requirements of quiet house design guidelines adopted by the Local Government. 19. New titles created on Lots 36-52 are to require a notification on title advising new lot owners of the above requirements. 20. The subdivider shall ensure that any prospective purchaser of a lot within SR9 is advised in writing of: <ol style="list-style-type: none"> (a) There are potential clay mining deposits in the locality and as a result there is also the potential for associated heavy vehicle movements on local roads: and

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		(b) The existence and operations of the Attwell Park Speedway Noise Buffer Special Control Area.
SR10	Nanarup/Kula Roads, Lower King Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR10 shall generally be in accordance with the Subdivision Guide Plan <i>SR10</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000m². 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Educational Establishment; • Home Occupation; • Home Office; • Industry – Cottage; • Rural Pursuit (only on Lots 1, 2 and 3 as shown on the Subdivision Guide Plan); and • Public Utility. 5. All buildings and on-site effluent disposal systems shall be located a minimum of 75 metres from the high water mark of Oyster Harbour. 6. On Lots 4, 5, 9, 10, 11 and 12 all buildings shall be confined within the designated building envelope (maximum area 1,200m²) as shown on the Subdivision Guide Plan. 7. On Lots 7, 8 and 9 the Local Government shall ensure that the existing remnant vegetation (situated along the north and north-eastern boundaries of the lots) is retained as a visual buffer to screen the developments when viewed from Nanarup Road 8. All buildings shall be setback: <ol style="list-style-type: none"> (a) 30 metres from Nanarup Road; (b) 12 metres from the front boundary; (c) 5 metres from any side boundary; and (d) 12 metres from the rear boundary. 9. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. 10. The subdivider shall ensure that any prospective purchaser of a lot within SR10 is provided with an information sheet detailing the identification of invasive weeds and the measures required to control and remove such weed cover and revegetate with native species.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
SR11	Willyung Road, Willyung Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR11 shall generally be in accordance with the Subdivision Guide Plan <i>SR11</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000m². 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Educational Establishment; • Home Occupation; • Home Office; • Industry – Cottage; • Rural Pursuit (limited to livestock grazing); and • Public Utility. 5. All buildings and on-site effluent disposal systems shall be confined within the designated building envelope as shown on the Subdivision Guide Plan which has been determined according to the following criteria: <ol style="list-style-type: none"> (a) Outside the 1:100 floodway; (b) Outside of areas subject to inundation during winter months; (c) A minimum setback of 50 metres from the King River and creekline; (d) A minimum setback of 50 metres from the foreshore footpath/bridlepath; (e) A minimum setback of 20 metres from revegetation areas; (f) 30 metres from Willyung Road; and (g) 15 metres from all other boundaries. 6. Despite anything appearing elsewhere in the Scheme, the development of land within the 1:100-year floodway shown on the Subdivision Guide Plan is to be subject to the following: <ol style="list-style-type: none"> (a) Local Government approval is required for all development, including a Single House. (b) Development of habitable buildings within the floodway will not be permitted. (c) Finished floor levels in all habitable and other sensitive buildings on land within the flood fringe are to be a minimum of 500 millimetres above the predicted 1:100-year flood level. (d) A suitable alternative treatment system shall be required to for on-site effluent disposal within the flood fringe. (e) Roads, bridges, buildings, structures, fences (other than post and rail or post and wire), and the filling of land are not to be constructed or undertaken without the approval of the Local

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>Government having regard for advice from the relevant water management agency.</p> <p>7. The subdivider shall ensure that any prospective purchaser of a lot within SR11:</p> <p>(a) Is provided with an information sheet which outlines the objectives of the river wildlife corridor, discourages the keeping of pets on lots adjacent to the corridor and promotes measures that should be taken to minimise the impacts pets have on native fauna (for example night cat curfews and keeping dogs on leashes).</p> <p>(b) For those lots located within the 1:100-year floodplain are advised of provision 6 above.</p> <p>8. The subdivider shall place a notification on the Certificate of Title of all lots within the 1:100-year floodplain regarding the requirements of provision 6 above.</p>
SR12	Deloraine Drive/Warrenup Place, Warrenup Special Residential zone	<p>1. Subdivision of SR12 shall generally be in accordance with the Subdivision Guide Plan SR12 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be 4,000m².</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Home Occupation; • Home Office; • Industry – Cottage; • Rural Pursuit (limited to livestock grazing); and • Public Utility. <p>5. All buildings, tanks and on-site effluent disposal systems shall be located outside any building exclusion areas, development exclusion areas and/or remnant vegetation/tree shrub planting areas as shown on the Subdivision Guide Plan.</p> <p>6. Boundary fences shall not be permitted within areas of remnant vegetation identified on the Subdivision Guide Plan. Property boundaries may be identified by using bollards or cairns located so as to avoid clearing of significant vegetation.</p> <p>7. All buildings shall be setback:</p> <p>(a) 20 metres from Kooyong Avenue;</p> <p>(b) 10 metres from any other public road; and</p> <p>(c) 5 metres from all other boundaries.</p>

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ol style="list-style-type: none"> 8. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. 9. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision for the provision of a fauna underpass adjoining the 'Parks and Recreation' reserve to the specifications of the relevant State Government authority. 10. Notwithstanding any other provisions of the scheme, buildings located on Lot 14 Rocky Crossing Road and lots indicated on the Subdivision Guide Plan for Lot 2 Rocky Crossing Road shall be constructed to AS 3959, BAL-19. This higher construction standard is required to mitigate bush fire risk while preserving the natural qualities of the site. 11. The Local Government may request the Western Australian Planning Commission impose a condition at the time of subdivision requiring a geotechnical site investigation of the former sand mining and landfill areas to determine and implement, to the satisfaction of the relevant environmental authority, any remediation and decontamination measures necessary to ensure suitability of the land for residential development.
SR13	Hayn Road, Goode Beach Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR13 shall generally be in accordance with the Subdivision Guide Plan SR13 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 6,000m². 3. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. 4. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> (a) Home Occupation; (b) Home Office; (c) Industry – Cottage; and (d) Public Utility. 5. All buildings shall be located outside any development exclusion areas as shown on the Subdivision Guide Plan. 6. All buildings, tanks and structures shall be confined to a designated building envelope (maximum area 1,200m²) and shall achieve the following minimum setbacks: <ul style="list-style-type: none"> (a) 20 metres from the front boundary; and (b) 10 metres from all other boundaries. 7. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. 8. The erection of boundary fencing shall be restricted to the designated building envelope and/or road frontage and 15 metres return along side boundaries.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>9. Prior to any subdivision earthworks, soil disturbance or excavation being commenced, the applicant shall conduct an unexploded ordnance survey to determine whether or not a potential threat from unexploded ordnance exists in consultation with the UXO Unit of the Western Australian Police Service.</p> <p>10. The Local Government may request the Western Australian Planning Commission to impose a condition at the time of subdivision for the ceding of the public open space as shown on the Subdivision Guide Plan.</p>
SR14	Lancaster Road, McKail Special Residential zone	<p>1. Subdivision of SR14 shall generally be in accordance with the Subdivision Guide Plan <i>SR14</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be 2,000m².</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. <p>4. The following land uses are 'D' discretionary uses:</p> <ul style="list-style-type: none"> • Home Business; • Home Occupation; • Home Office; • Industry – Cottage; • Public Utility; and • Rural Pursuit (limited to livestock grazing on lots exceeding 4,000m² in area). <p>5. All buildings shall be setback:</p> <p>(a) 12 metres from the front boundary; and</p> <p>(b) 5 metres from all other boundaries.</p> <p>6. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings.</p>
SR18	King River Drive, Lower King Special Residential zone	<p>1. Subdivision of SR18 shall generally be in accordance with the Subdivision Guide Plan <i>SR18</i> endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission.</p> <p>2. The minimum lot size shall be 5,000 metres.</p> <p>3. The following land uses are 'P' permitted uses:</p> <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. <p>4. The following land uses are 'D' discretionary uses:</p> <p>2. Home Business;</p> <p>3. Home Occupation;</p>

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ol style="list-style-type: none"> 4. Home Office; 5. Industry – Cottage; 6. Public Utility; and 7. Rural Pursuit. <ol style="list-style-type: none"> 5. All buildings, water storage systems and on-site effluent disposal systems shall be confined within the designated building envelope as shown on the Subdivision Guide Plan which has been determined according to the following criteria: <ol style="list-style-type: none"> (a) Outside the 1:100 floodplain area; (b) Outside of areas subject to inundation during winter months; (c) A minimum setback of 50 metres from the King River and creekline; (d) A minimum setback of 50 metres from the foreshore footpath/bridlepath; (e) A minimum setback of 20 metres from revegetation areas; and (f) 15 metres from all lot boundaries. 6. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. 7. The subdivider shall ensure that any prospective purchaser of a lot within SR1 is provided with an information sheet that outlines the objectives of the river wildlife corridor, discourages the keeping of pets on lots adjacent to the corridor and promotes measures that should be taken to minimise the impacts pets have on native fauna (for example night cat curfews and keeping dogs on leashes). 8. The subdivider shall place a notification on title in the form of a memorial on the Certificate of Title advising of the existence of a hazard to state: <p><i>“This lot is in close proximity to mosquito breeding areas. The Mosquito species is known to carry Ross River Virus and other diseases.”</i></p>
SR20	Henry Street, Warrenup Special Residential zone	<ol style="list-style-type: none"> 1. Subdivision of SR20 shall generally be in accordance with the Subdivision Guide Plan SR20 endorsed by the CEO, with any minor variations approved by the Western Australian Planning Commission. 2. The minimum lot size shall be 4,000 metres. 3. The following land uses are ‘P’ permitted uses: <ul style="list-style-type: none"> • Ancillary Dwelling; and • Single House. 4. The following land uses are ‘D’ discretionary uses: <ul style="list-style-type: none"> • Home Occupation; • Home Office; • Industry – Cottage; and

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ul style="list-style-type: none"> Public Utility. <ol style="list-style-type: none"> All buildings and tanks shall be located outside any remnant vegetation/tree shrub planting areas as shown on the Subdivision Guide Plan and shall achieve the following minimum setbacks: <ol style="list-style-type: none"> 10 metres from any public road; and 5 metres from all other boundaries. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. The subdivider shall place a memorial on the Certificate of Title of proposed Lots 6 and 7 as shown on the Subdivision Guide Plan advising that the battleaxe legs are located below the 1:100 year flooding level (30.64 metres AHD) and therefore may be inundated in significant storm events, resulting in potential damage to the surface of the access leg. At the time of subdivision to create any of the Lots 1 to 5 the western extent of the POS reserve is to be reviewed based on up to date flood and drainage information revealed within the Wilyung Creek Flood Study, and/or subsequent flood study.
SR21	<p>Lot 11 Nanarup Road, Kalgan (shown as SR 21 on the Scheme Maps)</p> <p>AMD 10 GG 10/02/17</p>	<ol style="list-style-type: none"> Subdivision shall have a maximum yield of five (5) lots, with a minimum lot size of 2,500m², subject to the following issues being resolved to the satisfaction of the Western Australian Planning Commission: <ol style="list-style-type: none"> Bushfire Management to minimise bushfire risk; Access to all lots in the subdivision is to be direct from existing Lot 11 to Nanarup Road, in a location to the satisfaction to the local government, and is not to utilise Kalgonak Lane; and Effluent Disposal and Geotechnical Investigations to demonstrate suitability for on-site effluent disposal capability. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> Ancillary Dwelling; and Single House. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> Home Occupation; Home Office; Industry – Cottage; and Public Utility. Development is to be in accordance with the requirements of the R5 density code of the R-Codes of Western Australia. The Local Government will require the installation of approved alternative effluent disposal systems using amended soils, aerobic treatment or combination systems to service all dwellings. The City of Albany may request the Western Australian Planning Commission to impose a memorial on the Certificate of Title advising of the existence of a hazard to state:

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<p>"This lot is in close proximity to mosquito breeding areas. The Mosquito species is known to carry Ross River Virus and other diseases."</p> <p>7. The City of Albany may request the Western Australian Planning Commission to impose a condition at the time of subdivision requiring a notification to be placed on the certificates of title of the proposed lots. The notification shall advise that the lots may be affected by the ongoing operation and possible future expansion of the Great Southern Grammar.'</p>
SR22	<p>Lots 105 and 106 Nanarup/Kula Roads, Lower King Special Residential Zone.</p> <p>AMD 6 GG 21/09/2021</p>	<ol style="list-style-type: none"> 1. Prior to subdivision, a local structure plan to be prepared and endorsed by WAPC which identifies but is not limited to: <ul style="list-style-type: none"> - Building envelopes of less than 1,200 metre square - Vegetation protection area - Bushfire access - Foreshore reserve area - Development Exclusion Areas 2. The minimum lot size shall be one hectare (1 ha) and development shall be in accordance with the requirements for sewerage sensitive areas as per the Government Sewerage Policy. 3. All buildings and on-site effluent disposal systems shall be: <ul style="list-style-type: none"> - Located a minimum of 100 metres from the high-water mark of Oyster Harbour. - Provide a site and soil evaluation report or a recognised equivalent. - Confined within the designated building envelope (maximum area 1,200m²) as delineated in the WAPC approved Structure Plan. - Notification on Title for the requirement of clean fill, to assist drainage, where required. 4. The Local Government will require the installation of approved alternative effluent disposal systems, including nutrient removal, using amended soils, aerobic treatment or combination systems to service all dwellings. 5. Asset Protection Zones shall be shown on the structure plan and located outside of the Development Exclusion Area. 6. The Development Exclusion Area (DEA) is to exclude buildings, effluent disposal, clearing of vegetation; and a vegetation management plan being prepared, approved and implemented for the DEA. 7. The Local Structure plan is to identify a Development Exclusion Area based on: <ul style="list-style-type: none"> - No development, effluent disposal or clearing of vegetation permitted in DEA. - Prior to development/subdivision an environmental management plan to be prepared, approved and implemented to the satisfaction of DWER, in consultation with DBCA.

No.	Specified Special Residential Zone	Special Provisions Applying to Specified Special Residential Zone
		<ol style="list-style-type: none"> 8. At subdivision, a notification, pursuant to Section 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificates of title of lots which contain the Development Exclusion Area advising of the existence of a Vegetation/ Environmental Management Plan which requires the landowners to maintain the area. 9. Notifications to be placed on titles for lots abutting the foreshore to protect vegetation. "Any clearing within the area south of the designated Fire Service Access (low fuel link) requires the approval of the Department of Water and Environmental Regulation." 10. Extension of Foreshore Reserve area to be provided at subdivision. South of the low fuel link, vegetation is to be retained: <ol style="list-style-type: none"> i. Land identified as Foreshore Reserve is to be ceded as a condition of subdivision. ii. Common lot boundaries and foreshore boundaries to be marked by bollards or similar. 11. Prior to subdivision, a stormwater management plan being developed and implemented to the specifications of the City of Albany. 12. The following land uses are 'P' permitted uses: <ul style="list-style-type: none"> • Single House; and • Ancillary Dwelling. 13. The following land uses are 'D' discretionary uses: <ul style="list-style-type: none"> • Home Occupation; • Home Office; • Industry — Cottage; and • Public Utility. 14. The Local Government will ensure that the existing remnant vegetation (situated along the north and north-eastern boundaries of the lots) is retained as a visual buffer to screen the developments when viewed from Nanarup Road. 15. All buildings shall be setback: <ol style="list-style-type: none"> (a) 30 metres from Nanarup Road; (b) 12 metres from the front boundary; (c) 5 metres from any side boundary; and (d) 12 metres from the rear boundary. 16. The subdivider shall ensure that any prospective purchaser of a lot within SR22 is provided with an information sheet detailing the identification of invasive weeds and the measures required to control and remove such weed cover and revegetate with native species.

Adoption

ADOPTED by resolution of the City of Albany at the Ordinary Local Government Meeting held on the 17th day of February 2009.

Mayor

Chief Executive Officer

Final Approval

ADOPTED for final approval by resolution of the City of Albany at the Ordinary Local Government Meeting held on the 30th day of April 2013. The Common Seal of the City of Albany was hereunto affixed pursuant to that resolution in the presence of:

Mayor

Chief Executive Officer

Recommended/Submitted for Final Approval

DELEGATED UNDER S.16 OF THE *PLANNING
AND DEVELOPMENT ACT 2005*

Date_____

Final Approval Granted

MINISTER FOR PLANNING

Date_____