

CITY OF ALBANY

Local Planning Scheme No. 2

Updated to include AMD 4 GG 17/01/2025



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal
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Disclaimer

This is a copy of the Local Planning Scheme produced from an electronic version of the Scheme held and maintained by the Department of Planning, Lands and Heritage. Whilst all care has been taken to accurately portray the current Scheme provisions, no responsibility shall be taken for any omissions or errors in this documentation.

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 2 — TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
Scheme	27/02/2024		HB	Scheme Text
4	17/01/2025	28/01/2025	GL	Rezone Lots 72 and 955, Stranmore Blvd, Bayoney Head, from the 'Urban Development' zone to the 'Residential' zone and including a density code of R60.

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Part 1 – Preliminary

1. Citation

This local planning scheme is the City of Albany Scheme No. 2.

2. Commencement

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

3. Scheme revoked

The following local planning scheme is revoked:

City of Albany Local Planning Scheme No.1, Gazetted date 28 April 2014

4. Notes do not form part of Scheme

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

Note: The Interpretation Act 1984 s. 32 makes provision in relation to whether headings form part of the written law.

5. Responsibility for Scheme

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.

6. Scheme area

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

7. Contents of Scheme

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) including any supplemental deemed provisions outlined in Table 6 and Table 7 of Schedule A of the Scheme text;
- (b) The Scheme Map;
- (c) The following plans, maps, diagrams, illustrations or materials —
- (d) There are no plans, maps, diagrams, illustrations or materials in addition to the provisions set out in this document.
- (e) The Scheme is to be read in conjunction with the Albany Local Planning Strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to:

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

9. Aims of Scheme

The aims of this Scheme are:

- (a) Implement the planning direction of the Albany Local Planning Strategy.
- (b) 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.
- (c) To improve the overall sustainability of buildings within the City through the incorporation of the measures including reduced energy use, recycling/reuse of water and innovative housing solutions.
- (d) Define by zoning and reservation of land use and the types of development permitted on land to assist in guiding decisions of investors, public authorities, residents and business people.
- (e) Regulate public and private development, the use of land and the carrying out of works in order to achieve a high quality of life for residents.
- (f) Promote the conservation and management of the natural environment and the sustainable management of all-natural resources including water, land, minerals and basic raw materials to prevent land degradation.
- (g) Promote a hierarchy of commercial activity within a framework which consolidates central area functions, promotes strong neighbourhood centres and rehabilitates and revitalises existing premises.
- (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 and conserve Albany's unique cultural heritage. Promote awareness of Aboriginal and historic heritage, including the conservation and protection of historic buildings, areas, precincts and places of archaeological significance.
- (j) Set aside adequate land to accommodate the employment and industrial needs of residents within the Scheme area.
- (k) Protect rural land for agricultural production and minimise land use conflicts.

10. 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.

11. Relationship with other local planning schemes

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

12. Relationship with region planning scheme

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

Part 2 – Reserves

13. Regional reserves

There are no regional reserves in the Scheme area.

14. Local reserves

(1) In this clause —

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

Western Australian Road Hierarchy means the document of that name available on the website maintained by the responsible state department/s responsible for State roads.

(2) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.

(3) The objectives of each local reserve are as follows —

Table 1. Reserve objectives

Reserve Name	Objectives
Public open space	- To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s.152. - To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental conservation	- 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.
Foreshore	- To set aside areas for foreshore reserve that adjoin or directly influences a waterway or coastline. - To provide for the protection of natural values and processes, a range of active and passive recreational uses, cultural and community activities, activities promoting community education of the environment and/or uses that are compatible with and/ or support the amenity of the reservation.
Civic and community	- To provide for a range of community facilities which are compatible with surrounding development. - To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged, and other services by organisations involved in activities for community benefit.
Social care facilities	Civic and Community which specifically provide for a range of essential social care facilities.
Cultural facilities	Civic and Community which specifically provide for a range of essential cultural facilities.
Public purposes	To provide for a range of essential physical and community infrastructure.
Medical services	Public Purposes which specifically provide for a range of essential medical services.

Reserve Name	Objectives
Infrastructure services	Public Purposes which specifically provide for a range of essential infrastructure services.
Education	Public Purposes which specifically provide for a range of essential education services.
Emergency services	Public Purposes which specifically provide for a range of essential emergency services.
Heritage	Public Purposes which specifically provide for a range of heritage purposes.
Government services	Public Purposes which specifically provide for a range of government services.
Recreational	Public Purposes which specifically provide for a range of public recreational facilities.
Cemetery	To set aside land required for a cemetery.
Car park	To set aside land required for a car park.
Drainage / waterway	To set aside land required for significant waterways and drainage.
Railways	To set aside land required for passenger rail and rail freight services.
Primary distributor road	To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District distributor road	To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local road	To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Special purpose	- To set aside land for a special purpose. - Purposes that do not comfortably fit in any other reserve classification.
Strategic infrastructure	To set aside land required for port or airport facilities.

15. Additional uses for local reserves

- (1) Schedule 1 sets out —
 - (a) Classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and
 - (b) The conditions that apply to that additional use.
- (2) Despite anything contained in clause 14, land that is specified in the Schedule to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

Part 3 – Zones and Use of Land

16. Zones

- (1) Zones are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each zone are as follows —

Table 2. Zone objectives

Zone name	Objectives
Residential	• To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development. • 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.
Urban development	• To provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme. • To provide for a range of residential densities to encourage a variety of residential accommodation. • To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. • To protect land required for future residential development from non-compatible subdivision or development.
Rural	• To provide for the maintenance or enhancement of specific local rural character. • To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley, waterway and wetland systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Priority agriculture	• To identify land of State, regional or local significance for food production purposes. • To retain priority agricultural land for agricultural purposes. • To limit the introduction of sensitive land uses which may compromise existing, future and potential agricultural production.
Rural enterprise	• To provide for light industrial and ancillary residential development on 1 lot. • To provide for lot sizes in the range of 1 ha to 4 ha. • To carefully design rural enterprise estates to provide a reasonable standard of amenity without limiting light industrial land uses.

Zone name	Objectives
	To notify prospective purchasers of potential amenity impacts from light industrial land uses.
Rural residential	- To provide for lot sizes in the range of 1 ha to 4 ha. - To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. - To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural smallholdings	- To provide for lot sizes in the range of 4 ha to 40 ha. - To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. - To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural townsite	To provide for a range of land uses that would typically be found in a small country town.
Environmental conservation	- To identify land set aside for environmental conservation purposes. - To provide for the preservation, maintenance, restoration or sustainable use of the natural environment. - To provide for residential uses 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.
Light industry	- To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. - To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General industry	- To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. - To accommodate industry that would not otherwise comply with the performance standards of light industry. - Seek to manage impacts such as noise, dust and odour within the zone.
Industrial development	- To designate land for future industrial development. - To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.
Strategic industry	To designate industrial sites of State or regional significance.
Commercial	- To provide for a range of shops, offices, restaurants/cafés and other commercial outlets in defined townsites or activity centres. - To ensure that development is not detrimental to the amenity of adjoining owners or residential properties within the streetscape in the locality.

Zone name	Objectives
Neighbourhood centre	• To provide services for the immediate neighbourhoods, that are easily accessible, which do not adversely impact on adjoining residential areas. • To provide for neighbourhood and/or local centres to focus on the main daily household shopping and community needs. • To encourage high quality, pedestrian-friendly, street-orientated development. • To provide a focus for medium density housing. • To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community.
Mixed use	• To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels. • To allow for the development of a mix of varied but compatible land uses such as housing, offices, showrooms, amusement centres, eating establishments and appropriate industrial activities which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents.
Service commercial	• To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. • To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in, the central area, shops and offices or industrial zones.
Regional centre	• To provide a range of services and uses to cater for both the local and regional community, including but not limited to specialty shopping, restaurants/cafes and entertainment. • To ensure that there is provision to transition between the uses in the regional centre and the surrounding residential areas to ensure that the impacts from the operation of the regional centre are minimised. • To provide a broad range of employment opportunities to encourage diversity and self-sufficiency within the Centre. • To encourage high quality, pedestrian-friendly, street-orientated development that responds to and enhances the key elements of the Regional Centre, to develop areas for public interaction and support the provision of public transport. • To ensure the provision of residential opportunities within the Regional Centre including high density housing and tourist accommodation that supports the role of the regional centre and meets the needs to the community.
Tourism	• To promote and provide for tourism opportunities. • To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area. • To allow limited residential uses where appropriate. • To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.

Zone name	Objectives
Special use	• To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.
Private community purposes	• To provide sites for privately owned and operated recreation, institutions and places of worship. • To integrate private recreation areas with public recreation areas wherever possible. • To separate potentially noisy engine sports from incompatible uses. • To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. • To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Cultural and natural resource	• To support the preservation of Aboriginal heritage and culturally significant areas. • To provide for the conservation of landscape and environmental areas and values. • To provide for economic development that balances cultural and conservation values. • Allow for low impact tourism development including limited tourist accommodation and camping areas. • Allow land uses associated with Aboriginal heritage, traditional law and culture.

17. Zoning Table

The zoning Table for this Scheme is as follows —

Table 3. Zoning table

Land Use	Residential	Urban Development	Rural	Priority Agriculture	Rural Enterprise	Rural Residential	Rural Smallholdings	Rural Townsite	Environmental Conservation	Light Industry	General Industry	Industrial Development	Strategic Industry	Commercial	Neighbourhood Centre	Mixed Use	Service Commercial	Regional Centre	Tourism	Private Community Purposes	Cultural and Natural Resource	Special Use
Abattoir	X	X	A	A	X	X	X	X	X	X	A	X	X	X	X	X	X	X	X	X	X	Land use permissibility in accordance with clause. 21 and Table 11 of Schedule 4.
Agriculture — Extensive	X	D	P	P	X	X	D	X	X	X	X	A	D	X	X	X	X	X	X	X	P	
Agriculture — Intensive	X	X	D	D	A	X	A	X	X	X	X	A	D	X	X	X	X	X	X	X	D	
Amusement Parlour	X	X	X	X	X	X	X	A	X	X	X	X	X	D	D	A	X	D	A	X	X	
Ancillary Dwelling	P	D	P	D	D	P	P	D	D	X	X	X	X	X	X	D	X	I	X	X	I	
Animal Establishment	X	X	D	D	A	X	D	X	X	X	X	A	A	X	X	X	X	X	X	X	A	

Land Use	Residential	Urban Development	Rural	Priority Agriculture	Rural Enterprise	Rural Residential	Rural Smallholdings	Rural Townsite	Environmental Conservation	Light Industry	General Industry	Industrial Development	Strategic Industry	Commercial	Neighbourhood Centre	Mixed Use	Service Commercial	Regional Centre	Tourism	Private Community Purposes	Cultural and Natural Resource	Special Use
Animal Husbandry — Intensive	X	X	A	A	X	X	X	X	X	X	X	A	A	X	X	X	X	X	X	X	A	Land use permissibility in accordance with clause. 21 and Table 11 of Schedule 4.
Art Gallery	X	A	A	A	A	X	A	D	X	P	P	D	X	P	P	P	X	P	D	P	A	
Bed and Breakfast	A	A	D	D	X	A	A	D	A	X	X	X	X	X	X	A	X	A	X	X	D	
Betting Agency	X	X	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	P	X	X	X	
Brewery	X	X	A	A	A	X	A	A	X	D	D	D	X	D	A	A	D	D	X	X	X	
Bulky Goods Showroom	X	X	X	X	X	X	X	X	X	X	X	X	X	P	D	X	D	D	X	X	X	
Caravan Park	X	X	I	I	X	X	X	A	X	X	X	X	X	X	X	X	X	X	A	X	A	
Caretaker's Dwelling	X	X	I	I	X	X	X	X	X	I	I	I	I	X	X	X	X	X	I	X	I	
Car Park	X	X	X	X	X	X	X	X	X	D	D	X	X	D	P	D	D	D	X	X	I	

Land Use	Residential	Urban Development	Rural	Priority Agriculture	Rural Enterprise	Rural Residential	Rural Smallholdings	Rural Townsite	Environmental Conservation	Light Industry	General Industry	Industrial Development	Strategic Industry	Commercial	Neighbourhood Centre	Mixed Use	Service Commercial	Regional Centre	Tourism	Private Community Purposes	Cultural and Natural Resource	Special Use
Child Care Premises	A	X	X	X	X	X	X	A	X	X	X	X	X	A	D	A	X	A	X	X	A	Land use permissibility in accordance with clause. 21 and Table 11 of Schedule 4.
Cinema/Theatre	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D	X	X	P	X	X	X	
Civic Use	A	X	D	X	D	X	A	D	X	D	P	A	X	A	D	D	A	D	A	X	X	
Club Premises	X	X	D	X	D	X	A	A	X	D	X	X	X	A	A	A	D	D	X	P	X	
Commercial Vehicle Parking	A	A	A	A	D	A	A	A	A	D	D	D	D	A	X	A	D	A	X	I	A	
Community Purpose	D	X	D	A	X	X	D	A	X	D	X	X	X	D	D	P	D	P	A	D	X	
Consulting Rooms	A	X	X	X	X	X	X	D	X	X	X	X	X	P	P	P	X	P	X	X	X	
Convenience Store	X	X	X	X	X	X	X	D	X	X	X	X	X	A	P	D	X	A	I	X	X	
Corrective Institution	X	X	A	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

Land Use	Residential	Urban Development	Rural	Priority Agriculture	Rural Enterprise	Rural Residential	Rural Smallholdings	Rural Townsite	Environmental Conservation	Light Industry	General Industry	Industrial Development	Strategic Industry	Commercial	Neighbourhood Centre	Mixed Use	Service Commercial	Regional Centre	Tourism	Private Community Purposes	Cultural and Natural Resource	Special Use
Educational Establishment	A	A	A	X	X	X	X	A	X	A	X	X	X	D	X	A	X	P	X	D	D	Land use permissibility in accordance with clause. 21 and Table 11 of Schedule 4.
Exhibition Centre	X	X	A	A	X	X	X	A	X	X	X	D	X	A	D	A	A	P	A	D	X	
Family Day Care	D	X	D	X	X	X	A	A	X	X	X	X	X	X	X	A	X	X	X	X	X	
Fast Food Outlet	X	X	X	X	X	X	X	X	X	D	X	X	X	D	D	X	X	A	X	X	X	
Fuel Depot	X	X	X	X	D	X	X	X	X	X	D	A	D	X	X	X	X	X	X	X	X	
Funeral Parlour	X	X	X	X	X	X	X	X	X	D	D	X	X	A	X	A	A	A	X	X	X	
Garden Centre	X	X	D	X	A	X	A	A	X	P	P	A	X	D	D	X	P	X	X	D	D	
Grouped Dwelling	D	X	A	A	X	X	X	X	X	X	X	X	X	X	X	D	X	D	X	X	D	
Holiday Accommodation	D	X	X	X	X	X	X	A	X	X	X	X	X	A	X	A	X	D	X	X	X	

Land Use	Residential	Urban Development	Rural	Priority Agriculture	Rural Enterprise	Rural Residential	Rural Smallholdings	Rural Townsite	Environmental Conservation	Light Industry	General Industry	Industrial Development	Strategic Industry	Commercial	Neighbourhood Centre	Mixed Use	Service Commercial	Regional Centre	Tourism	Private Community Purposes	Cultural and Natural Resource	Special Use
Holiday House	A	A	A	X	X	X	D	D	X	X	X	X	X	X	X	A	X	D	X	X	P	Land use permissibility in accordance with clause. 21 and Table 11 of Schedule 4.
Home Business	A	A	D	D	I	D	A	A	D	X	X	X	X	X	X	A	X	A	X	X	D	
Home Occupation	D	D	D	D	I	D	D	D	D	X	X	X	X	X	X	D	X	A	X	X	P	
Home Office	I	I	I	I	I	I	I	I	I	X	X	X	X	X	X	I	X	I	X	X	I	
Home Store	X	X	X	X	X	X	X	A	X	X	X	X	X	X	X	D	X	A	X	X	X	
Hospital	X	X	X	X	X	X	X	X	X	X	X	X	X	D	X	A	X	D	X	X	X	
Hotel	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D	A	X	X	
Independent Living Complex	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Industry	X	X	X	X	X	X	X	A	X	X	P	A	D	D	X	X	X	X	X	X	X	
Industry — Cottage	A	A	D	D	P	D	D	D	D	P	X	X	X	X	X	P	X	A	X	D	D	

Land Use	Residential	Urban Development	Rural	Priority Agriculture	Rural Enterprise	Rural Residential	Rural Smallholdings	Rural Townsite	Environmental Conservation	Light Industry	General Industry	Industrial Development	Strategic Industry	Commercial	Neighbourhood Centre	Mixed Use	Service Commercial	Regional Centre	Tourism	Private Community Purposes	Cultural and Natural Resource	Special Use
Industry — Extractive	X	X	A	A	X	X	X	X	X	X	X	A	D	X	X	X	X	X	X	X	D	Land use permissibility in accordance with clause. 21 and Table 11 of Schedule 4.
Industry — Light	X	X	X	X	P	X	X	A	X	P	P	A	D	D	X	A	D	X	X	X	X	
Industry — Primary Production	X	X	A	A	D	X	A	A	X	X	X	A	D	X	X	X	X	X	X	X	X	
Industry — Rural	X	X	D	D	D	X	D	A	X	X	D	X	D	X	X	X	X	X	X	X	X	
Liquor Store — Large	X	X	X	X	X	X	X	X	X	X	X	X	X	D	A	A	A	A	X	X	X	
Liquor Store — Small	X	X	X	X	X	X	X	A	X	X	X	X	X	D	D	A	X	D	X	X	X	
Lunch Bar	X	X	X	X	X	X	X	X	X	P	D	D	X	P	D	A	P	P	X	X	X	
Marina	X	X	X	X	X	X	X	X	X	X	X	D	D	X	X	X	X	D	X	X	X	

Land Use	Residential	Urban Development	Rural	Priority Agriculture	Rural Enterprise	Rural Residential	Rural Smallholdings	Rural Townsite	Environmental Conservation	Light Industry	General Industry	Industrial Development	Strategic Industry	Commercial	Neighbourhood Centre	Mixed Use	Service Commercial	Regional Centre	Tourism	Private Community Purposes	Cultural and Natural Resource	Special Use
Marine Filling Station	X	X	X	X	X	X	X	X	X	P	D	P	D	X	X	X	X	X	X	X	X	Land use permissibility in accordance with clause. 21 and Table 11 of Schedule 4.
Market	X	X	X	X	X	X	X	A	X	D	X	D	X	D	A	D	D	D	X	X	A	
Medical Centre	X	X	X	X	X	X	X	A	X	X	X	X	X	D	D	D	X	D	X	X	X	
Mining Operations	X	X	A	A	X	X	X	X	X	X	X	A	D	X	X	X	X	X	X	X	D	
Motel	X	X	X	X	X	X	X	A	X	X	X	X	X	X	X	X	D	D	A	X	X	
Motor Vehicle, Boat or Caravan Sales	X	X	X	X	X	X	X	X	X	D	D	D	X	D	X	X	P	X	X	X	X	
Motor Vehicle/Boat Repair	X	X	X	X	P	X	X	X	X	P	D	D	X	D	X	X	D	X	X	X	X	
Motor Vehicle Wash	X	X	X	X	X	X	X	X	X	D	P	D	X	D	D	X	D	X	X	X	X	
Multiple Dwelling	D	X	X	X	X	X	X	X	X	X	X	X	X	X	A	D	X	D	X	X	D	

Part 3

Land Use	Residential	Urban Development	Rural	Priority Agriculture	Rural Enterprise	Rural Residential	Rural Smallholdings	Rural Townsite	Environmental Conservation	Light Industry	General Industry	Industrial Development	Strategic Industry	Commercial	Neighbourhood Centre	Mixed Use	Service Commercial	Regional Centre	Tourism	Private Community Purposes	Cultural and Natural Resource	Special Use
Night Club	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	X	Land use permissibility in accordance with clause. 21 and Table 11 of Schedule 4.
Office	X	X	X	X	I	X	X	X	X	I	I	I	I	D	D	D	I	P	I	X	X	
Park Home Park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	A	X	X	
Place of Worship	A	X	A	X	X	X	X	D	X	A	X	X	X	A	X	A	X	A	X	D	D	
Reception Centre	X	X	A	X	X	X	X	A	X	X	X	X	X	X	X	X	X	A	A	P	D	
Recreation – Private	A	X	D	A	P	X	A	A	X	D	D	X	X	D	D	A	D	D	A	A	D	
Renewable Energy Facility	X	X	A	A	X	X	X	D	X	D	D	A	X	X	X	X	X	X	X	X	A	
Repurposed Dwelling	D	D	D	D	I	D	D	D	D	X	X	X	X	X	X	D	X	D	X	X	D	
Residential Aged Care Facility	A	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

Land Use	Residential	Urban Development	Rural	Priority Agriculture	Rural Enterprise	Rural Residential	Rural Smallholdings	Rural Townsite	Environmental Conservation	Light Industry	General Industry	Industrial Development	Strategic Industry	Commercial	Neighbourhood Centre	Mixed Use	Service Commercial	Regional Centre	Tourism	Private Community Purposes	Cultural and Natural Resource	Special Use
Residential Building	A	X	X	X	X	X	X	X	X	X	X	X	X	X	X	A	X	A	X	X	D	Land use permissibility in accordance with clause. 21 and Table 11 of Schedule 4.
Resource Recovery Centre	X	X	A	X	X	X	X	X	X	D	D	D	X	D	D	D	X	D	X	D	X	
Restaurant/Cafe	X	X	A	A	X	X	X	D	X	X	X	X	X	A	P	D	X	P	D	D	D	
Restricted Premises	X	X	X	X	X	X	X	X	X	D	D	X	X	X	X	X	X	X	X	X	X	
Road House	X	X	X	X	X	X	X	D	X	X	D	A	X	X	X	X	X	X	X	X	X	
Rural Home Business	X	X	D	D	I	X	D	D	X	X	X	X	X	X	X	X	X	X	X	X	X	
Rural Pursuit/Hobby Farm	X	A	P	P	P	D	D	D	X	X	X	X	X	X	X	X	X	X	X	X	D	
Second-hand Dwelling	D	D	D	D	I	D	D	D	D	X	X	X	X	X	X	D	X	D	X	X	D	

Land Use	Residential	Urban Development	Rural	Priority Agriculture	Rural Enterprise	Rural Residential	Rural Smallholdings	Rural Townsite	Environmental Conservation	Light Industry	General Industry	Industrial Development	Strategic Industry	Commercial	Neighbourhood Centre	Mixed Use	Service Commercial	Regional Centre	Tourism	Private Community Purposes	Cultural and Natural Resource	Special Use
Serviced Apartment	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	D	X	D	D	X	X	Land use permissibility in accordance with clause. 21 and Table 11 of Schedule 4.
Service Station	X	X	X	X	X	X	X	A	X	A	A	A	X	A	D	X	A	A	X	X	A	
Shop	X	X	X	X	X	X	X	A	X	I	X	X	X	D	P	I	I	P	I	X	X	
Single House	P	D	D	D	I	D	D	D	D	X	X	X	X	X	X	P	X	D	X	X	D	
Small Bar	X	X	A	X	X	X	X	X	X	X	X	X	X	A	A	D	X	D	A	A	X	
Tavern	X	X	A	X	X	X	X	X	X	X	X	X	X	X	A	X	X	D	A	X	X	
Telecommunications Infrastructure	D	D	D	D	D	A	D	D	A	D	D	A	D	D	P	D	D	D	D	D	D	
Tourist Development	X	X	I	I	X	X	A	A	X	X	X	X	X	A	X	A	X	A	D	X	D	
Trade Display	X	X	X	X	X	X	X	X	X	D	P	A	X	X	X	X	D	X	X	X	X	

Land Use	Residential	Urban Development	Rural	Priority Agriculture	Rural Enterprise	Rural Residential	Rural Smallholdings	Rural Townsite	Environmental Conservation	Light Industry	General Industry	Industrial Development	Strategic Industry	Commercial	Neighbourhood Centre	Mixed Use	Service Commercial	Regional Centre	Tourism	Private Community Purposes	Cultural and Natural Resource	Special Use
Trade Supplies	X	X	X	X	A	X	X	X	X	X	X	X	X	D	D	X	D	D	X	X	X	Land use permissibility in accordance with clause. 21 and Table 11 of Schedule 4.
Transport Depot	X	X	A	X	X	X	X	X	X	X	P	A	D	X	X	X	X	X	X	X	A	
Tree Farm	X	X	D	A	X	X	A	X	X	X	X	A	D	X	X	X	X	X	A	X	D	
Veterinary Centre	X	X	D	X	D	X	X	A	X	P	X	X	X	D	D	D	P	D	X	X	X	
Warehouse/Storage	X	X	X	X	D	X	X	X	X	D	P	D	P	P	D	X	D	X	X	X	X	
Waste Disposal Facility	X	X	A	X	X	X	X	A	X	X	X	X	X	X	X	X	X	X	X	X	X	
Waste Storage Facility	X	X	I	I	A	X	X	X	X	D	P	D	D	A	A	A	A	A	X	X	I	
Winery	X	X	A	A	X	X	A	A	X	X	X	X	X	X	A	X	X	X	X	X	D	
Workforce Accommodation	X	X	D	D	X	X	D	X	X	X	X	X	X	X	X	X	X	X	X	X	X	

18. Interpreting zoning Table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning Table and the list of zones at the top of the zoning Table.
- (2) The symbols used in the zoning Table have the following meanings —
 - P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme;
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
 - X means that the use is not permitted by this Scheme.

Notes for this clause:

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, application is made for both the carrying out of works on, and the use of, land.*
 2. *Under clause 61 of the deemed provisions, certain works and uses are exempt from the requirement for development approval.*
 3. *Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.*
- (3) A specific use class referred to in the zoning Table is excluded from any other use class described in more general terms.
 - (4) The local government may, in respect of a use that is not specifically referred to in the zoning Table and that cannot reasonably be determined as falling within a use class referred to in the zoning Table —
 - (a) Determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) Determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
 - (c) Determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
 - (5) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.

- (6) If 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) A local development plan.

19. Additional uses

- (1) Schedule 2 sets out —
 - (a) Classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) The conditions that apply to that additional use.
- (2) Despite anything contained in the zoning Table, land that is specified in the Schedule to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

- (1) Schedule 3 sets out —
 - (a) Restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
 - (b) The conditions that apply to that restricted use.
- (2) Despite anything contained in the zoning Table, land that is specified in the Schedule 3 to subclause (1) may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.

21. Special use zones

- (1) Schedule 4 sets out —
 - (a) Special use zones for specified land that are in addition to the zones in the zoning Table; and
 - (b) The classes of special use that are permissible in that zone; and
 - (c) The conditions that apply in respect of the special uses.
- (2) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the conditions that apply to that use.

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

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent —
 - (a) The continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) The carrying out of development on land if:
 - (i) Before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) The approval has not expired or been cancelled.

- (2) Subclause (1) does not apply if:
 - (a) The non-conforming use of the land is discontinued; and
 - (b) A period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government:
 - (a) Purchases the land; or
 - (b) Pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to non-conforming use

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

24. Register of non-conforming uses

- (1) The local government may prepare a register of land within the Scheme area that is being used for a non-conforming use.
- (2) A register prepared by the local government must set out the following —
 - (a) A description of each area of land that is being used for a non-conforming use;
 - (b) A description of any building on the land;
 - (c) A description of the non-conforming use;
 - (d) The date on which any discontinuance of the non-conforming use is noted.
- (3) If the local government prepares a register under subclause (1) the local government:
 - (a) Must ensure that the register is kept up to date; and
 - (b) Must ensure that an up-to-date copy of the register is published in accordance with clause 87 of the deemed provisions.
- (3A) Subclause (3)(b) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (4) An entry in the register in relation to land that is being used for a non-conforming use is evidence of the matters set out in the entry, unless the contrary is proved.

Part 4 – General Development Requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if —
 - (a) The area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) A provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

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

- (1) Dual Residential Density Codes -
 - (a) Within 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, development to the density and standards of the higher applicable code shall be permitted only if the following are met:
 - (i) The development results in additional single, grouped or multiple dwellings and/or subdivision, and:
 - (1) Involves retention of a heritage-protected place; or
 - (2) Involves retention of a place that is not a heritage-protected place but is identified on the Local Heritage Survey; or
 - (3) The lot is vacant at the time of application.
 - (ii) The heritage-protected place retained as per subclause (i)(1) and (i)(2) above is:
 - (1) Maintained in perpetuity to an equal maintenance standard to that of a new development, or at a minimum and prior to commencement of further development, is upgraded appropriately or accordingly to meet an equal maintenance standard to that of a new development, and maintained in perpetuity; and
 - (2) Is positively integrated into the new development, and the new development responds to and is informed by the retained heritage-protected place.
 - (iii) New development shall complement the heritage-protected place, adjoining development and positively contribute to the streetscape.
 - (iv) New development is consistent with the requirements of the Scheme, relevant local planning policies and any precinct design guidelines.
 - (2) Variation to building height -
 - (a) In areas coded R2, R2.5, R5 or R10, the maximum building height of all residential development is 7.5m.
 - (b) Where the proposed development varies the specified requirements of a designated building envelope, the Design Principles of 5.1.3 of the R-Codes also apply.
 - (3) Lot boundary set back -

- (a) Table 17 of Schedule 7 sets out site specific variations for lot boundary setbacks within the Residential zone. In all other Residential zone areas, the R-Codes prevail.
- (4) Variation to wall and building height measurements for development on sloping sites -
 - (a) Notwithstanding the intent of the relevant criteria set out under the R-Codes, and unless otherwise stated in the Scheme, the assessment to determine wall and/or building height for dwellings on sites with a slope greater than 1:10 may:
 - (i) Allow for the datum point be taken from the centre of the:
 - (1) Primary street boundary of the subject site, where the site incorporates a downward slope away from the primary street; or
 - (2) Subject site, where the site incorporates an upwards slope and rises away from the street.
 - (ii) Allow up to a maximum additional height of 2.5 m applied to the permitted wall and/or or building height, for the area of building located below the height datum determined under (i) above.
- (5) Variation to Site Works & Retaining Fencing
 - (a) Unless otherwise stated in the Scheme, the following considerations apply to minor site works and/or retaining within a lot to provide for outdoor living areas, open space, including garden areas, and to accommodate vehicle movements within the site, subject to the following:
 - (i) The maximum height of a retaining wall on a property boundary or within 4 m of a property boundary, should be no higher than 2 m, with a maximum change in the height of the natural ground level being limited to 1 m (in the form of either fill or excavation).
 - (ii) Beyond 4 m of a boundary, retaining is to be no higher than 3 m, with a maximum change in the height of natural ground level being limited to 1.5 m (in the form of either fill or excavation).
- (6) Variation to Outbuildings
 - (a) Unless otherwise stated in the Scheme, outbuildings that exceed 60 m² in floor area shall be constructed of non-reflective building material(s) or finishes.
 - (b) Unless otherwise stated in the Scheme:
 - (i) Notwithstanding other applicable standards contained under clause 5.4.3 of the R-Codes, the following standards set out under Table 4 below replaces the applicable Deemed-to-comply requirements for outbuildings:

Table 4. Outbuildings specifications – where the R-Codes apply

Lot size	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined floor area of all outbuildings)
Lots < 450 m ²	2.4 m	3 m	<60 m ² in area or 10% in aggregate of the site area, whichever is the lesser
Lots 450 m ² – 600 m ²	3 m	4.2 m	<60 m ² in area or 10% in aggregate of the site area, whichever is the lesser
Lots >600 m ² – 1 000 m ²	3 m	4.2 m	100 m ²
Lots >1 000 m ² – 2 000 m ²	3 m	4.2 m	120 m ²

Lot size	Max. Wall Height	Max. Ridge Height	Max. Floor Area (combined floor area of all outbuildings)
Lots >2 000 m ² – 4 000 m ²	3 m	4.5 m	150 m ²
Lots > 4 000 m ²	3.5 m	4.5 m	170 m ²
Lots Coded R2, R2.5, R5 or R10 (Lots < 4 000 m ²)	4.2 m	4.8 m	150 m ²
Lots Coded R2, R2.5, R5 or R10 (Lots > 4 000 m ²)	4.2 m	4.8 m	170 m ²

(ii) Where an outbuilding varies the development standards outlined under 6(b)(i), the following additional performance criteria apply:

(1) For lots greater than 2 000 m², the maximum floor area may be varied where:

- (i) The combined footprint of all approved outbuildings on site is less than that of the approved dwelling; and
- (ii) The relaxation does not result in discretion sought to any other applicable standard under 6(b)(i) above or clause 5.4.3 of the R-Codes, other than 6(b)(ii)(1), 6(b)(ii)(2), 6(b)(ii)(3), 6(b)(ii)(4) and/or 6(b)(ii)(5); and
- (iii) The outbuilding is ancillary to the primary residential use of the land, and used only for storage and/or parking of vehicles/vessels related to the primary residential use; and
- (iv) The bulk and scale of the outbuilding does not detract from the dwelling or have a detrimental impact on the visual amenity of the locality.

and/or

(2) Where the building incorporates a mono-pitch skillion roof (not a hipped, pitched or gable roof), a relaxation to the maximum permitted wall height (up to 15% on higher side) may be supported, provided the relaxation does not result in discretion sought to any other applicable standard under 6(b)(i) above or clause 5.4.3 of the R-Codes;

and/or

(3) Where the land upon which the outbuilding is to be erected has a slope of less than 1:5, and site works are required to provide a level site, the height of the wall may be measured from natural ground level at the point where the cut and fill intersect provided that:

- (i) The extent of excavation and fill is balanced;
- (ii) The change in height of the natural ground level is limited to 250 mm;
- (iii) The outbuilding achieves all setback requirements; and
- (iv) Where possible, the outbuilding structure is located on the most level portion of the site.

and/or

(4) Where in order to accommodate larger boats, caravans or motor-homes on Lots <4 000 m², a relaxation of the wall height (up to 15%) may be considered, provided that the landowner of the subject site demonstrates proof of ownership of such vehicle/vessel, provided the

relaxation does not result in discretion sought to any other applicable standard under 6(b)(i) above or clause 5.4.3 of the R-Codes;

and/or

- (5) In the circumstance where it can be demonstrated that the stated maximum floor area is unworkable due to the dimensions of a standard outbuilding design, up to an additional 5m² to the maximum permitted floor area under 6(b)(i) may be considered, provided the relaxation does not result in discretion sought to any other applicable standard under 6(b)(i) above or clause 5.4.3 of the R- Codes.

27. State Planning Policy 3.6 to be read as part of Scheme

- (1) State Planning Policy 3.6 —Infrastructure contributions, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6 – Infrastructure contributions.

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

- (1) The State planning policies set out in the Table 5, modified as set out in clause 30, are to be read as part of this Scheme.

Table 5. State planning policies to be read as part of Scheme

State planning policies	
	• State Planning Policy 2.5 — Rural planning

- (2) The local government must ensure that each State planning policy referred to in subclause (1) is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

30. Modification of State planning policies

The following modifications to State planning policy apply:

- (1) State Planning Policy 2.5 — Rural planning
 - (a) The local government may recommend support for the subdivision of land in the Rural or Priority Agriculture zone in accordance with the applicable provisions relating to Homestead Lots, contained under Development Control Policy 3.4 — Subdivision of Rural Land, subject to the land being located in the Homestead lot policy area (refer to Figure 1 of the Scheme) and the subdivision is consistent with the requirements of the Scheme and any local planning policy.

31. Environmental Conditions

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

32. Additional Site and Development Requirements

- (1) Schedule 5 and Schedule 6 set out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, a precinct structure plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

33. Additional Site and Development Requirements for areas covered by Structure Plan or Local Development Plan.

Schedule 7 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.

34. Variations to site and development requirements

- (1) In this clause —
additional site and development requirements means requirements set out in clauses 32 and 33.
- (2) The local government may approve an application for a development approval that does not comply with an additional site and development requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions the local government considers appropriate.
- (4) If the local government is of the opinion that the non-compliance with an additional site and development requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must —
 - (a) Consult the affected owners or occupiers by following 1 or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
 - (b) Have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that —
 - (a) Approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and
 - (b) The non-compliance with the additional site and development requirement will not have a significant adverse effect on the occupiers or users of the development, the inhabitants of the locality or the likely future development of the locality.

35. Restrictive Covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant —
 - (a) Development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and

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- (b) The local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provisions.

Part 5 – Special Control Areas

36. Special Control Areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Schedule 8.

Part 6 – Terms Referred to in Scheme

Division 1 – General definitions used in Scheme

37. Terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows:
- building envelope** means the area of land within which all buildings and effluent disposal facilities on a lot must be contained;
- cabin** means a dwelling forming part of a tourist development or caravan park that is —
- (a) an individual unit other than a chalet; and
 - (b) designed to provide short-term accommodation for guests;
- chalet** means a dwelling forming part of a tourist development or caravan park that is —
- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
 - (b) designed to provide short-term accommodation for guests;
- commercial vehicle** means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including —
- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
 - (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph a);
- floor area** has meaning given in the Building Code;
- minerals** has the meaning given in the *Mining Act 1978* s. 8(1);
- plot ratio** means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;
- precinct** means a definable area where particular planning policies, guidelines or standards apply;
- predominant use** means the primary use of premises to which all other uses carried out on the premises are incidental;
- retail** means the sale or hire of goods or services to the public;
- Scheme commencement day** means the day on which this Scheme comes into effect under s. 87(4) of the Act;
- short-term accommodation** means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12-month period;
- wholesale** means the sale of goods or materials to be sold by others.
- (2) A word or expression that is not defined in this Scheme —
- (a) has the meaning it has in the *Planning and Development Act 2005*; or
 - (b) if it is not defined in that Act — has the same meaning as it has in the R-Codes.

Division 2 – Land use terms used in Scheme

38. Land use terms used

- (1) If this Scheme refers to a category of land use that is listed in this provision, the meaning of that land use is as follows:

abattoir means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

agriculture — extensive means premises used for the raising of stock or crops including outbuildings and earthworks, but does not include agriculture — intensive or animal husbandry — intensive;

agriculture — intensive means premises used for commercial production purposes, including outbuildings and earthworks, associated with any of the following —

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

amusement parlour means premises —

- (a) that are open to the public; and
- (b) that are used predominantly for amusement by means of amusement machines including computers; and
- (c) where there are 2 or more amusement machines;

animal establishment means premises used for the breeding, boarding, training or caring of animals for commercial purposes but does not include animal husbandry — intensive or veterinary centre;

animal husbandry — intensive means premises used for keeping, rearing or fattening of alpacas, beef and dairy cattle, goats, pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production), sheep or other livestock in feedlots, sheds or rotational pens and excludes agriculture -extensive development;

art gallery means premises —

- (a) that are open to the public; and
- (b) where artworks are displayed for viewing or sale;

bed and breakfast means a dwelling —

- (a) used by a resident of the dwelling to provide short-term accommodation, including breakfast, on a commercial basis for not more than 4 adult persons or one family; and
- (b) containing not more than 2 guest bedrooms;

betting agency means an office or totalisator agency established under the *Racing and Wagering Western Australia Act 2003*;

brewery means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the *Liquor Control Act 1988*;

bulky goods showroom means premises —

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;
 - (iii) electric light fittings;
 - (iv) animal supplies including equestrian and pet goods;
 - (v) floor and window coverings;
 - (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
 - (vii) household appliances, electrical goods and home entertainment goods;
 - (viii) party supplies;
 - (ix) office equipment and supplies;
 - (x) babies' and children's goods, including play equipment and accessories;
 - (xi) sporting, cycling, leisure, fitness goods and accessories;
 - (xii) swimming pools;

or

- (b) used to sell goods and accessories by retail if —
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

caravan park means premises that are a caravan park as defined in the *Caravan Parks and Camping Grounds Act 1995* s. 5(1);

caretaker's dwelling means a dwelling on the same site as a building, operation or plant used for industry, and occupied by a supervisor of that building, operation or plant;

car park means premises used primarily for parking vehicles whether open to the public or not but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale;

child care premises means premises where —

- (a) an education and care service as defined in the Education and Care Services National Law (Western Australia) s. 5(1), other than a family day care service as defined in that s., is provided; or
- (b) a child care service as defined in the *Child Care Services Act 2007* s. 4 is provided;

cinema/theatre means premises where the public may view a motion picture or theatrical production;

civic use means premises used by a government department, an instrumentality of the State or the local government for administrative, recreational or other purposes;

club premises means premises used by a legally constituted club or association or other body of persons united by a common interest;

commercial vehicle parking means premises used for parking of 1 or 2 commercial vehicles but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) parking of commercial vehicles incidental to the predominant use of the land;

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

consulting rooms means premises used by no more than 2 health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

convenience store means premises —

- (a) used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens or newsagents; and
- (b) operated during hours which include, but may extend beyond, normal trading hours; and
- (c) the floor area of which does not exceed 300 m² net lettable area;

corrective institution means premises used to hold and reform persons committed to it by a court, such as a prison or other type of detention facility;

educational establishment means premises used for the purposes of providing education including premises used for a school, higher education institution, business college, academy or other educational institution;

exhibition centre means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature including a museum;

family day care means premises where a family day care service as defined in the *Education and Care Services National Law (Western Australia)* is provided;

fast food outlet means premises, including premises with a facility for drive-through service, used for the preparation, sale and serving of food to customers in a form ready to be eaten —

- (a) without further preparation; and
- (b) primarily off the premises;

fuel depot means premises used for the storage and sale in bulk of solid or liquid or gaseous fuel but does not include premises used —

- (a) as a service station; or
- (b) for the sale of fuel by retail into a vehicle for use by the vehicle;

funeral parlour means premises used —

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services;

garden centre means premises used for the propagation, rearing and sale of plants, and the storage and sale of products associated with horticulture and gardens

holiday accommodation means 2 or more dwellings on 1 lot used to provide short-term accommodation for persons other than the owner of the lot;

holiday house means a single dwelling on 1 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 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home occupation means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out an occupation if the carrying out of the occupation that —

- (a) does not involve employing a person who is not a member of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 20 m²; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2 m²; and
- (e) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (f) does not —
 - (i) require a greater number of parking spaces than normally required for a single dwelling; or
 - (ii) result in an increase in traffic volume in the neighbourhood; and
- (g) does not involve the presence, use or calling of a vehicle of more than 4.5 tonnes tare weight; and
- (h) does not include provision for the fuelling, repair or maintenance of motor vehicles; and
- (i) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

home office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and
- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

home store means a shop attached to a dwelling that —

- (a) has a net lettable area not exceeding 100 m²; and
- (b) is operated by a person residing in the dwelling;

hospital means premises used as a hospital as defined in the *Health Services Act 2016* s. 8(4);

hotel means premises the subject of a hotel licence other than a small bar or tavern licence granted under the *Liquor Control Act 1988* including any betting agency on the premises;

independent living complex a development with self-contained, independent dwellings for aged or dependent persons together with communal amenities and facilities for residents and staff that are incidental and ancillary to the provision of such accommodation, but does not include a development which includes these features as a component of a residential aged care facility.

industry means premises used for the manufacture, dismantling, processing, assembly, treating, testing, servicing, maintenance or repairing of goods, products, articles, materials or substances and includes facilities on the premises for any of the following purposes —

- (a) the storage of goods;
- (b) the work of administration or accounting;
- (c) the selling of goods by wholesale or retail;
- (d) the provision of amenities for employees;
- (e) incidental purposes;

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

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

industry — extractive means premises, other than premises used for mining operations, that are used for the extraction of basic raw materials including by means of ripping, blasting or dredging and may include facilities for any of the following purposes —

- (a) the processing of raw materials including crushing, screening, washing, blending or grading;
- (b) activities associated with the extraction of basic raw materials including wastewater treatment, storage, rehabilitation, loading, transportation, maintenance and administration;

industry — light means premises used for an industry where impacts on the amenity of the area in which the premises is located can be mitigated, avoided or managed;

industry — primary production means premises used —

- (a) to carry out a primary production business as that term is defined in the *Income Tax Assessment Act 1997 (Commonwealth)* s. 995-1; or
- (b) for a workshop servicing plant or equipment used in primary production businesses;

industry – rural means premises used for an industry —

- (a) that supports and/or is associated with primary production; or
- (b) for a workshop servicing plant or equipment used in primary production.

liquor store — large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300 m²;

liquor store — small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m²;

lunch bar means premises or part of premises used for the sale of takeaway food (in a form ready to be consumed without further preparation) within industrial or commercial areas.

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 *Mining Act 1978* s. 8(1) is carried out;

motel means premises, which may be licensed under the *Liquor Control Act 1988* —

- (a) used to accommodate guests in a manner similar to a hotel; and
- (b) with specific provision for the accommodation of guests with motor vehicles;

motor vehicle, boat or caravan sales means premises used to sell or hire motor vehicles, boats or caravans;

motor vehicle/boat repair means premises used for or in connection with —

- (a) electrical and mechanical repairs, or overhauls, to vehicles other than panel beating, spray painting or chassis reshaping of vehicles; or
- (b) repairs to tyres other than recapping or re-treading of tyres;

motor vehicle wash means premises primarily used to wash motor vehicles;

nightclub means premises the subject of a nightclub licence granted under the *Liquor Control Act 1988*;

office means premises used for administration, clerical, technical, professional or similar business activities;

park home park means premises used as a park home park as defined in the *Caravan Parks and Camping Grounds Regulations 1997*;

place of worship means premises used for religious activities such as a chapel, church, mosque, synagogue or temple;

reception centre means premises used for hosted functions on formal or ceremonial occasions;

recreation — private means premises that are —

- (a) used for indoor or outdoor leisure, recreation or sport; and
- (b) not usually open to the public without charge;

renewable energy facility means premises used to generate energy from a renewable energy source predominantly for use offsite and includes any building or other structure used in, or in connection with, the generation of energy by a renewable resource, where energy is being produced (i.e. solar farms as opposed to solar panels);

repurposed dwelling means a building or structure not previously used as a single house which has been repurposed for use as a dwelling;

residential aged care facility a residential facility providing personal and/or nursing care primarily to people who are frail and aged or dependent persons which, as well as accommodation, includes:

- (a) appropriate staffing to meet the nursing and personal care needs of residents
- (b) meals and cleaning services
- (c) furnishings, furniture and equipment.

This may consist of multiple components that include communal amenities and land uses for residents and staff that are incidental and ancillary to the provision of such accommodation, residential respite (short-term) care and an independent living complex, but does not include a hospital, rehabilitation or psychiatric facility.

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

restaurant/cafe means premises primarily used for the preparation, sale and serving of food and drinks for consumption on the premises by customers for whom seating is provided, including premises that are licenced under the *Liquor Control Act 1988*;

restricted premises means premises used for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of —

- (a) publications that are classified as restricted under the *Classification (Publications, Films and Computer Games) Act 1995 (Commonwealth)*; or
- (b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity; or
- (c) smoking-related implements;

roadhouse means premises that has direct access to a State road other than a freeway and which provides the services or facilities provided by a freeway service centre and may provide any of the following facilities or services —

- (a) a full range of automotive repair services;
- (b) wrecking, panel beating and spray painting services;
- (c) transport depot facilities;
- (d) short-term accommodation for guests; and
- (e) facilities for being a muster point in response to accidents, natural disasters and other emergencies;

rural home business means a dwelling or land around a dwelling used by an occupier of the dwelling to carry out a business, service or occupation if the carrying out of the business, service or occupation —

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200 m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle of more than 30 tonnes gross weight;

rural pursuit/hobby farm means any premises, other than premises used for agriculture — extensive or agriculture — intensive, that are used by an occupier of the premises to carry out any of the following activities if carrying out of the activity does not involve permanently employing a person who is not a member of the occupier's household —

- (a) the rearing, agistment, stabling or training of animals;
- (b) the keeping of bees;
- (c) the sale of produce grown solely on the premises;

second hand dwelling means a dwelling that has been in a different location, and has been dismantled and transported to another location, but does not include a new modular home or transportable dwelling;

serviced apartment means a group of units or apartments providing —

- (a) self-contained short stay accommodation for guests; and
- (b) any associated reception or recreational facilities;

service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —

- (a) the retail sale of petroleum products, motor vehicle accessories and goods of an incidental or convenience nature; and/or
- (b) the carrying out of greasing, tyre repairs and minor mechanical repairs to motor vehicles;

shop means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services;

small bar means premises the subject of a small bar licence granted under the *Liquor Control Act 1988*;

tavern means premises the subject of a tavern licence granted under the *Liquor Control Act 1988*;

telecommunications infrastructure means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

tourist development means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide —

- (a) short-term accommodation for guests; and
- (b) onsite facilities for the use of guests; and
- (c) facilities for the management of the development;

trade display means premises used for the display of trade goods and equipment for the purpose of advertisement;

trade supplies means premises used to sell by wholesale or retail, or to hire, assemble or manufacture any materials, tools, equipment, machinery or other goods used for the following purposes including goods which may be assembled or manufactured off the premises —

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;
- (g) use by government departments or agencies, including local government;

transport depot means premises used primarily for the parking or garaging of 3 or more commercial vehicles including —

- (a) any ancillary maintenance or refuelling of those vehicles; and
- (b) any ancillary storage of goods brought to the premises by those vehicles; and
- (c) the transfer of goods or persons from one vehicle to another;

tree farm means land used commercially for tree production where trees are planted in blocks of more than 1 ha, including land in respect of which a carbon right is registered under the *Carbon Rights Act 2003* s. 5;

veterinary centre means premises used to diagnose animal diseases or disorders, to surgically or medically treat animals, or for the prevention of animal diseases or disorders;

warehouse/storage means premises including indoor or outdoor facilities used for —

- (a) the storage of goods, equipment, plant or materials; or
- (b) the display or sale by wholesale of goods;

waste disposal facility means premises used —

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste;

waste storage facility means premises used to collect, consolidate, temporarily store, or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.

winery means premises used for the production of viticultural produce and associated sale of the produce;

workforce accommodation means premises, which may include modular or relocatable buildings, used —

- (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and
- (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors.

Schedule A – Supplemental provisions to the deemed provisions

These provisions are to be read in conjunction with the deemed provisions (Schedule 2, Part 7, Clause 61) contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Clause 61(1)

Table 6. Supplemental provisions to Clause 61(1) for works

Exempted Item No.	Column 1 Works	Column 2 Conditions
22.	The erection of a boundary fence in a zone where the R-Codes do not apply.	(1) The works are not located in a heritage-protected place. (2) The works comply with the City of Albany Fencing Local Law.
23.	Dam	(1) The construction of a dam is not within or immediately adjoining a waterway or conservation category wetland. (2) Lowest edge of dam or spillway is setback a minimum of 20 m from property boundary.
24.	Air conditioning systems and LPG gas tanks.	The works are not located in a heritage-protected place.
25.	Telecommunication infrastructure	(1) The works is domestic in nature (e.g. satellite dish). (2) The works are not located in the Rural Residential or Environmental Conservation zone, is less than 35 m in height and listed as low impact in the <i>Telecommunications Low Impact Facilities Determination 1997</i> and subsequent amendments to that Determination. (3) The works is not located within a Heritage Area.
26.	Earthworks — cut and fill	(1) The works involve the cutting or filling of land not exceeding 500mm. (2) The works are not located in a heritage-protected place. (3) The works are not within a Special Control Area. (4) The works are not located within a known acid sulfate soil risk area.
27.	Windmill	The construction of a windmill in a 'Rural' zone or a 'Priority Agriculture' zone that does not exceed 6 m in height.

Schedule A

Clause 61(3)

Table 7. Supplemental provisions to Clause 61(3) for use of land

Exempted Item No.	Column 1 Use	Column 2 Zones	Column 3 Conditions
10.	Aquaculture	Rural Priority Agriculture	The aquaculture involves the use of existing dam(s) where no structural works are proposed and for own personal consumption.
11.	Tree Farm	Rural Priority Agriculture	Tree farm proposal is integrated with farm management for the purpose of natural resource management and occupies no more than 10 per cent of the farm.

Schedule 1**Table 8. Specified additional uses for land in local reserves in Scheme area**

No.	Description of Land	Additional Use	Conditions
AR1	Portion R 42964 / Lot 506 Swarbrick Street, Emu Point	Agriculture - Intensive (D) Club Premises (D) Marina (D) Marine Filling Station (D) Restaurant/Café (D)	(1) The use of the property for 'Agriculture Intensive' is limited to the aquaculture purposes only.
AR2	R 24864, Lot 1105 and Lot 127 Beauchamp Street, Mira Mar Barmup/Strawberry Farm	Market (D) Restaurant/Café (D) Community Purpose (D) Exhibition Centre (D) Art Gallery (D) Single House (D)	(1) Development requirements for the individual uses shall be determined by the local government upon application.
AR3	R 28484 Hunwick Road, Torbay	Industry – Extractive (D)	(1) Development requirements for the Industry – Extractive set out under Table 13 of Schedule 6.
AR4	R 28485 Redhen Road, Redmond	Industry – Extractive (D)	
AR5	R 27679 Redmond Hay River Road, Redmond	Industry – Extractive (D)	
AR6	R 33312 South Coast Highway, King River	Industry – Extractive (D)	
AR7	R 37684 Princess Avenue, Torndirrup	Industry – Extractive (D)	
AR8	R 48574 Princess Avenue, Torndirrup	Industry – Extractive (D)	
AR9	R 39532 Chester Pass Road, Walmsley	Industry – Extractive (D)	
AR10	R 45115 Murray Road, Goode Beach	Agriculture - Intensive (D)	(1) The use of the property for 'Agriculture — Intensive' is limited to aquaculture purposes (commercial production and research).

Schedule 1 (Table 8)

No.	Description of Land	Additional Use	Conditions
AR11	Reserve 36721 (Location 7900) Whaling Station Road; and R 45115 (Location 7901) Murray Road, Torndirrup Cheynes Beach Whaling Station	Exhibition Centre (D) Agriculture Intensive (D)	(1) The use of the land as an Exhibition Centre may include the exhibiting of marine heritage, flora and fauna and tourism facilities. (2) Development is to be determined in accordance with an approved Local Development Plan. (3) The Local Development Plan is to address the following: (a) Identifies a foreshore protection and recreation area, and defines the building envelope for development on site. (4) Development on the site shall be planned in close consultation with AILA Registered Landscape Architect, the local government, responsible state department/s, and be designed to have minimal impacts on the visual qualities of the site, as viewed from the relevant public vantage points identified in a visual analysis, and on the topography and native vegetation. (5) Development shall be designed so that the heritage-protected place is positively integrated into the development, and new development responds to and is informed by the heritage-protected place. (6) Development is designed to blend with the location and topography of the site, to minimise impacts on the visual amenity of the site when viewed from relevant vantage points, including: (a) Buildings and structures sited in the least visually sensitive areas, to avoid silhouetting and minimise clearing. (b) No development shall exceed 5 m in height above the natural ground level. Consideration should be given to limiting the height of development above natural ground levels through the use of low-profile buildings or establishing floor levels below the natural ground surface including earth covered buildings. (c) All development shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour. Wherever metal cladding, the finish used shall be of green dark tones.

Schedule 1 (Table 8)

No.	Description of Land	Additional Use	Conditions
			(d) Minimise excavation and fill required for development, with consideration for earth integrated construction. (e) Confine fencing to the approved building envelope. (f) 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. (g) Development is coordinated and consolidated where appropriate within the building envelope, specifically in public use areas of the foreshore, to retain and manage existing vegetated dunes to protect against coastal erosion. (h) Pumps/pipes may be permitted provided they are concealed from view and affected areas are stabilised and rehabilitated with native species. (i) Incorporate landscaping to screen and minimise the visual impact of development, including: (i) A vegetated buffer along Whaling Station Road; (ii) Retaining topsoil from for identified revegetation works on the site. (j) Identifies areas of unimpeded free public access; (k) Preparation of an Operational Management Plan, to ensure the overall site and individual developments are maintained in a neat and tidy condition at all times and all materials and equipment are managed and stored in a manner to enhance the appearance of the site to the satisfaction of the local government. (7) The use of the property for 'Agriculture — Intensive' is limited to aquaculture purposes only, with no processing permitted. (8) Discharges to the ocean will not be permitted, unless approval has been granted by the Environmental Protection Authority and the local government.

Schedule 1 (Table 8)

No.	Description of Land	Additional Use	Conditions
			(9) Removal of vegetation/soil shall be minimised and should only be carried out to alleviate any potential for erosion. (10) 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 responsible state department/s and shall be undertaken in accordance with any conditions placed on the approval.
AR12	R51175 Toll Place, Albany Albany Waterfront	Marina (P) Marine Filling Station (P) Car Park (P) Restaurant/Café (D) Shop (D) Office (I) Small Bar (D) Tavern (D)	(1) For uses with D land use permissibility, buildings are to be a maximum height of 1 storey. (2) Office may only be permitted subject to that land use being incidental to an approved Shop or Restaurant/Cafe use. <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>
AR13	R 36320 Flinders Parade, Middleton Beach Caravan Park	Caravan Park (P) Caretakers Dwelling (D)	(1) Other than a Caretakers Dwelling, no permanent accommodation permitted. (2) Existing designated caravan bays should be retained and not replaced with chalets/cabins.
AR14	R 41267 Golf Links Road, Old Golf Club Site	Caravan Park (D) Tourist Development (A) Car Park (D) Hotel (D) Community Purpose (D) Caretakers Dwelling (D)	(1) Local Development Plan required for applications proposing Tourist Development or Hotel. (2) Other than a Caretakers Dwelling, no permanent accommodation permitted.
AR15	Portion R 22698 Medcalf Parade, BIG4 Emu Beach Holiday Park	Caravan Park (P)	(1) Consideration for permanent accommodation is limited to an area of approximately 8,500 m ² on the eastern end of the Caravan Park.
AR16	Portion R 22698 Mermaid Avenue, Acclaim Rose Gardens Beachside Holiday Park	Caravan Park (P) Caretaker's Dwelling (D)	(1) Other than a Caretakers Dwelling, no permanent accommodation permitted.

Schedule 2

- (1) Development approval is required.
- (2) Clause 67(2) of the deemed provisions continues to apply.
- (3) In the event of an inconsistency between site specific provisions of this schedule and any other provision of the Scheme, these provisions prevail.

Table 9. Additional use provisions

No.	Description of Land	Additional Use	Conditions
A1	Lot 400 Coombes Road, Kronkup	Caretaker's Dwelling (I) Educational Establishment (A) Restaurant /Café (A)	(1) Building design, colours and materials, shall be undertaken to blend the building(s) within the site. (2) All development shall be set back a minimum of 20 m from Coombes Road and 10 m from all other boundaries.
A2	Lot 46 cnr. Verdi Street/Albany Highway; Lots 17, 18, 19, Pt. 1 and 124 Albany Highway, Mount Melville	Bulk Goods Showroom (D) Office (D) Shop (D) Warehouse /Storage (D)	(1) Development is to be considerate of the following: (a) Where residential and commercial is proposed within the one building, commercial is to be located at street level; (b) Setting back from the street any third story. (2) A Traffic Impact Assessment may be required as part of a development application that has the potential to substantially increase the amount of vehicular traffic in the local area. Development design should respond to Traffic Impact Assessment recommendations to the satisfaction of the City of Albany. (3) 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. <i>Note: The term 'at ground level' shall mean the lowest 2 m of building façade measured above the footpath level.</i> (4) Building facades and elevations with minimal articulation where facing a street or public space are not acceptable. (5) Shared access to be designed and provided for vehicles and pedestrians. (6) Shared car parking areas between the street boundary and primary street setback shall be required, with agreements in place with the approval of the local government, and reciprocal rights of access to be provided to control access/egress onto Albany Highway. (7) Pedestrian connections between front and rear of the premises to be incorporated into the development. (8) All development shall be designed to maintain the outlook from the residences behind the sites. (9) Any necessary fencing along Albany Highway shall be designed and constructed to be visually permeable.

Schedule 2 (Table 9)

No.	Description of Land	Additional Use	Conditions
			(10) Landscaping of the car parking areas is required to screen adjoining residential lots.
A3	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 (D) Consulting Rooms (D) Medical Centre (D)	(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 Lots 6 and 7 (off Crossman Street) to be by way of a joint crossover and 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. (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.
A4	Lot 504 The Esplanade, Lower King	Hotel (A) Motel (A) Restaurant /Café (A)	(1) Restaurant/Cafe to be located on the ground floor. (2) Hotel and Motel are to incorporate design elements that: (a) Compliment the architectural and historic character of the locality; (b) Minimises building bulk; (c) Maximises solar access; (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.
A5	Lots 77, 78 and 79 Festing Street; Part Lot 76 Festing Street; Part Lot 10 Festing Street; Lot 221 Melville Street and Part Lot 220 Melville Street;	Single House (P) Grouped Dwelling (P) Multiple Dwelling (D) Restaurant /Café (A) Child Care Premises (A)	(1) Development to the R60 standard may be permitted by the local government subject to the preparation of a Local Development Plan, to the local government's satisfaction. (2) 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 informed by the cultural heritage significance of the place. (3) Child Care Premises or Restaurant/Cafe may be considered within the original structure, after public notice of application has been given.

Schedule 2 (Table 9)

No.	Description of Land	Additional Use	Conditions
	Part Lot 207 and Part Lot 208 Mill Street, Albany		(4) Access to the site from Mill Street to be centred on the original historic facade. (5) External vehicular access to the site is to be provided from both Mill Street and Melville Street to provide a through function. (6) Building development and design must address the street to the satisfaction of the local government. (7) Development fronting Festing Street and Melville Street shall be provided with access from the internal road. (8) Complementary fencing shall be provided along Festing Street and Melville Street, to the satisfaction of the local government. (9) Building development shall be restricted to 2 storeys plus a loft and is not to exceed the maximum height for Category B as specified in the R- Codes unless otherwise approved by the local government. (10) 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 responsible state department/s, and the local government.
A6	Lots 213, 214 and 215 (on Plan P406191) Spencer Street, Albany	Single House (P) Grouped Dwelling (P) Multiple Dwelling (D) Shop (D) Office (D)	(1) Development to the R60 standard may be permitted by the local government subject to the preparation of a Local Development Plan, to the local government's satisfaction. (2) Notwithstanding anything else in the Scheme, all development will be subject to the following conditions: (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 Local Development Plan has been approved. (3) The Local Development Plan shall ensure that: (a) When determining building height, 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. In particular, the building height of new dwellings, when viewed from Frederick Street, to be single storey (or Category A of Table 3 of the R-Codes); (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;

Schedule 2 (Table 9)

No.	Description of Land	Additional Use	Conditions
			(d) Service vehicles entry and exit to the site be limited to the access point onto Spencer Street; (e) Access through to Cheynes Cottage is retained; and (f) A staging programme is established 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'. (4) The Local Development Plan is to provide details on: (a) Number and type of commercial tenancies; (b) Location and number of dwellings; (c) Location and number of car parking bays and driveways; (d) Details of landscaping, bin storage and utility areas; (e) Building scale, form, materials, roof pitches and detailing; and (f) Height of buildings and location of balconies. (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. (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: (a) The space is to be a minimum of three roof trusses deep; (b) Retain the clerestory windows along the south facing wall of the building; (c) Retain the north wall of the space; and (d) Provide a similar sense of space that reflects the previous historical office use on this portion of the subject site.
A7	Lot 44 Redmond Street, Redmond	Shop (D)	(1) The Shop use is restricted to a maximum of 200 m ² net lettable area.
A8	Lot 7 Bon Accord Road, Lower King Diagram 070402	Industry – Cottage (D) Recreation – Private (D) Restaurant /Café (D)	(1) The Recreation – Private use shall be limited to the existing development of a nine-hole golf course. (2) The Restaurant/Café use shall be limited to providing a service for patrons of the premises and shall only operate during daylight hours.
A9	No. 183 (Lot 35) Albany Highway, Mount Melville	Fast Food Outlet(D) Lunch Bar (D)	(1) Development requirements shall be determined by the local government upon application.

Schedule 2 (Table 9)

No.	Description of Land	Additional Use	Conditions
A10	No's 50-54 Earl Street, Albany	Restaurant /Cafe (D) Tavern (A)	(1) Preserve historic buildings.
A11	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 (D)	(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.
A12	Portion of Albany Town Lot 141 (No. 41-45) Grey Street East, Albany	Office (D)	(1) Retention of the existing cottage with all improvements/extensions complying with the local government's Design Guidelines.
A13	Lot 25 (No. 60) Spencer Street, Albany	Club Premises (D) Motel (D) Office (D) Restaurant /Café (D)	(1) Masonic Hall to be retained. (2) Preparation of a Conservation Plan and Local Development Plan 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 responsible state department/s.
A14	Lots 50 and 51 (No's 227 and 229) Middleton Road, Mount Clarence	Medical Centre (D)	(1) 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. (2) All development on the subject lots shall be compatible with height bulk and scale of surrounding uses and developments.
A15	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) Office (A)	(1) Development is to be in accordance with a Local Development Plan. The plan is to incorporate the responsible state department/s 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. (2) A total maximum retail net lettable area of 600 m ² plus a maximum floorspace of 200 m ² for a Restaurant/Café shall apply within the Neighbourhood Centre zone. (3) A total maximum floorspace of 400 m ² shall apply to all permissible non- commercial and professional uses within the Additional Use site.

Schedule 2 (Table 9)

No.	Description of Land	Additional Use	Conditions
A16	Bayonet Head North (Oyster Harbour III) Neighbourhood Centre site on Lot 27 Stranmore Boulevard. Lot 73 Lower King Road; and portion of Lots 9004 and 42 (proposed as Lots 65-70) on the corner of Stranmore Boulevard and Lower King Road, Bayonet Head.	Single House (A) Grouped Dwelling (A) Multiple Dwelling (A) Child Care Premises (P)	(1) Development requirements shall be determined by the local government upon application.
A17	Lot 90 Menang Drive, Willyung	Service Station (A)	(1) No stormwater is to be discharged into the Menang Drive drainage system; (2) 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; (3) 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; (4) 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 State and local road network and on all users.
A18	Lot 19 (No. 812) Frenchman Bay Road, Big Grove	Caravan Park (A) Tourist Development (A) Caretakers Dwelling (D)	(1) All development shall be generally in accordance with a Local Development Plan prepared by the proponents and endorsed by the local government.
A19	Lots 312 and 1315 Cockburn Road, Mira Mar.	Hospital (A) Independent Living Complex (A) Shop (I) Holiday Accommodation (I) Residential Building (D)	(1) Development of the land shall generally be in accordance with a Local Development Plan. (2) The maximum height of the Hospital shall be 12 m to the top of the pitched roof or 9 m to the top of the wall.
A20	Lot 104 Rocky Crossing Road, Willyung Deposited plan 49239	Industry (D) Office (I)	(1) Additional uses for 'Industry' are limited to the following: (a) Plant and equipment storage and maintenance of mobile asphalt plant ('D'); (b) Storage of materials associated with the preparation and production of asphalt ('D');

Schedule 2 (Table 9)

No.	Description of Land	Additional Use	Conditions
			(c) All other uses not listed above are not permitted ('X'). (2) Development shall be in accordance with an approved Local Development Plan, subject to minor variations as may be supported by the local government. (3) Additional uses shall be confined to areas designated for those specific uses as shown on an approved Local Development Plan. In particular, the mobile asphalt plant use shall be confined to the north-west corner of the lot. (4) 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. (5) 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 government 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. (6) 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. (7) Unless otherwise demonstrated through site-specific modelling and assessments to the satisfaction of the responsible state department/s, and the local government, operation of mobile asphalt plant and plant and equipment maintenance uses shall be limited to: (a) 7:00am - 5:00pm; (b) Monday - Saturday; and (c) no operation on public holidays. (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. (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. (10) In granting any development approval for additional uses the local government may impose conditions relating to matters including but not limited to: (a) Positioning and shielding of lighting devices so as not to cause any direct reflected or

Schedule 2 (Table 9)

No.	Description of Land	Additional Use	Conditions
			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 10,000 L static water supply for firefighting 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 landowners. (f) Preparation and implementation of a drainage/stormwater management plan, in consultation with the responsible state department/s. (g) Limitations on the total number of hours of operation of the mobile asphalt plant use within the duration of any approval period. (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.
A21	Lot 312 Bay View Drive, Little Grove, Lot 1 Frenchman Bay Road, Little Grove (northern portion as identified on the Scheme Map)	Grouped Dwelling (A) Multiple Dwelling (A)	(1) To guide development, the local government may request the provision of a Local Development Plan to be prepared by the proponents and endorsed by the local government. (2) 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. (3) Where residential development is proposed without a commercial development component, detailed design provisions are to be prepared detailing how the development could incorporate the uses in the future.
A22	Lot 350 Shelley Beach Road, Kronkup	Educational Establishment (A) Caretakers Dwelling (A)	(1) The approval of Educational Establishment and/or Caretakers Dwelling shall be subject to the following conditions: (a) Where proposed development interfaces with existing or proposed residential development, special design consideration shall be required for the screening, separation or noise attenuation of adjacent premises. (b) All buildings, structures and water storage systems shall achieve the following minimum setbacks: (i) 20 m from Coombes Road; and

Schedule 2 (Table 9)

No.	Description of Land	Additional Use	Conditions
			(ii) 10 m from all other lot boundaries. (c) All buildings shall be designed and constructed of material which allows them to blend into the landscape of the site. (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. (e) 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 responsible state department/s for that purpose.
A23	Part Lot 973 Mead Road, Lower King	Tourist Development (D) Caretaker's Dwelling (I)	(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. (2) The Local Development Plan is to include the maximum number of chalets/cabins as part of a Tourist Development and shall demonstrate appropriate protection, management and use of water resources. In this regard, a water management report may need to be prepared to support an application, to the specifications of the local government and responsible state department/s. (a) Notwithstanding Condition 2, the maximum number of chalets/cabins shall be limited to 12 and contain a maximum of two bedrooms. (b) 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. (c) All buildings shall be set back a minimum of 30 m from Mead Road.
A24	Lot 1 (93) Nanarup Road, Lower King.	Agriculture - Intensive (D)	(1) The use of the property for 'Agriculture — Intensive' is limited to the commercial production of aquaculture. (2) Development is to be in accordance with an approval Local Development Plan which delineates: (a) All the proposed development including but not limited to proposed buildings, tanks and ponds, accessways and parking areas,

Schedule 2 (Table 9)

No.	Description of Land	Additional Use	Conditions
			effluent disposal systems, fences, pumping stations, pipes, drainage areas, signage and landscaping; and (b) Precise details of the areas, heights, elevations, materials, colours and proposed staging of all development; and (c) Appropriate landscaping and use of building colours, heights, materials and design to minimise visual impacts.
A25	Lot 30 (No 205) Two Peoples Bay Road Kalgan	Caravan Park (D) Caretakers Dwelling (I) Holiday Accommodation (D)	(1) Development requirements shall be determined by the local government upon application.
A26	Lot 32, (No 1455) Nanarup Road Nanarup	Caretakers Dwelling (I) Holiday Accommodation (D)	(1) Development requirements shall be determined by the local government upon application.
A27	Pt. Lot 22 Willyung Road, Willyung	Caretaker's Dwelling (I) Tourist Development (D) Recreation – Private (D)	(1) A maximum of 12 chalets/cabins as part of a Tourist Development may be developed. (2) Prior to commencement of development of the additional uses on the site, the owner/developer shall submit an overall Local Development Plan to the local government for adoption. (3) All buildings shall be located within existing cleared areas and shall be setback a minimum 20 m from any revegetation areas.

Schedule 3

- (1) Development approval is required.
- (2) Clause 67(2) of the deemed provisions continues to apply.
- (3) In the event of an inconsistency between site specific provisions of this schedule and any other provision of the Scheme, these provisions prevail.

Table 10. Restricted use provisions

No.	Description of Land	Restricted Use	Conditions
RU1	Lot 2 Hanrahan Road, Mount Elphinstone	Industry – Light (P)	(1) The Industry – Light use is limited to the following: (a) Fertiliser storage and manufacturing plant. (b) All other uses not listed above are not permitted (X). (2) All activities are to be contained within appropriate buffers, as defined by the <i>Environmental Protection Act 1986</i>. (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 m is to be maintained adjacent to Hanrahan and Lower Denmark Roads.
RU2	Lot 1 cnr. Ashwell Street/Albany Highway, Mount Melville	Service Station (A)	(1) Development requirements shall be determined by the local government upon application
RU3	Lot 48 Albany Highway, Mount Melville	Service Station (A)	(1) Development requirements shall be determined by the local government upon application.
RU4	Lot 305 Middleton Beach Road, Middleton Beach	Service Station (A)	(1) Development requirements shall be determined by the local government upon application.
RU5	Lot 123, (No. 145) Albany Highway, Mount Melville	Service Station (A)	(1) Development requirements shall be determined by the local government upon application.
RU6	Lots 873, 874 and 875 Morris Road and Lots 876, 877, 87 and 88 John Street.	(1) Precinct A (a) Within Precinct A as shown on the Local Structure Plan, the following land uses are 'P' permitted: Industry - Light Garden Centre	(1) Development of the land shall generally be in accordance with a Local Development Plan. (2) Site and Building Requirements (a) Within Precinct A and B shown on a Local Development Plan, quiet house design requirements, including noise attenuation measures, may be required for a proposed Caretaker's Dwelling use where considered appropriate by the local government. <i>Note: Noise attenuation measures for a proposed Caretaker's Dwelling that ensure appropriate maximum</i>

Schedule 3 (Table 10)

No.	Description of Land	Restricted Use	Conditions
		Motor Vehicle/Boat Repair (b) Within Precinct A as shown on the Local Structure Plan, the following land uses are 'D' discretionary: Trade Display Car park; Warehouse/Storage Motor Vehicle, Boat or Caravan Sales; Telecommunications Infrastructure; Civic Use Community Purpose (c) Within Precinct A as shown on the Local Structure Plan, the following land uses are 'A' advertised discretionary: Place of Worship. (d) Within Precinct A as shown on the Local Structure Plan, the following land uses are 'I' incidental: Caretaker's Dwelling; Office. (e) All other land uses not mentioned above are 'X' not permitted	<i>indoor noise levels would be expected to meet the relevant 'satisfactory' design sound level specified by AS 2107:20016 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors (or any updates) and ensure compliance with Environmental Protection (Noise) Regulations 1997.</i> (b) Within Precinct A, all buildings and structures are to have minimum setbacks as follows: (i) Primary Street: 9 m from road boundary; (ii) Secondary Street: 5 m from road boundary; (iii) Side: 5 m from boundary on one side; and (iv) Rear: 5 m from edge of Development Exclusion Zone. (c) Within Precinct B, all buildings and structures are to have minimum setbacks as follows: (i) Primary Street: 15 m from road boundary; (ii) Side Street: 7.5 m from road boundary; (iii) Side: 5 m from boundary on one side; and (iv) Rear: 10 m from boundary. (d) 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. (e) 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 implement additional screening within the reduced setback area to compensate for any loss of amenity. (3) Development Exclusion Zone (a) Within the Development Exclusion Zone shown in Precinct A on a Local Development Plan, no building, structure, access way, parking area, storage or hardstand is permitted; (i) 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.

Schedule 3 (Table 10)

No.	Description of Land	Restricted Use	Conditions
		within the Precinct A. (2) Precinct B (a) Within Precinct B as shown on the Local Structure Plan, the following land uses are 'P' permitted: Garden Centre; Industry – Light; Motor Vehicle/Boat Repair. (b) Within Precinct B as shown on the Local Structure Plan, the following use classes are 'D' discretionary: Telecommunications Infrastructure. Trade Display Motor Vehicle, Boat or Caravan Sales; Civic Use; Community Purpose; Car Park; (c) Within Precinct B as shown on the Local Structure Plan, the following land uses are 'A' advertised discretionary: Place of Worship. (d) Within Precinct B as shown on the Local Structure Plan,	(ii) 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 (iii) The local government shall request a Landscape Plan be prepared and implemented for the Development Exclusion Zone. 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. (4) Building Design and Construction (a) 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. (b) All buildings shall comply with the following requirements as to facades: (i) 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; (ii) 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. (c) The use of unpainted 'zincalume' steel sheeting as wall cladding is not permitted on all lots within 'Precinct A'. (d) All access ways, parking areas and hardstands are to be sealed, drained and kerbed to the satisfaction of the local government. (e) A 3m wide landscaping strip is to be installed and maintained at all times along all street frontages. (f) Verge areas abutting each lot are to be integrated into the landscaping strip of these provisions and maintained at all times. (5) Verge Areas and Fencing (a) The use of verge areas for parking, storage or purposes other than landscaping is prohibited. (b) Uniform solid panel fencing is to be installed at the time of creation of lots within Precinct A.

Schedule 3 (Table 10)

No.	Description of Land	Restricted Use	Conditions
		the following land uses are 'I' discretionary: Caretaker's Dwelling; Office. (e) All other land uses not mentioned above are 'X' not permitted within the Precinct B.	
RU7	Lots 94, 100 and 9001 Down Road, Drome.	(1) Despite anything in the Zoning Table, the following land use restrictions shall apply: “D” use – Industry Light “I” use – Office (2) All other uses are not permitted “X”.	(1) Development of the land shall generally be in accordance with a Local Development Plan. (2) Environmental Management (a) Environmental management is to be implemented by the applicants within the framework provided by an Environmental Management Plan for the land approved by the local government and the responsible state department/s. (b) Within this framework, individual proposals by industries seeking to locate in this zone may be required to address the following: (i) Demonstrate that sustainability principles have been incorporated in their proposal; (ii) Demonstrate that environmental impact criteria can be met within the management area on a cumulative basis in accordance with the sound power assigned level in the Environmental Management Plan; (iii) Comply with guidelines in the Landscaping and Visual Resource Management Plan; (iv) Establish a Spill Response Procedure; (v) Prepare a Traffic Management Strategy; (vi) Prepare a Waste Management Strategy; and (vii) Prepare a Hazardous Materials Management Strategy including a Quantitative Risk Assessment (QRA). (c) 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.

Schedule 3 (Table 10)

No.	Description of Land	Restricted Use	Conditions
			(d) The management of the undeveloped portion of the site which contains the creek-line and remnant vegetation shall be the subject of an agreement between landowners, which is to be arranged by the responsible state department/s for land development, to the local government's satisfaction. (3) Visual Impact Management (a) 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.
RU8	Lots 895, 1, 2, 1156 and 1157 Woolstores Place, Mount Elphinstone	Warehouse/Storage (D) Industry – Light (P)	(1) Activities are to be totally contained within the existing built fabric.
RU9	Lots 101 and 102 Lion Street, Centennial Park	Medical Centre (D) Recreation — Private (A)	(1) Development requirements shall be determined by the local government upon application.
RU10	Lot 14 Pioneer Road, Centennial Park	Medical Centre (D) Hospital (A)	(1) Development requirements shall be determined by the local government upon application.
RU11	Lot 3 Nanarup Rd	Tourist Development (A)	(1) Development requirements shall be determined by the local government upon application.

Schedule 4

- (1) Development approval is required.
- (2) Clause 67(2) of the deemed provisions continues to apply.
- (3) In the event of an inconsistency between site specific provisions of this schedule and any other provision of the Scheme, these provisions prevail.

Table 11. Special use provisions

No.	Description of Land	Special Use	Conditions
SU1	Pt. Lot 660 La Perouse Road, Goode Beach	Tourist Development (D)	(1) Prior to commencement of development of the special uses on the site, the owner/developer shall submit an overall Local Development Plan to the local government for endorsement. (2) The Local Development Plan shall provide details on the development for the site including: (a) Achieving a low-key Tourist Development (maximum 10 chalets/cabins) commensurate 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.
SU2	Lot 200 Hayn Road, Goode Beach	Caretaker's Dwelling (I) Tourist Development (D) Recreation – Private (I) Restaurant/Café (D) Shop (I) Home Occupation (D)	(1) All subdivision, development and land use shall be generally in accordance with a Local Development Plan endorsed by the local government. (2) There shall be a maximum of 12 chalets/cabins proposed as a part of a Tourist Development. (3) The shop shall have a maximum 100 m² retail NLA. (4) All buildings shall be setback a minimum 10 m from lot boundaries unless a greater setback is shown on the Local Structure Plan. (5) Buildings and structures shall not exceed 7.5 m in height and be located, designed and constructed utilising materials, finishes and colour tones in sympathy with the rural amenity of the area and views towards the site from Quaranup Road.

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
			(6) All fencing shall be visually permeable to 1.2 m above the natural ground level, and constructed of post and rail/wire. (7) No vehicular crossovers to/from La Perouse Road are permitted. (8) Tree/shrub planting and the eradication of environmental weeds shall be undertaken and maintained by the developer/operator. (9) 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 Local Structure Plan. (10) The amenities area shall include a building for communal and/or recreational activities. (11) 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. (12) The home occupation shall not occupy an area greater than 130m².
SU3	Lots 1 and 2 Frenchman Bay Road, Frenchman Bay	Caravan Park (D) Caretaker's Dwelling (I) Tourist Development (D) Shop (I) Restaurant/Café (I)	(1) All land use and development shall be consistent with a Local Development Plan prepared by the landowner and adopted by the local government. (2) All development on the land is to be setback a minimum of 75 m from the horizontal setback datum (HSD). A greater setback may be required if recommended by any responsible state department/s, or in an applicable policy. (3) All development on the land is to be setback a minimum of 65 m 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 responsible state department/s, and approved by the local government. (4) A Foreshore Management Plan shall be prepared 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. (5) 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.

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
			(6) 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 a secondary treatment system appropriate for the scale of the proposed development and acceptable to the responsible state department/s, can be provided to the satisfaction of the local government. (7) All development on the land shall be connected to reticulated water supplied by a licensed reticulated water provider. (8) A Fauna Management Plan is to be prepared to the satisfaction of the responsible state department/s, 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. (9) The public coastal reserve is to be clearly identified from the private land by a clear demarcation. (10) Development within the eastern portion of the land having an area of approximately 3 000 m² and which is shown more particularly in CoA Frenchman Bay Plan 14-10-11 Site Constraints Plan, shall conform to the following requirements in addition to those preceding – (a) All development within 75 m 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). (b) In the area immediately to the south of the land affected by the Foreshore Management Plan, a 15 m deep section will only be capable of development at a single storey height above the natural ground level. Any commercial facilities permissible under the Scheme must be developed in this section, and are not permitted elsewhere. (c) Development to a maximum height of 2 storeys above the natural ground level may be permitted behind (to the south of) the section which is limited to single storey development.

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
SU4	Portion Lot 1004 Viastra Drive, Lange Lots 201, 202 and 203 Chester Pass Road, Lange	Hospital (D) Medical Centre (D) Consulting Room (D) Child Care Premises (I) Community Purpose (D) Recreation - Private (D)	(1) All development shall be generally in accordance with an approved Local Development Plan prepared by the proponents and endorsed by the local government. (2) The Local Development Plan shall address: (a) Building height and bulk; (b) Setbacks and noise mitigation; (c) Building design and windows, openings and street frontages/facades; (d) Materials and colours; (e) Access, loading/servicing areas and car parking; (f) Landscaping, public art and signage. (3) No direct vehicular access to Chester Pass Road is permitted. (4) The pharmacy use shall include a dispensary and the sale of incidental & medical products. (5) 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 <i>National Health Act 1953</i> and the <i>National Health (Australian Community Pharmacy Authority Rules) Determination 2006</i>, for as long as these rules are current.
SU5	Middleton Beach Activity Centre Lot 8888 Flinders Parade Lots 660 and 661, Marine Terrace Adjacent road reserves being portions of Adelaide Crescent, Marine Terrace, Barnett Street, Flinders Parade and Marine Drive, Middleton Beach.	Land use permissibility's within the precincts shown on the Middleton Beach Activity Centre Structure Plan are as follows: Hotel / Mixed Use Precinct Car Park (D) Exhibition Centre (A) Holiday Accommodation (D) Hotel (P) - up to 5 storeys (21.5m) Hotel (A) - above 5 storeys (21.5m) Market (D) Multiple Dwelling (D) - up to 5 storeys (21.5m) Multiple Dwelling (A) -	<u>Performance Criteria</u> (1) All development within the Middleton Beach Activity Centre Special Use zone shall comply with the following performance criteria: (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; (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; (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; short stay accommodation; together with a range of

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
	Refer to Schedule 10, Figure 2.	above 5 storeys (21.5m) Nightclub (D) Recreation—Private (A) Restaurant/Cafe (D) Shop (A) Small Bar (A) Tavern (A) Mixed Use Precinct Car Park (D) Consulting Rooms (D) Convenience Store (D) Exhibition Centre (A) Holiday Accommodation (P) Hotel (D) Market (D) Multiple Dwelling (P) Office (D) Recreation-Private (A) Restaurant/Café (D) Shop (D) Single House (D) Small Bar (A) Tavern (A) Residential Precinct Home Office (D) Multiple Dwelling (P) Grouped Dwelling (D) Edge Precinct Car Park (D)	permanent residential uses but excludes detached houses; (d) An effective, efficient, integrated and safe transport network that prioritises pedestrians, cyclists and public transport users is provided; (e) Vehicle parking is efficient and promotes the establishment of shared, reciprocal and common use facilities. (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, including but not limited to: (a) Public advertising, adoption and implementation of a Foreshore Management Plan; and (b) Notification on Title stating that the lot is within a Vulnerable Coastal Area. <u>Development Requirements</u> (6) Grouped Dwellings are to be attached to each other via a common wall. (7) Before commencing or carrying out any development on land within the Special Use zone, the developer must: (a) Comply with the requirements of the design guidelines referred to in Condition (3) above; and (b) Incorporate the recommendations of an appointed design review panel, where available.

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
			(8) 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, clause 61 (1) of the Deemed Provisions to the <i>Planning and Development Regulations 2015</i>. (9) Applications for development approval are to demonstrate appropriate design and management controls to minimise conflict between permanent & short term residential, tourism and mixed uses and, in particular, night time hospitality and entertainment. (10) 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). (11) 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. (12) Car parking shall be provided in accordance with the provisions of the Scheme unless otherwise stated below. (13) The following development requirements specifically apply to the following precincts as identified on the Middleton Beach Activity Centre Precinct Plan: Hotel / Mixed Use Precinct (14) 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. (15) 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. <u>Key Principles for Hotel/Mixed Use Precinct</u> (16) Any application within the Hotel/Mixed Use Precinct for development in excess of 5 storeys (21.5 m) in height is to: (a) Demonstrate excellent design outcomes

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
			(b) Be informed by a Visual Impact Assessment consistent with the guidelines set out in the Commission's Visual Landscape Planning manual. (c) Contribute positively to the public realm; (d) Provide a landmark element on the axis of Adelaide Crescent and Flinders Parade; (e) Present no adverse impacts on the locality by overshadowing; (f) Respond to the site and its context and step built form away from the beach with additional height located towards Mt Adelaide; (g) Effectively mitigate bulk and scale of the proposed development; and (h) Achieve the criteria in Condition (1) above. <u>Land Use</u> (17) A Multiple Dwelling in the 'Hotel / Mixed Use Precinct' is prohibited where fronting the street at pedestrian level and where prior or concurrent approval and development of a Hotel has not occurred. <u>Building Height:</u> (18) 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. (19) Except as provided for below, 5 storey (21.5 m) height limit elsewhere on the site; (20) Development of a Hotel use and/or Holiday Accommodation and/or Multiple Dwelling above 5 storeys (21.5 m) may be considered to a maximum of 12 storeys (46 m) if the proposed development accords with: (a) The key principles as outlined above; (b) The design guidelines referred to in Condition (3) above; and (c) The recommendations of the State Design Review Panel. <u>Setbacks:</u> (21) Generally nil street and side setbacks. <u>Car Parking:</u> (22) Hotel 1 bay per 2 employees + 1 per bedroom + 1 per 4 m² in other public areas.

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
			(23) Retail – 1 bay per 40 m² net lettable area. (24) No visitor car parking requirement for permanent residential developments. <u>Bicycle Parking:</u> (25) 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors. <u>Access:</u> (26) Delivery services are prohibited on the Flinders Parade frontage of the Hotel / Mixed Use site. Mixed Use Precinct <u>Land Use</u> (27) A Multiple Dwelling or a Grouped Dwelling in the 'Mixed Use Precinct' is prohibited where fronting the street at pedestrian level within the 'Primary Active Frontage' area as depicted on the Precinct Plan. <u>Building Height:</u> (28) 2 storey (11 m) minimum / 3 storey (14.5 m) maximum between Barnett Street and the Public Access Way. (29) 2 storey (11 m) minimum / 4 storey (18 m) maximum for development fronting the southern extent of the Public Access Way; (30) 2 storey (11 m) minimum / 5 storey (21.5 m) maximum for development south of the Public Access Way, fronting Adelaide Crescent or Flinders Parade. <u>Setbacks:</u> (31) Generally nil street and side setbacks. <u>Car Parking:</u> (32) Grouped Dwelling - resident parking as determined by local government. (33) No visitor car parking requirement for permanent residential developments. (34) Retail – 1 bay per 40 m² net lettable area. <u>Bicycle Parking:</u> (35) 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors. Residential Precinct <u>Building Height:</u> (36) 2 storey (10 m) minimum / 3 storey (13.5 m) maximum between Barnett Street and the Public Access Way. <u>Setbacks:</u> (37) Generally nil street and side setbacks.

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
			<u>Car Parking:</u> (38) Grouped Dwelling - resident parking as determined by local government. (39) No visitor car parking requirement for permanent residential developments. <u>Bicycle Parking:</u> (40) 1 bicycle parking space per residential dwelling and 1 bicycle parking space per 10 dwellings for residential visitors. <u>Active Frontages</u> (41) 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: (a) Residential uses at the pedestrian level in areas delineated as 'Primary Active Frontage' are prohibited. (b) 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.
SU6	Albany Princess Royal Harbour Foreshore Albany Waterfront	Land use permissibility's outlined under the Albany Waterfront Structure Plan and Precinct Plan for each precinct are as follows: Entertainment Precinct <u>Lot 1 Toll Place</u> Market (D) Restaurant/Cafe (P) Shop (P) Office (A) Tavern (D) Small Bar (D) Accommodation Precinct <u>Lot 3 Toll Place</u> Motel (P) Shop (D) Office (A) Restaurant/Cafe (D) Holiday Accommodation (D) Hotel (D) Small Bar 'D) Tavern (A) Commercial Precinct	(1) Development shall be undertaken in accordance with the Albany Waterfront Structure Plan and Precinct Plan, specifically: <u>Purpose</u> (a) 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. <u>Development Objectives</u> (b) All development within the zone is to: (i) Reflect a maritime context; (ii) Cater for pedestrian flow; (iii) Provide adequate on-site parking and vehicle access; (iv) Provide a safe and secure environment for all members of the community; (v) Ensure building scale, materials, and colours which complement the existing CBD building stock;

No.	Description of Land	Special Use	Conditions
		<u>Lot 4 and 5 Princess Royal Drive</u> Shop (P) Office (D) Restaurant/Cafe (D) Exhibition Centre (D) Holiday Accommodation (D) Small Bar (D) Tavern (A)	(vi) Use materials that ensure longevity in a harsh marine environment; (vii) Not use roof tiles; (viii) Not use low pitch roofs concealed by parapet walls; (ix) House mechanical services within the building or roof space; (x) Mitigate traffic noise in accommodation buildings; (xi) Be set back a minimum of 25 m from princess royal drive; (xii) Contain all waste storage and delivered goods within the associated buildings; (xiii) Position car parking on the northern side; (xiv) Not utilise basement parking; (xv) Provide disability access; and (xvi) Provide public art to complement the maritime theme. <u>Individual Precinct Requirements</u> (c) Within the individual Lots/precincts, the following requirements and standards shall apply: Entertainment Precinct <u>Lot 1 Toll Place</u> Building Height (i) Development is not to exceed 2 storeys. Plot Ratio (ii) Maximum plot ratio shall be 0.5. Car Parking (iii) Fifteen car bays shall be provided on Lot 1. Setbacks (Lot 1) (iv) The following minimum setbacks apply: (1) 25 m from Princess Royal Drive; (2) 5 m from western boundary; (3) 5 m from promenade; (4) 4 m from POS boundaries; and (5) 4 m from eastern boundary. Accommodation Precinct <u>Lot 3 Toll Place</u> Land Use (i) Despite anything contained in the Zoning Table, Shop, Office and Restaurant/Cafe may only be permitted by the local government subject to that land use being incidental to an approved Motel use.

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
			Building Height (ii) Hotel and/or Motel buildings are to be at a maximum height of 5 storeys; and (iii) Holiday Accommodation buildings are to be at a maximum height of 6 storeys. Plot Ratio (iv) Maximum plot ratio shall be 1.5. Car Parking (v) Car parking is to be provided at the following ratio: (1) One per employee +; (2) One per 3 m² bar area +; (3) One per 4 seats in dining area +; (4) One per bedroom +; (5) One per 4 m² other public areas; and (6) One bicycle parking facility for every 10 car bays. Setbacks (vi) The following minimum setbacks apply: (1) 25 m from Princess Royal Drive; (2) 12 m from eastern boundary; and (3) Nil setbacks from all other boundaries. Commercial Precinct <u>Lot 4 and 5 Princess Royal Drive</u> Building Height (i) Buildings are to be a maximum height of 2 storeys. Plot Ratio (ii) Maximum plot ratio shall be 0.5. Car Parking (iii) Car parking is to be provided at the ratio of 1 bay per 20 m² gross floor area. Setbacks (iv) The following minimum setbacks apply: (1) 25 m from Princess Royal Drive; (2) 12 m from eastern boundary;

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
			(3) 2.5 m from western boundary; and (4) Nil setbacks from all other boundaries.
SU7	Lot 5780 Down Road South, Drome. Refer to Schedule 10, Figure 3.	Recreation – Private (A) Club Premises (A)	(1) Recreation—Private and Club Premises uses shall be motorsport based only. Council may consider uses that are incidental to the Special Uses listed. (2) Applications for development approval shall be advertised in accordance with clause 64 of the deemed provisions. (3) All use and development is to be in accordance with the Regional Motorsports Park Precinct Plan and approved management plans. (4) Any application for development approval for the site shall be accompanied by management plans to address environmental aspects, including— (a) A Noise Management Plan for construction and operation of the site, to the satisfaction of the local government and responsible state department/s, and which includes but is not limited to— (i) Limitations on hours of operation as follows— (1) Sundays: 9 am-6 pm; (2) 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 responsible state department/s. (c) A Hydrocarbon Management Plan for operation of the site. (d) A Waste Management Plan for construction and operation of the site.

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
			(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 responsible state department/s. (g) A Protected Exclusion Area Management Plan for construction and operation of the site, to the satisfaction of the local government and responsible state department/s, 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 responsible state department/s, that identifies actions for rehabilitation, if or when motorsports cease to operate at the site. (i) A Construction Management Plan. (5) 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. (6) Development shall be subject to prior securing of appropriate tenure and/or easements and prior or concurrent construction of a secondary vehicular access/egress route for emergency purposes, to the relevant standards. (7) 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).
SU8	Lot 7250 Gwydd Close, Elleker	Caretaker's Dwelling (I) Tourist Development (A) Community Purpose (D)	(1) All subdivision and development shall be generally in accordance with a Local Development Plan and Strata Management Plan. (2) Tree/shrub planting shall be undertaken and maintained between Tourist Development chalets and Gwydd Close. Where possible (other than to accommodate development), existing vegetation is to be retained. (3) A potable water supply shall be provided to the satisfaction of the local government. Water tanks shall have a minimum capacity of 55 000 L.

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
			(4) Gwydd Close shall be upgraded to a sealed standard at the development stage. (5) On-site effluent disposal shall utilise secondary treatment systems that retain nutrients. 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.
SU9	Lot 200 (Pt. 6511) Two Peoples Bay Road	Agriculture – intensive (D) Caretaker's Dwelling (I) Holiday Accommodation (D) Recreation – Private (D) Restaurant (D) Rural Pursuit (P)	(1) The development of holiday accommodation shall be designed, sited and undertaken to prevent negative impacts on the continued operation of agricultural pursuits. (2) Maximum of 12 Holiday Accommodation units. (3) Holiday accommodation units shall not exceed 140m² (excluding verandahs, carports and storage areas). (4) No more than two crossovers onto Two Peoples Bay Road. (5) The local government may require the implementation of environmental management practices including nutrient and pesticide uses and stocking rates in approving any rural uses. (6) Tree/shrub planting 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. (7) All buildings shall be setback a minimum 20 metres from Two Peoples Bay Road. (8) Dwellings shall not exceed 7.5 metres in height and be located, designed and constructed utilising materials, finishes and toning's in sympathy with the existing Nipper's cafe and to complement the rural amenity of the area.

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
SU10	Lot 2 (Pt. 4889) Albany Highway, Drome Diagram 058244	Single House ('P') Animal Establishment (Equestrian Establishment/Stables) ('D') Caretaker's Dwelling (only permitted in accordance with Clause 1c) Home Business ('D') Home Occupation ('D') Recreation – Private ('D') Rural Pursuit/Hobby Farm ('D') Grouped Dwelling (only permissible in the case of a strata subdivision)	(1) General (a) 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 (e.g. stables) and to centralised management; controlled through Scheme provisions and complemented by a strata management plan. (b) Subdivision and development of the site is to be in accordance with a structure plan. (c) No more than 77 Single Houses (plus a Caretaker's Dwelling located on common property if a survey strata 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. (d) 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 1986</i> and relevant noise regulations. (2) Services (a) No direct access will be permitted to Albany Highway. (b) 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. (3) Landscaping and Fencing (a) 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. (b) 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

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No.	Description of Land	Special Use	Conditions
			courtyards in close proximity to the residence. (4) Building Location, Design and Construction (a) All buildings should be setback a minimum of 20 metres from Albany Highway or as otherwise required by the endorsed acoustic report. (b) All habitable buildings are to be setback 40 metres from adjoining Lot 401 and Lot 5. (c) In the case of green title subdivision, in addition to the requirements of (a) and (b) above all buildings shall be setback 20m from lot boundaries abutting public road frontages and 10 metres from all other lot boundaries. (d) Other setbacks for strata title development shall be as indicated on the structure plan along with any variations as may be approved by the local government. (e) 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. (f) Dwelling houses shall not exceed 7.5 metres in height, which is measured vertically from the natural ground level. (5) Keeping of Animals (a) Notwithstanding any other condition, in the event of green title subdivision the keeping of one horse per hectare will be permitted. (b) Keeping of all animals is subject to the following conditions: (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; (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

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No.	Description of Land	Special Use	Conditions
			specified in the notice for a period specified in the notice; (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 (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. (6) Development in Survey Strata Form for Equestrian or Other Approved Purposes. (a) In the case of survey strata subdivision, the following conditions shall apply in addition to the above: <u>Communal Facilities</u> (i) 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. (ii) All development of communal facilities shall be subject to the issue of Development approval. (iii) 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. (iv) 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 been prepared demonstrating the ongoing management of the site and addressing issues including: (1) The ongoing maintenance and future replacement of communal infrastructure including bridle paths, fencing and landscaping; (2) Appointment of an on-site manager and the establishment of centralised management of the development;

Schedule 4 (Table 11)

No.	Description of Land	Special Use	Conditions
			(3) Appropriate management measures for the equine park and strata lots; (4) 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; (5) Any other matter deemed to be consistent with these Special Conditions to the satisfaction of the local government. <u>Building Location, Design and Construction</u> (i) All dwellings shall comply with a Local Development Plan, submitted at the time of lodging the planning application for the communal facilities to the satisfaction of the local government.
SU11	Lot 7774 (No.12) Bald Island Road, Cheynes	Caravan Park (P)	(1) Development requirements shall be determined by the local government upon development application.

Schedule 5**Table 12. Additional requirements that apply to specific zones in Scheme area**

Zone	Requirements
Residential zone	(1) The following general additional requirements apply to development in areas zoned Residential and coded R2, R2.5, R5 or R10: (a) Building envelopes (i) Designation of a local government approved building envelope may be required. (b) Fencing (i) Fencing within the primary and/or secondary street setback areas and/or to side boundaries shall be: (1) A maximum of 1.2m in height above the natural ground level; and (2) Visually permeable and constructed of posts and wire or similar materials. (ii) Where the proposed development varies the specified requirements in 1(b)(i), the local government may consider an alternative where there is an established aesthetic within the streetscape or locality, and the proposed alternative integrates and positively contributes to the locality. (c) Building Design (i) Building design is to be responsive to the existing landform, minimising cut and fill and the use of retaining walls. <i>Note: Preference is given to split level development, the breaking up of building mass and minimal site disturbance through earthworks.</i>
Urban Development zone	(1) The following general additional requirements apply to development in the Urban Development zone, unless otherwise stated: (a) Setbacks (i) Primary street setback: 20m (ii) Secondary street setback: 10m (iii) Side and rear setback: 10m
Rural and Priority Agriculture zones	(1) The following general additional requirements apply to development in the Rural and Priority Agriculture zones, unless otherwise stated: (a) Setbacks (i) Front/Primary street setback: 15m (ii) Side and rear setbacks: 10m (b) Second Grouped Dwelling (i) The local government may exercise its discretion by granting development approval for a maximum of two grouped

Zone	Requirements
	dwelling on a lot within the Rural and Priority Agriculture zones provided that the lot is equal to or greater than 20 ha in size. (c) Chalet development in the Rural and Priority Agriculture zones (i) The local government may grant development approval for chalets/cabins as part of a Tourist Development or Caravan Park, subject to the following requirements: (1) The subject lot being equal to or greater than 5 ha; and (2) The maximum number of chalets/cabins per lot shall be: (a) Lot size >5-10 ha – 5 chalets/cabins (b) Lot size >10 ha – 8 chalets/cabins; and (3) A maximum of two bedrooms per chalet/cabin. (ii) To minimise impacts on agriculture, flora and fauna values, and the risk to life and property from bushfires, chalets shall be: (1) Sited to avoid conflict with agricultural uses on the subject or surrounding land; (2) Where possible (i.e. where the lot accommodates cleared areas) sited in existing cleared areas; or (3) Where the lot does not accommodate sufficient cleared land, sited to form a cluster.
Rural Enterprise zone	(1) The following general additional requirements apply to development in the Rural Enterprise zone, unless otherwise stated: (a) Setbacks (i) Primary street setback to residential uses: 15m (ii) Side and rear setback: 15m (b) Land Use (i) Prior to development in the Rural Enterprise zone, a local development plan shall be prepared and approved, demonstrating the ability to – (1) Separate light industrial and residential uses via the use of building envelopes and/or dual frontages; and (2) Achieve design, scale, and operation that does not adversely impact on the amenity of the surrounding area. (ii) The local government shall not grant development approval for a dwelling prior to the predominant use being constructed. (iii) Where a dwelling has been granted development approval, it shall not be occupied until the predominant use is operational on site. (c) Site Coverage (i) Maximum combined site coverage for all buildings shall be 50%.

Zone	Requirements
	(ii) Minor variations to the site coverage requirements may be considered by the local government, where the bulk and scale of all development on site does not have detrimental impact on the locality and the development complies with all other requirements of this Scheme, relevant local planning policy and endorsed local structure plan or local development plan. (d) Buffers (i) Appropriate buffers and other measures (e.g. landscaping, screening, noise attenuation through built form etc.) are to be demonstrated as part of a development application and are to be implemented to ensure that the residential and light industrial type land uses co-existing on each lot do not have detrimental impacts on each other and adjacent residential. <i>Note: The local government expects proponents and responsible authorities to take all reasonable and practicable measures to protect the environment and to view the requirements of Environmental Protection Authority Guidance Statement No.3 (Separation Distances between Industrial and Sensitive Land Uses) to achieve an appropriate level of environmental protection. This document provides advice on the use of generic separation distances (buffers) between industrial and sensitive land uses to avoid conflicts between incompatible land uses.</i> (e) Landscaping (i) Landscaping to be developed at a ratio of 10% of the site area. (ii) Provision for the planting of shade trees should be made within a landscaped area based on a minimum standard of 1 tree per 6 car parking spaces associated with the predominant use, and planted with species that grow at least 3 m in height. (f) General Requirements (i) Unless otherwise provided in the Scheme, the development of dwellings shall be in accordance with the R2 density code provisions of the R-Codes, with the exception of the minimum lot size area, which is not applicable; (ii) No more than 1 Single Dwelling will be permitted on each lot; (iii) For lots with dual frontage, where building(s) associated with the predominant light industrial use face the street, the façade of the building(s) 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. (iv) Lots shall be connected to a network electricity supply and reticulated potable water supply provided by a licensed service provider; (v) Prior to occupation, the predominant light industrial uses shall be provided with: (1) Appropriately designed, line marked, sealed and drained vehicle circulation and parking areas; (2) A sealed and/or paved access way to a minimum width of 5 m connecting the premises with the street; (3) A designated loading/unloading area on site designed such that delivery vehicles leave and enter the street in forward gear;

Zone	Requirements
	(vi) Equipment associated with the light industrial enterprise use is to be stored in a building or structure Goods and materials associated with the predominant use shall not be stored in vehicle circulation, parking or access areas at any time; (vii) Appropriate screening vegetation to be planted between the predominant use and the approved dwelling, and between the predominant use and residential development on adjacent sites; and (viii) Notifications on title may be used to advise prospective purchasers of potential noise, dust, odour or other amenity impacts that may arise from light industrial uses.
Rural Residential zone	(1) The following general additional requirements apply to development in the Rural Residential zone, unless otherwise stated: (a) Development Setbacks (i) Front, side and rear setback – 15 m (unless Table 17 specific site provision applies) (b) Building Envelope (i) Prior to development, a local government approved building envelope is to be designated. Building envelopes are to be a maximum of 3000m² unless otherwise prescribed in site specific provisions. (c) Building Height (i) A dwelling shall not exceed 7.5 m in height from the natural ground level. (d) Fencing (i) 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. (ii) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket or similar materials; and where boundary fencing is permitted by the local government it shall be of rural construction comprising posts and wire or similar materials. (iii) The local government will require fencing to contain any livestock and protect remnant vegetation and/or exclusion areas as a condition of approval. (e) Building Design/Materials (i) 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. (ii) 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. <i>Note: Unpainted zincalume, Colorbond Surfmist and Colorbond white/off-white are considered to be reflective building materials.</i>

Zone	Requirements
	(f) Buffers (i) Dwellings are to be setback a minimum of 200m from extraction (sand) activities. (g) Flora and Fauna (i) All buildings, effluent disposal systems and access ways shall be located to avoid adverse effect upon flora and/or fauna. (ii) To avoid the clearing of remnant vegetation, the local government may limit fencing to around the Building Envelope. (iii) The local government may require revegetation on a site with local endemic species as a condition of development approval, for the purposes of: (1) Enhancing a natural setting; (2) Protecting a local habitat; (3) Assisting to provide vegetated corridors to maintain fauna and flora linkages; or (4) Assisting in the maintenance of a waterway. (h) Livestock (i) The keeping of livestock is not permitted in areas of remnant vegetation or within 30m of a waterway. (ii) 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: (1) Damage to natural vegetation; (2) Water pollution; (3) Dust pollution; (4) Soil erosion; or (5) 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.
Rural Smallholdings zone	(1) The following general additional requirements apply to development in the Rural Smallholdings zone, unless otherwise stated: (a) Setbacks (i) Primary street setback: 15m (ii) Side and rear setbacks: 10m (b) Chalets/cabins as part of a Tourist Development (i) The local government may grant development approval for chalets/cabins as part of a Tourist development, subject to the following requirements: (1) The subject lot being equal to or greater than 5 ha; and (2) The maximum number of chalets/cabins per lot shall be: (a) Lot size >5 and <10 ha – 2 chalets/cabins (b) Lot size >10 ha – 3 chalets/cabins; and (3) A maximum of two bedrooms per chalet/cabin.

Zone	Requirements
	(c) Livestock (i) The keeping of livestock is not permitted in areas of remnant vegetation or within 30m of a waterway or wetland. (ii) 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: (1) Damage to natural vegetation; (2) Water pollution; (3) Dust pollution; (4) Soil erosion; or (5) 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. (iii) To prevent degradation by livestock, the local government may require areas of remnant native vegetation, waterways and wetlands to be suitably fenced to restrict access by livestock.
Rural Townsite zone	(1) The following general additional requirements apply to development in the Rural Townsite zone, unless otherwise stated: (a) Setbacks (i) Primary street setback: 10m (ii) Side and rear setbacks: 3m
Environmental Conservation zone	(1) The following general additional requirements apply to development in the Environmental Conservation zone, unless otherwise stated: (a) Setbacks (i) 20m from all lot boundaries. (ii) Refer also to an endorsed local structure plan or the adjacent development/setback requirements for particular areas. (b) Building Height (i) A dwelling shall not exceed 7.5 m in height, which is measured vertically from the natural ground level. (c) Building Design/Materials (i) 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. (ii) 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. <i>Note: Unpainted zincalume, Colorbond Surfmist and Colorbond white/off-white are considered to be reflective building materials.</i> (d) Fencing (i) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket or similar materials; and where boundary fencing is permitted by the local government it shall be of rural construction comprising posts and wire or similar materials.

Zone	Requirements
	(e) Revegetation (i) The local government may require revegetation on a site with local endemic species as a condition of development approval, for the purposes of: (1) Enhancing a natural setting; (2) Protecting a local habitat; (3) Assisting to provide vegetated corridors to maintain fauna and flora linkages; or (4) Assisting in the maintenance of a waterway or wetland. (f) Access (i) 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. (g) Building Envelope (i) All development (including dwelling and outbuilding), water storage systems and low-fuel zones shall be confined centrally to a designated building envelope approved by the local government. (ii) Development shall be sited and designed so as to: (1) Minimise impact on the amenity, and the landscape elements of the locality; (2) Ensure access roads/accessways can be achieved with minimal disturbance to vegetation and are not visually intrusive from within or outside the area; (3) Ensure sites can accommodate bushfire control measures and low fuel areas can be achieved and readily maintained; (4) Avoid highly exposed sloping sites and ridgelines (5) Address the cost of constructing access roads and providing services such as telecommunications and electricity; and (iii) Ensure development blends in with the landscape and does not stand out or dominate a particular view from public roads and adjacent view. Development is to be confined to existing cleared areas. (iv) The removal of vegetation for access, provision of services and bushfire protection is to be minimised wherever possible.
General and Light Industry zones	(1) The following general additional requirements apply to development in the General Industry and Light Industry zones, unless otherwise stated: (a) Setbacks (i) Primary street setback: 9m (ii) Side and rear setbacks: Nil (b) Landscaping (i) 10% of the site area is to be landscaped. (c) Effluent Disposal (i) Where an industrial activity involves the production and discharge of industrial or noxious liquid effluent, the local government will require the development to either:

Zone	Requirements
	(1) 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 (2) 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. (ii) The local government may require that a development application for industrial development is accompanied by a waste management plan which details: (1) The type and quantity of waste likely to be generated; (2) Adequate location(s) on site for the temporary storage of waste; (3) Methods for removing waste from the site with a focus on waste minimization, re-use and recycling. (iii) Where a development is likely to generate contaminants capable of being transported via stormwater, the local government will require a stormwater management plan which is to demonstrate that stormwater will be of acceptable quality when discharged to the receiving environment. (d) Access (i) All premises within the General and Light Industry zones shall be provided with: (1) A sealed and/or paved access way to a minimum width of 5 m connecting the premises with the street; (2) A designated loading/unloading area on site, designed so that delivery vehicles leave and enter the street in forward gear; (3) Screening of any open storage areas from public view by a wall, a fence and/or landscaping. (e) Building Facade (i) 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. (f) Buffers (i) All industrial developments shall: (1) Provide any required buffer areas around land uses in accordance with the Environmental Protection Authority's <i>Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses</i>. A lesser separation distance maybe considered where a site-specific study has demonstrated that a lesser distance will not cause unacceptable impacts on any adjoining/nearby sensitive uses; or (2) Undertake development to reduce potential impact (noise, dust, odour) to sensitive land uses. Design is to demonstrate how potential impacts are being avoided.

Zone	Requirements
Industrial Development zone	(1) The following general additional requirements apply to development in the Industrial Development zone, unless otherwise stated: (a) Setbacks (i) Primary street setback: 10m (ii) Side and rear setbacks: 10m (b) Landscaping (i) 10% of the site area is to be landscaped. (c) Potable Water (i) Potable water supply shall be provided to the satisfaction of the local government and the responsible state department/s, with all sampling, analysis and/or treatment costs being borne by the applicant. (d) Car Parking (i) On-site car parking bays shall be provided in accordance with the general provisions of the Scheme or one for every person employed, whichever is the greater. Driveway widths and turning circles are to comply with Australian Standards. (e) Storage Areas (i) All service and storage areas are to be setback behind the front building line and screened so as not to be visible from the road.
Strategic Industry zone	(1) The following general additional requirements apply to development in the Strategic Industry zone, unless otherwise stated: (a) Setbacks (i) Primary street setback: 10m (ii) Side and rear setbacks: 10m (b) Development (i) Development approval is required for works or land-use on privately owned land located with the Strategic Industry zone.
Commercial and Neighbourhood Centre zones	(1) The following general additional requirements apply to development in the Commercial and Neighbourhood Centre zones, unless otherwise stated: (a) Setbacks (i) Commercial (1) Primary Street Setback: 3m (2) Side and rear setbacks: Nil (ii) Neighbourhood Centre (1) Primary Street Setback: 7.5m (2) Side and rear setbacks: 5m (b) Landscaping (i) 10% of the site area is to be landscaped. (ii) Dense tree and under-storey planting is required at the boundary of a Commercial or Neighbourhood Centre zone, which adjoins residential development.

Zone	Requirements
	(c) Plot Ratio (i) Max plot ratio of 0.6 for the Neighbourhood Centre zone. (ii) Max plot ratio of 0.8 for the Commercial zone. (d) Building Design (i) Development in the Commercial and Neighbourhood Centre zones is to be considerate of the following: (1) Landscape quality; (2) Sustainability - energy efficient design measures; (3) Appealing design and surveillance to the street and to open space areas; (4) Mixture of material and design features for street and open space facades; (5) Where residential and commercial is proposed within the one building, commercial is to be located at street level; (6) Earthworks, including fill, excavation and retaining; (7) Setting back from the street any third story. (e) Traffic Impact (i) Traffic Impact Assessments may be required for applications that have the potential to substantially increase the amount of vehicular traffic in the local area. (f) Noise (i) Design measures such as parapet walls and or limitation on operating hours may be necessary for noisy activities adjacent to residential land use. (g) Shop Design (i) Shopping centres shall provide amenity through provision of the following: (1) Comfortable furniture; (2) Artwork providing vitality, colour and interest and providing cultural enhancement; (3) Pedestrian links with easy access from road and cycle networks and bus stops; (4) Solar access and providing shade (trees or shade structure) in summer and sun penetration in winter; (5) A heavily landscaped edge to access roads incorporating raised landscaped garden beds to create an attractive entrance; (6) The creation of discrete parkland locations, occasionally incorporating water elements; and/or (7) The creation of a well landscaped boulevard entrance as a central reference. (8) The building façade of a 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);

Zone	Requirements
	(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. (ii) Long, relatively blank building facades to any public building space are not acceptable. (iii) 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. <i>Note: The term 'at ground level' shall mean the lowest 2 m of building façade measured above the footpath level.</i> (h) Net Lettable Area (i) The maximum net lettable area for a shopping centre development in Neighbourhood Centre zone areas shall be in accordance with the Table 17.
Mixed Use zone	(1) The following general additional requirements apply to development in the Mixed Use zone, unless otherwise stated: (a) Lot size (i) Within the Mixed Use zone, the applicable R-Code applies to residential and mixed use development as indicated on the Scheme Map. (b) Building height (measured in storeys and metres) (i) Development for residential and non-residential development within the Mixed Use zone shall be in accordance with the maximum building height requirements applicable under the designated R-Code, as indicated on the Scheme Map. (ii) Where discretion is sought to the building height provisions, developments shall be assessed against the relevant performance criteria set out under the R-Codes. (c) Plot ratio (i) The following maximum plot ratio applies to development in the Mixed Use zone: (1) Residential development: As per R-Codes (2) Non-Residential development: Maximum plot ratio of 1.5 (3) Where development consists of a mix of residential and non-residential development, the plot ratio provisions outlined under (1) and (2) shall apply to the relevant elements of the development. (4) Where discretion is sought to the plot ratio provisions, developments shall be assessed against the relevant performance criteria set out under the R-Codes.

Zone	Requirements
	(d) Street and lot boundary setbacks (i) As per R-Codes (e) Parking (i) Vehicle and bicycle parking shall be provided in accordance with the following: (1) Residential: As per R-Codes (2) Non-residential: As per Table 15 of Schedule 6 (3) The design, layout and movement areas for vehicle and bicycle parking shall be provided in accordance with Tables 13,15 and 16 of Schedule 6 and vehicle access considerations outlined below. (4) Relaxation to parking requirements shall be assessed against the provisions outlined under Table 13 of Schedule 6. (f) Landscaping and open space (i) Developments consisting of non-residential uses only are to provide a minimum of 5% of the site area for soft landscaping on site, in accordance with an approved landscaping plan and maintained in perpetuity to the satisfaction of the local government. (ii) Minimum open space (communal and private), landscaping and deep soil area requirements for residential or mixed use development shall be provided in accordance with the R-Codes. (iii) Shade trees shall be planted in open parking areas, in accordance with Table 13 of Schedule 6. (g) Vehicle access (i) Access to on-site car parking spaces to be provided: (1) Where available, from a communal street or right-of-way available for lawful use to access the relevant site and which is adequately paved and drained from the property boundary to a constructed street; or (2) From a secondary street where no right-of-way or communal street exists; or (3) From the primary street frontage where no secondary street, right-of way, or communal street exists. (ii) Vehicle access for on-site car parking or other purposes (such as deliveries or waste collection) should be consolidated to a minimal number of access/egress points to the site, where feasible. (h) Building design and functionality (i) The following internal and external building design requirements and considerations apply to residential, non-residential and mixed use development in the Mixed Use zone: (1) Buildings shall address all street frontages, with design elements to increase street surveillance.

Zone	Requirements
	(2) In residential and mixed use development, visual privacy (including either through visual privacy setbacks and/or building separation), solar access, and other relevant building design considerations shall be in accordance with the R-Codes. (3) Primary entry points for pedestrians to developments should be provided from the primary street, with separated pedestrian entry points for residential and non-residential components for mixed use development where appropriate. (4) Development should incorporate design elements and materials which break down the bulk of development, provide visual interest through the articulation of the built form, and where street facing, provide weather protection in the adjacent public domain. (5) Articulated building facades that provide increased surveillance of streets, balconies and terraces will be encouraged. (6) Residential, non-residential and mixed use developments shall incorporate all other relevant building design considerations as set out under this Scheme, the R-Codes, or applicable local structure plan, local development plan or local planning policy. (7) Residential and non-residential development shall consider on-site waste management and collection requirements, incorporating these aspects into the design. (i) Residential development adjacent to commercial or light industrial uses (i) Prior to the issue of development approval for an application involving residential development in the Mixed Use zone, the local government may require the applicant to: (1) Provide a legal mechanism to notify the owner, their heirs and successors in title, of the possible loss of amenity from adjoining land uses; (2) Undertake a land use, acoustic and traffic analysis; and (3) Design the residential building and provide a site layout responsive to the analysis. (ii) Quiet house design requirements may be required to apply where considered appropriate by the local government. (iii) While lawful operating industrial uses remain within a 300 metre radius of the application site, 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 indoor noise levels for proposed residential or short stay development comply with the relevant 'satisfactory' design sound level specified by <i>AS 2107:20016 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors</i> (or any updates) to ensure compliance with <i>Environmental Protection (Noise) Regulations 1997</i>.

Zone	Requirements
	(iv) Noise attenuation measures may include but are not limited to: (1) Lodgement of an acoustic report specific to the proposed development design; (2) Local development plan and method of implementation; (3) Design and construction requirements; (4) Notification to prospective purchasers and on all Certificates of Title advising of the potential noise impacts and the requirement for appropriate noise attenuation measures.
Service Commercial zone	(1) The following general additional requirements apply to development in the Service Commercial zone, unless otherwise stated: (a) Setbacks (i) Primary street setback: 7.5m (ii) Side and rear setbacks: Nil (b) Landscaping (i) 10% of the site area is to be landscaped. (c) Plot Ratio (i) Max plot ratio of 0.6 for the Service Commercial zone. (d) Building Design (i) 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. (e) Storage - Materials (i) 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 effect upon the general appearance of the area, the local government may require the owner or occupier to: (1) Restrict the height and areas to which goods and materials may be stored; and/or (2) Effectively screen the open storage area by a closed fence and/or the planting of trees and/or shrubs. (ii) No goods are to be stored or services provided which extend beyond the land the subject of the development application. (f) Access (i) Any access/egress point(s) onto adjoining roads requires the approval of the responsible state department/s for road control. (ii) All premises within the Service Commercial zone shall be provided with: (1) A sealed and/or paved access to the specifications of the responsible state department/s for road control; (2) A designated loading/unloading area on site, designed so that delivery vehicles leave and enter the street in forward gear.

Zone	Requirements
	(g) Signage (i) 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. (h) Portion Lot 1004 Viastra Drive, Lange (i) Prior to development a Local Development Plan is to be prepared and endorsed by the local government. (ii) The Local Development Plan shall address: (1) Building height and bulk; (2) Setbacks and noise mitigation; (3) Building design and windows, openings and street frontages/facades; (4) Materials and colours; (5) Access, loading/servicing areas and car parking; (6) Landscaping, public art and signage. (iii) The development of the land shall be subject to preparation and implementation of a Stormwater Management Plan. (iv) No direct vehicular access to Chester Pass Road is permitted.
Regional Centre zone	(1) The following general additional requirements apply to development in the Regional Centre zone, unless otherwise stated: (a) Setbacks (i) Primary street setback: Nil (ii) Side and rear setbacks: Nil (b) Lot size (i) Lot size within the Regional Centre zone is to occur in accordance with the R-Codes. (c) Landscaping (i) 2% of the site area is to be landscaped. (d) Plot Ratio (i) Max plot ratio of 2 for the Regional Centre zone. (ii) The local government may grant development approval for a building in the Regional Centre zone with a plot ratio of 2.4, 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. (e) Building Design (i) Development within the Regional Centre zone shall respond to the scale and articulation of existing streets and buildings. (f) Building height (i) No development exceeding a height of 3 storeys (11 m in height). (g) Buildings built from side to side property boundaries. (i) Developments constructed up to the street boundary shall where practical, provide pedestrian shelter over the pavement

Schedule 5 (Table 12)

Zone	Requirements
	in the form of an awning, canopy, balcony or veranda to a minimum width of 2.5 m.
Tourism zone	(1) The following general additional requirements apply to development in the Tourism zone, unless otherwise stated: (a) Setbacks (i) Primary street setback: 6m (ii) Side setback: 3m (iii) Rear setbacks: 6m (b) Landscaping (i) 10% of the site area is to be landscaped. (c) Plot Ratio (i) Max plot ratio of 0.7 for the Tourism zone. (d) Local Development Plan (i) The local government may require the preparation of a Local Development Plan, in accordance with the <i>Planning and Development) Local Planning Schemes) Regulations 2015</i>. (e) Short stay accommodation as part of a Tourist Development or Caravan Park (i) Unless otherwise stated in the Scheme, the density and built form of short stay accommodation as part of a Tourist Development or Caravan Park use within the Tourism zone, is to integrate and complement the existing scale and built form of development within the locality. (f) Building Design (i) Any development of land contained within the Tourism zone shall incorporate design elements that: (1) Ensures new buildings and substantial additions to existing buildings complement the architectural and historic character of the locality; (2) Articulates (reduces) the mass and scale of buildings; (3) Provides opportunities for passive recreation and private open space by incorporating natural vegetation.
Private Community Purposes zone	(1) The following general additional requirements apply to development in the Private Community Purposes zone, unless otherwise stated: (a) Setbacks (i) Primary street setback: 11m (ii) Side setback: 3m (iii) Rear setbacks: 7.5m (b) Landscaping (i) 10% of the site area is to be landscaped. (c) Plot Ratio (i) Max plot ratio of 0.5 for the Private Community Purposes zone.

Schedule 6

Table 13. General development standards that apply to land in the Scheme area

Subject	Conditions
Access	(1) Where possible, internal property access is to be located and designed to avoid the clearing of vegetation, visual impact, steep slopes and to manage stormwater.
Accommodation Within 200 m of Industry-Extraction	(1) The local government may require any habitable development proposed within 200 m 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.
Acid Sulfate Soils	(1) 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 responsible state department/s, 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 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 responsible state department/s, 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 responsible state department/s, 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. <i>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 responsible state department/s.</i>
Agriculture – Intensive and Animal Husbandry – Intensive	(1) In considering an application for development approval for Agriculture – Intensive and Animal Husbandry – Intensive, the local government may require: (a) A land capability assessment, in accordance with relevant publications and methodology prepared by the responsible state department/s; (b) 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) Incorporation of a buffer separation distance to protect sensitive uses; (d) A management strategy to control potential nuisances generated by the land use;

Subject	Conditions
	(e) A Nutrient and Irrigation Management Plan (NIMP), to the satisfaction of the local government, in consultation with the responsible state department/s. <i>Note: Guidance on the development of nutrient and irrigation management plans are outlined under applicable policy or guidance notes prepared by relevant the government department or agency, specifically the Department of Water and Environmental Regulation's Water Quality Protection Note 33: Nutrient and irrigation management plans.</i> (2) Agriculture –intensive and Animal husbandry – intensive uses should generally be located outside of Sensitive Water Resource Areas. <i>Note: Sensitive water resource area include land that drains to and is within two kilometres of Wilson Inlet, Torbay Inlet, Manerup Lagoon, Lake Powell, Princess Royal Harbour and Oyster Harbour.</i>
Ancillary Dwelling	(1) When considering an application for development approval for Ancillary Dwelling, the local government is to have regard to, and may impose conditions concerning: (a) A maximum of 1 Ancillary Dwelling may be considered per Single Dwelling. (b) Ancillary Dwelling is to be located either alongside or to the rear of the existing residence. (c) The Ancillary Dwelling shall be connected to the same effluent disposal system as the main dwelling. Where the applicant proves this to be physically impossible, Council may support a second effluent disposal system. (d) The maximum floor area is 70m², measured on the internal living floor areas.
Bed and Breakfast Accommodation	(1) Bed and breakfast accommodation will only be approved on a lot where it can be demonstrated that: (a) The proposal is consistent with surrounding land use activities and can demonstrate general support from adjoining landowners; (b) The owner/manager of the bed and breakfast accommodation will reside on site; (c) The proposal provides additional on-site car parking bays at the ratio of 1 bay per bedroom and shall not interfere with vehicular access; and (d) Access/egress to the site and car parking shall not adversely impact local vehicular or pedestrian traffic.
Building Design	(1) The local government may require building design to address the following: (a) Energy efficient design measures including solar gain and recycling/reuse of water. (b) Innovative solutions to cater to slope to minimise cut and fill or impact on land features such as boulders. (c) Max 7.5m height to address visual amenity. (d) Buildings and water tanks painted or coloured an appropriate shade of brown or green or suitably screened with vegetation to blend with the surrounds.

Subject	Conditions
	<i>Note: The use of reflective materials is discouraged. Unpainted zincalume, Colorbond Surfmist and Colorbond white/off-white are reflective materials.</i> (e) Impact to the surrounding environment including: (i) Mass and scale (ii) Impact on vista or view corridor (iii) Reflectivity of building material (iv) Noise mitigation.
Building Envelopes	(1) Where development approval is required for a building envelope on a lot, the proposed location shall respond to the existing constraints of the site and shall demonstrate that future development: (a) Is optimised to reduce the impact of bushfire; (b) Is located in suitable areas of the lot that does not result in detrimental impacts on existing environmental values; (c) Is located appropriately to ensure drainage and stormwater management can be adequately managed on site; (d) Is sited in existing cleared areas. (2) For land where an approved building envelope is required: (a) All buildings and effluent disposal systems shall be confined within the building envelope; and (b) Where possible, development shall be centrally located within building envelopes. (3) Proposals for split building envelopes will generally not be supported, unless otherwise provided for in this Scheme, and it can be demonstrated the impact on the natural environment will be minimal. (4) The local government may consider variations to the position of a designated building envelope and/or street or lot boundary setbacks 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.
Bushfire	(1) Preparation and implementation of a Bushfire Management Plan may be required within bushfire prone areas.
Caravan Park <i>Note:</i> <i>The Caravan Parks and Camping Grounds Act 1995 provides for the regulation of caravanning and camping. In accordance with the Act, caravan park means an area of land on which caravans, or caravans and camps, are situated for habitation.</i> <i>The Caravan Parks and Camping Grounds</i>	(1) Development and operation of Caravan Park use (including duration of stay) shall be in accordance with the <i>Caravan Parks and Camping Grounds Act 1995</i> and <i>Caravan Parks and Camping Grounds Regulations 1997</i>. (2) Prior to any approvals being granted for development, the applicant(s) will be required to demonstrate to the satisfaction of the local government that the development: (a) Unless in the Tourism zone, will be incidental to the principal use of the land; or (b) Unless in the Tourism zone, is adjacent or within immediate proximity to a tourist attraction; (c) Will not have any adverse effect on nearby land

Subject	Conditions
<i>Regulations 1997 provides for design criteria associated with caravanning and camping. In accordance with the Regulations, 'caravans, or caravans and camps', may be classified as follows:</i> • Caravan park • Camping ground • Caravan park and camping ground • Park home park • Transit park • Nature based park	(d) Will result in the retention and enhancement of existing vegetation on the land; (e) Will not adversely affect the visual character of the property and surrounds; (f) Is located so as to avoid ridge lines, escarpments or visually exposed sites and situated where screening vegetation or landform can be utilised; (g) Is designed to minimise impact on vegetation, waterway, wetlands, soil quality and existing land uses; (h) Is of a scale and nature so as to be self-sustaining on the lot or demonstrating the ability to provide servicing without significant modifications to existing infrastructure. (3) Prior to any approvals being granted for the development, a management plan will need to be submitted showing: (a) The amenities that are proposed to be provided, or not provided, at the facility; (b) Site planning; (c) Environmental impact and sustainability; (d) Waste management; (e) Traffic management; and (f) Risk management. (4) Unless in the Tourism zone, a caretaker is to reside and be present on the property when the use is in operation. (5) The following minimum facilities are required, either on site, or advise people beforehand to provide these within their self-contained portable camping arrangement: (a) Toilet facilities that are environmentally responsible; (b) Provision of suitable ablutions for handwashing and dishwashing; (c) Potable water. (6) 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.
Caretaker's Dwelling	(1) Only 1 Caretaker's Dwelling shall be permitted as an incidental use to an approved predominant use. (2) A proposed use that is similarly termed, and has similar intent or purposes (such as 'Manager's dwelling') to a Caretaker's Dwelling, shall be considered under the definition of Caretaker's Dwelling. (3) A Caretaker's Dwelling: (a) Shall be located on the same lot as the approved predominant use; or (b) Where subdivision is proposed, shall be located within the common property; and (c) Shall not be permitted to be contained on its own lot. (4) Occupation of the Caretaker's Dwelling shall be restricted to the proprietor, manager or authorised person in charge of the approved predominant use, and their immediate family; and (5) The Caretaker's Dwelling shall remain operating in perpetuity or otherwise cease if the approved predominant use ceases operation, and shall not be permitted to convert to another defined permanent residential use, unless otherwise provided for in this Scheme, relevant local planning policy or other provision. (6) The maximum plot ratio area for a Caretaker's Dwelling shall be 100 m².

Subject	Conditions
Chalet/Cabin	(1) A chalet/cabin shall not exceed 110m ² (excluding verandas, carports, and storage areas).
Contamination	(2) Where contamination of the soil or hydrology has been identified, a report should be submitted to the responsible state department/s, indicating type, source and location of contamination. <i>Note: For further information, see the Contaminated Sites Act 2003 and the Contaminated Sites Regulations 2006.</i>
Dam in a Waterway or Adjoining a Conservation Category Wetland	(1) The construction of a dam in a waterway or adjoining a conservation category wetland, that is likely to reduce the natural flow or change the direction of flow, will only be permitted where it can be demonstrated, to the satisfaction of the local government, that there will be no adverse impacts on the waterway and/or environment of the area within which the development is proposed. (2) The local government in determining applications for the construction of a dam in a waterway or adjoining a conservation category wetland, will consider any advice provided by relevant government departments or agencies. (3) The local government may impose a condition requiring the installation of a low flow bypass to a dam to ensure environmental flows are maintained within the catchment. (4) The local government may impose a condition requiring the area surrounding any approved dam to be vegetated with endemic species in order that it can perform a habitat function. (5) Following dam construction, residual earthworks and spoil shall not be left in the setback area between boundaries or stockpiled on site. Residual spoil from dam construction shall be respread or reused on the subject site in such a way as to not cause an adverse visual impact or a nuisance to neighbours. (6) The local government may refuse an application for a dam in a waterway or adjoining a conservation category wetland, or impose conditions on any planning approval so as to protect the resource and environmental attributes. <i>Note: There will be a general presumption against development of a dam in a waterway or adjoining a conservation category wetland. The onus will be on the proponent of development to demonstrate that the proposed activity will not prejudice the resource.</i>
Demolished Building Sites	(1) Where buildings are demolished and, for whatever reason, redevelopment of the site is delayed for more than 6 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 adjoin 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

Subject	Conditions
	(d) The site is maintained to ensure no sediment runoff from the site occurs.
Dust	(1) At the development stage, the local government may require the development and implementation of a dust management plan to reduce any potential impact to surrounding property.
Floor Levels	(1) Finished floor levels for habitable buildings on land adjacent to the King River or Willyung Creek, are to be a minimum of 500 mm above the predicted 1:100-year flood level (Taken from GHD 2007 1:100 year flood elevations and flow volume and John Kinnear & Associates 2008 surveyed spot elevations).
Home Business	(1) 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.
Industry - Extractive	(1) No excavation is to occur within 200 m of a sensitive land use not located on the subject property. (2) The proposed extraction pit is to be setback a minimum of 40m from any public road. (3) An extractive industry should not be located within visually obvious locations (locations obvious from major roads, townsites and tourist nodes). (4) All activities are adequately screened from major vantage points (i.e. from regional and district roads); and (5) A development application for Industry – Extractive shall include an Environmental and Operational Management Plan. <i>Note: Nothing in the Scheme shall prohibit or affect the granting of the tenement or carrying out of any mining operations authorised under the Mining Act 1978.</i> <i>On Crown Land, construction materials are defined as a 'mineral' and require a Mining Lease to be issued by the responsible state department/s, 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 the Scheme and issuing of licenses under the Extractive Industries Local Law 2009, or any other laws applicable to the proposal.</i>
Land Clearing	(1) All land clearing requires the prior development approval of the local government, with the exception of the following: (a) Any clearing, including the provision of firebreaks, that is authorised under the <i>Bush Fires Act 1954</i> (as amended); (b) Any clearing carried out in accordance with an approved Bush Fire Management Plan; (c) Clearing where a building permit has been issued and no development approval for the building is required; (d) Any clearing of vegetation not native to Western Australia; (e) Any clearing of vegetation that has been designated as a noxious weed under the <i>Agriculture Act 1988</i> (as amended); (f) Clearing in accordance with the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> (as amended);

Subject	Conditions
	(g) The lopping of native vegetation for stock fodder in any period of declared drought if the continued health of the vegetation is not affected; (h) The clearing of any vegetation planted for the purposes of harvesting including farm forestry; (i) Clearing in accordance with any other Act or Regulation. (2) Wherever suitable alternatives exist, development is to be located outside of areas which would require the removal of vegetation. (3) Where suitable alternatives do not exist, the local government may require a flora and fauna study to determine locations on the site where development could occur with the least possible impact. (4) Where the removal of vegetation is required, the local government may require that offset planting be undertaken by the proponent. Offset planting shall be an equivalent area of land to be revegetated with native vegetation indigenous to the locality on the land the subject of the application, or on public land managed by the local government or with the consent of the land owner(s) on other land in their ownership to ensure that there is no net loss of native vegetation to the local government. Offset planting shall be protected in perpetuity through a conservation covenant or equivalent legal instrument were located on private land. (5) The local government may refuse a planning application if the removal of vegetation, in the opinion of the local government, would result in detrimental impacts on existing environmental values, amenity or the landscape. <i>Note: Defining of boundaries should not require the clearing of vegetation.</i> <i>Note that fencing would not be appropriate as a means of 'demarcation' within a vegetated area, as it could lend to habitat fragmentation and inhibit fauna movement.</i>
Land Subject to Flooding	(1) Development in any 100-year ARI floodway is prohibited. (2) In areas subject to periodic inundation or flooding (i.e. floodplain), 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 waterway, wetland or drainage system. (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 may: (a) Employ a presumption against the intensification of development; and (b) Where new buildings are proposed that a development application includes:

Subject	Conditions
	(i) A flood risk assessment, to demonstrate acceptable vertical separation has been provided; or (ii) Written acknowledgement that the owner accepts that the building and its contents may be subject to periodic flooding and/or inundation.
Landscaping Requirements	(1) Where no defined landscaping requirement is specified, the local government shall determine the amount of landscaping to be provided having regard to the nature of the proposed development. (2) 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. (3) 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) 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 in proximity 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.
Livestock	(1) The keeping or grazing of livestock for Rural Pursuit/Hobby Farm purposes on any lot or part of any lot shall be in accordance with the stocking rates as recommended by the responsible state department/s. (2) To prevent degradation by livestock, the local government may require areas of remnant native vegetation, waterways and wetlands to be suitably fenced to restrict access by livestock.
Loading/Unloading and Service Areas	(1) 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. (2) 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 existing loading or service area as part of a proposal, without having first obtained development approval of the local government.
Local Amenity	(1) No development shall be constructed, finished or left unfinished that its external appearance would significantly detract from the amenity of the locality.

Subject	Conditions
	(2) All land and development shall be used and maintained, to preserve the local amenity.
Noise	(1) At the development stage, the local government may require the development and implementation of a Noise Management Plan to address issues associated with noise.
Outbuildings	(1) Notwithstanding the R-Code definition for outbuildings ('an enclosed non-habitable structure that is detached from any dwelling'), approval may be considered for the development of an outbuilding on a vacant lot zoned 'Rural', 'Priority Agriculture', 'Rural Residential', 'Rural Smallholdings', 'Rural Townsite' or 'Environmental Conservation'. (2) Notwithstanding the standards set out under Table 12 of Schedule 5, the following provisions also apply: (a) Outbuildings are to be located behind primary and secondary setbacks areas and any existing or proposed dwellings. (3) An outbuilding proposed with a floor area of 10m² or less and under 2.4m in height is considered exempt from the provisions of the Scheme. A second outbuilding with a floor area of 10m² or less and under 2.4m in height is to be assessed in accordance with this Scheme and/or relevant local planning policy. (4) Where an outbuilding varies the development standards outlined under Table 14 in Schedule 6, the following additional performance criteria apply: (a) The maximum floor area may be varied where: (i) The combined footprint of all approved outbuildings on site is less than that of the approved dwelling; and (ii) The relaxation does not result in discretion sought to any other applicable standard of this Scheme, relevant local planning policy, other than (b), (c), (d) and/or (e) below; and (iii) The outbuilding is ancillary to the residential use of the land, and used only for storage and/or parking of vehicles/vessels related to the primary residential use. (iv) The bulk and scale of the outbuilding does not detract from the dwelling or have a detrimental impact on the visual amenity or natural environmental values of the locality; and/or (b) Where the building incorporates a mono-pitch skillion roof (not a hipped, pitched or gable roof), a relaxation to the maximum permitted wall height (up to 15% on higher side) may be supported, provided the relaxation does not result in discretion sought to any other applicable standard under (1) above or this Scheme and/or relevant local planning policy; and/or (c) Where the land upon which the outbuilding is to be erected has a slope of less than 1:5, and site works are required to provide a level building footprint, the height of the wall may be measured from the natural ground level at the point where the excavation and fill intersect provided that: (i) The extent of excavation and fill is balanced; (ii) The change in height to natural ground level is limited to an average of 500 mm across the building footprint; (iii) The outbuilding achieves all setback requirements; and (iv) Where possible, the outbuilding is located on the most level portion of the lot. and/or (d) Where in order to accommodate larger boats, caravans or motor-homes on Lots <4 000 m², a relaxation of the wall height (up to 15%)

Subject	Conditions
	may be considered, provided that the landowner of the subject site demonstrates proof of ownership of such vehicle/vessel, provided the relaxation does not result in discretion sought to any other applicable standard under (2) above or this Scheme and/or relevant local planning policy; and/or (e) In the circumstance where it can be demonstrated that the stated maximum floor area is unworkable due to the dimensions of a standard outbuilding design, up to an additional 5 m² to the maximum permitted floor area under (2) may be considered, provided the relaxation does not result in discretion sought to any other applicable standard under (2) above or this Scheme and/or relevant local planning policy.
Parking Requirements	(1) <u>General Parking Requirements</u> (a) All development shall incorporate on-site parking area(s) with the number of bays required shown in the Table 15. (b) Where the calculated number of parking bays results in a fraction of a bay, the required total number of bays shall be rounded up. (c) Where a particular parking requirement for a use class is not specified in the Scheme, the local government shall determine the number of car parking bays to be provided having regard to: (i) The nature of the proposed development; (ii) The recommendations of the <i>Building Code of Australia</i>; (iii) The number of employees and visitors/clients to be associated with the development; and (iv) The orderly and proper planning of the locality. (d) 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. (e) The local government may require the provision of bicycle parking and end of trip facilities such as showers, change rooms and lockers in commercial developments and other employment centres in accordance with Austroads' Guide to Engineering Practice Part 14: Bicycles. (f) 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. (2) <u>Parking Relaxations</u> (a) The local government may relax the parking requirements for a particular development where it is satisfied: (i) That different uses on the premises will generate parking demand at different times allowing the parking bays to be shared; (ii) 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

Subject	Conditions
	(iii) Contractual arrangements have been made to implement parking or shared use of an existing or planned parking area. (3) <u>Construction of Car Parking Areas</u> (a) 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. (4) <u>Car/Trailer Parking Bays</u> (a) 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. (b) Car/trailer parking bays shall be: (i) Located so that the user can readily access the bays when entering the property; (ii) The bays are designed to accommodate entry and exit with the vehicle in a forward gear; and (iii) The bays are in close proximity to material and product storage areas. (c) 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. (d) 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. (5) <u>Bus and Coach Parking</u> (a) When considering a development application for short stay accommodation, 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. (b) 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: (i) Be located, constructed and drained, paved and screened to the satisfaction of the local government; (ii) Designed to ensure that vehicles using them are able to enter and leave the premises in a forward gear; (iii) Constructed to prevent traffic conflict with any adjoining vehicle crossovers, parking areas, public roads or rights-of-way; and (iv) Be marked on site and permanently retained for that exclusive use. (c) 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. (6) <u>Shared/Combined Parking Areas</u>

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	(a) The local government may permit land uses to share or combine parking facilities provided it is satisfied: (i) No conflict will occur as a result of the joint use of the parking facilities; and (ii) The peak demands for parking bays from the individual land uses do not coincide. (b) 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. (c) Where a car parking legal agreement has been required by the local government, 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. (7) <u>Parking Area Development Standards</u> (a) All parking areas and associated vehicle crossings required to be provided shall comply with the requirements listed in the Table 15. (b) Parking for vehicles is to be designed in accordance with <i>AS 2890.1-2004 Parking Facilities Part 1: Off Street Parking</i> and any subsequent amendments thereto, except that the dimensions for angled parking spaces and aisle widths shall be in accordance with the following: (c) Parking for bicycles is to be designed in accordance with Class 3 'Bicycle Parking Rails' under <i>AS 2890.3-2004 Parking Facilities Part 3: Bicycle Parking Facilities</i> and any subsequent amendments thereto. (d) 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 1 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. (8) <u>Cash-in-Lieu for Car Parking</u> (a) When considering an application where a cash-in-lieu payment for parking the local government shall take the following factors into account: (i) Whether an appropriate sharing or reciprocal parking arrangement will exist;

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	(ii) Whether a suitable cash-in-lieu arrangement is feasible; (iii) If normal parking demand is unlikely to eventuate due to: (1) Expected high levels of non-car use; (2) Existing parking areas in close proximity; (3) Adequate on-street parking bays being available; or (4) Close proximity to public transport and/or parking stations (existing or proposed). (iv) If the development incorporates public transport or pedestrian/bicycle facilities that enhances access to those facilities; and (v) Whether the urban design benefits support a reduced level of parking bays being provided. (b) 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: (i) 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; (ii) The cash-in-lieu payment per bay is determined by independent valuation; (iii) 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; (iv) 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 (v) Prior to clause (8)(b)(iv) 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. (c) If an owner or applicant objects to the amount of costs or values determined by the local government, the matter shall be referred to arbitration in accordance with the Scheme. (9) <u>Parking of Commercial Vehicles, Boats, Caravans and Trailers</u> (a) No person on any lot within the Rural, Priority Agriculture, Residential, Urban Development, Rural Residential or Environmental Conservation zone may: (i) Allow any commercial vehicle to remain stationary or park for a period of more than 8 hours consecutively on the lot and/or street verge. (ii) Keep, park, repair or store any boat, caravan, or trailer in front of the building setback line unless screened from view. (iii) 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.

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	(b) Irrespective of clause (9)(a), the local government may grant development approval for the parking of commercial vehicles, subject to the application achieving the following minimum criteria: (i) The vehicle forms an essential part of the occupation of an occupant of the dwelling; (ii) The vehicle is to be parked behind the approved building setback at all times; (iii) The lot exceeds 1 000 m² in area; (iv) 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; (v) The vehicle(s) and activity are operated in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i> and other statutes; (vi) It will be housed in an approved outbuilding, or is effectively screened from view from outside the lot whilst parked; and (vii) The vehicle, including any load, does not exceed 4 m in height or 25 m in length. (c) 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.
Potable Water Supply	(1) No dwelling shall be constructed or approved for construction unless provided with a reticulated water supply from a licensed water provider. (2) Where reticulated water is not available: (a) Each dwelling shall be provided with a minimum 92,000L capacity sustainable potable water supply, and (b) Each cabin/chalet shall be provided with a minimum 55,000L capacity potable water supply.
Public Art	(1) Private developments involving commercial, non-residential and or mixed residential/commercial developments over the value of \$1,500,000 are required to allocate 1% of the estimated total project cost for the development of public artwork which reflect or enhance local cultural identity. <i>Note - this fee may be modified or waived where development is temporary in nature.</i>
Residential Building	(1) One (1) car-parking space is to be provided for every two beds of a Residential Building.
Residential use Adjacent to Heavy Freight Routes	(1) In the case of any development located adjacent to 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 State Planning Policy 5.4 – Road and rail noise and may require appropriate noise attenuation measures.
Revegetation	(1) The local government may require revegetation on a site with local endemic species as a condition of development approval, for the purposes of: (a) Enhancing a natural setting;

Subject	Conditions
	(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 waterway or wetland.
Screening Undercroft	(1) Where limitations on cutting and filling produce a building located on a podium, the exposed underside of the building is to be screened utilising materials that complement the remainder of the building and demonstrate connectivity of the building to the site.
Second-hand Dwelling	(1) When considering an application for development approval for a Second-hand 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; and (b) The provision of landscaping and/or screening of the building and/or site.
Setbacks from Water Resources	(1) To mitigate the impacts of inundation or flooding, to maintain environmental values and to ensure natural biophysical processes are accommodated: (a) An on-site effluent disposal system should not be located within: (i) a wellhead protection zone; (ii) 100 m of any bore used for public drinking water supply, where existing lots would be rendered undevelopable by the wellhead protection zone; (iii) 30 m of a private bore used for household/ drinking water purposes; (iv) 100 m of a waterway or wetland and not within a waterway foreshore area or wetland buffer. The separation distance should be measured outwards from the outer edge of riparian or wetland vegetation; (v) 100 m of a drainage system that: (a) is located down-groundwater-gradient; (b) discharges directly into a waterway or significant wetland without treatment; or (c) intersects groundwater; or (vi) any area subject to inundation and/or flooding in a 10 per cent AEP rainfall event. (b) Following (1)(a) above, reduced setbacks may be considered where a proponent demonstrates to the satisfaction of the responsible authority, in consultation with the responsible state department/s, that it will not have a significant impact on the proposed development, the environment or public health. In seeking a reduced setback, secondary treatment systems with nutrient removal may be required. (c) The responsible authority may require development on land outside of the Residential zone to be setback a minimum of 100m from a waterway or wetland, and any associated buffers. (d) Following (1) (c) above, a reduced setback may be considered where a proponent demonstrates to the satisfaction of the responsible authority, in consultation with the responsible state department/s, that the reduced setback will not have a significant impact on the subject development, the environment or public health.

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	(2) A reduced setback may be considered for areas outside of a wellhead protection zone, subject to utilising a secondary treatment system, with nutrient removal. <i>Note: In considering an application for a reduced setback, the responsible authority is to have regard to relevant policy and guidelines.</i> (3) Development that reduces or is likely to reduce the natural flow of any water resource will only be permitted where it can be demonstrated, to the satisfaction of the local government, that there will be no adverse impacts on the water resource and/or environmental values of the area within which the development is proposed. (4) Native vegetation within any defined water resource setback area shall be retained and managed in perpetuity. (5) In considering an application for subdivision or development, the City may recommend or impose conditions of approval to require that land within the setback from a water resource: (a) Is maintained and rehabilitated in accordance with a Wetland or Waterway Management Plan (including revegetation, weed control and stabilisation to minimise stormwater runoff and erosion), within a specified period; and (b) For subdivision proposals, ceded and included in a foreshore reserve where contiguous with other areas of foreshore reserve, in accordance with a Wetland or Waterway Management Plan. (6) When any stormwater, other water or liquid from any source is directed to any water resource, it will only be permitted where it can be demonstrated, to the satisfaction of the local government, in consultation with the responsible state department/s, that there will be no adverse impacts on the water resource and/or environmental values of the area within which the development is proposed.
Sewerage Disposal	Onsite Disposal (1) In situations where connection to reticulated sewerage is unavailable, an approved site and soil evaluation is to be undertaken to demonstrate on-site effluent disposal can be accommodated: (a) Around identified constraints and (b) In accordance with the current Government Sewerage Policy. (2) Secondary treatment systems with or without nutrient removal may be a requirement of development approval. (3) On receipt of a referred subdivision application, that cannot meet on-site effluent disposal requirements or cannot connect to reticulated sewerage, the local government is to recommend to the Commission, that the subdivision is refused. Trade Waste (4) Development that involves disposal of trade waste will be required to provide additional information to demonstrate appropriate infrastructure is incorporated to manage environmentally hazardous material.

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	<i>Note: The Environmental Protection Act 1986 (EP Act) currently regulates some types of premises that generate trade wastes. Prescribed premises under the EP Act require a licence for discharge.</i>
Short Stay Accommodation	(1) Where a premise is approved for short stay accommodation, the duration of occupancy by any person in those premises shall be limited to a maximum of 3 months during any 12-month period.
Shipping Containers	(1) Development approval is required from the local government for the temporary or permanent placement and/or development of a shipping container, irrespective of the permissibility of the land use and/or any existing predominant approved use on site. (2) Development applications for shipping containers shall comply with the provisions of this Scheme or relevant local planning policy. <i>Note: The use of a shipping container is to align with a Scheme or R-Codes definition (e.g., outbuilding, warehouse/storage or other).</i>
Signage	(1) Unless otherwise stated in this Scheme, proposed new and/or amendments to existing signage shall be in accordance with the requirements contained under the relevant local planning policy.
Steep Sloping Sites	(1) <u>Subdivision:</u> (a) In considering subdivision of land with a slope greater than 1:10, the local government may require the preparation and endorsement of a Local Development Plan (LDP), in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. (b) As a minimum, the LDP is to consider design criteria for any retaining, access, overlooking, overshadowing, geotechnical information and drainage management (including easements over adjacent properties). (2) <u>Wall & Building height measurements for development on sloping sites</u> (a) Unless otherwise stated in the Scheme, the assessment to determine wall and/or building height for dwellings on sites with a slope greater than 1:10 may: (i) Allow for the datum point be taken from the centre of the: (1) Primary street boundary of the subject site, where the site incorporates a downward slope away from the primary street; or (2) Subject site, where the site incorporates an upwards slope and rises away from the street. (ii) Allow up to a maximum additional height of 2.5m applied to the permitted wall and/or or building height, for the area of building located below the height datum determined under (i) above.
Storage and Rubbish Accumulation	(1) All storage, including the storage of accumulated rubbish, shall be confined to within a building, or a suitably enclosed area screened from its immediate surrounds and any adjacent public street or road by normal viewing by a wall not less than 1.8 m in height constructed of brick, masonry or other approved material. (2) All storage of accumulated rubbish shall be located in a position accessible to rubbish collection vehicles and where vehicular access and car parking will not be adversely affected.

Subject	Conditions
Terrestrial Fauna Habitat Protection	(1) To avoid or minimise any adverse impacts, directly or indirectly, on areas of high biodiversity or conservation value, including fauna habitat, development is to be located outside of these areas in suitable alternative locations, when considered at the structure planning, subdivision or development application stages. (2) Subject to (1) above, at the structure planning, subdivision or development application stages, where suitable alternative locations do not exist, the local government may require a fauna assessment/survey or a fauna habitat assessment to be undertaken, including of existing linkages within proximity to but external to the development site, to determine locations where development could occur on site, that minimises adverse impacts, directly or indirectly, on areas of high biodiversity or conservation value. (3) Following the outcomes of (2) above, the local government may require a habitat management plan to be prepared, that includes but is not limited to consideration of the following: (a) Restoration, retention and maintenance requirements for the management of identified areas of high biodiversity or conservation value, whilst ensuring other considerations are addressed such as bushfire management. (b) Improvement of habitat connectivity through the retention or re-establishment of corridors, that safeguard and enhance linkages within and external to the development site, with appropriate methods implemented to the specifications of the responsible state department/s. (c) Identify mechanisms by which the requirements of the habitat management plan shall be implemented by the local government or responsible state department/s, including appropriate conditions of subdivision or development approval and/or the imposition of restrictive or conservation covenants. <i>Note: Terrestrial fauna includes vertebrate (birds, mammals including bats, reptiles, amphibians, and freshwater fish) and invertebrate (arachnids, crustaceans, insects, molluscs and worms) groups.</i>
Tree Farm	(1) In considering an application for a tree farm, the local government will have regard to the following matters: (a) Ensuring an appropriate setback to sensitive uses (e.g., min 100m setback considerate of bushfire hazard and separation distances to limit exposure to intensive operations such harvesting and spraying of chemicals) (b) Ensuring the provision of firefighting equipment and trained personnel (c) Ensuring suitable water resource (water tank) for firefighting purpose (dam not appropriate) (d) Where harvesting is proposed, the suitability of the location in terms of the road network capabilities (e) The visual impact if the plantation has potential to interrupt scenic views (particularly along main tourist routes) (f) Impact on any tourist and recreation uses on the subject or the adjoining land (g) Proximity to any airstrips (h) The proximity of the plantation to water resource (i) The proximity of the plantation to areas being used for horticulture (based on water availability and recharge)

Schedule 6 (Table 13)

Subject	Conditions
	(j) 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 (k) Plantings above 1ha are to comply with the Code of Practice for Timber Plantations in Western Australia (1997) and the DFES Guidelines for Plantation Fire Protection 2011.
Uses Adjacent to Conservation Areas	(1) In considering an application for development approval to develop premises adjoining a conservation area (i.e. 'Environmental Conservation' or 'Drainage / Waterway'), 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 imposition of a buffer / setback area between the uses to manage the impacts to the satisfaction of the local government in consultation with the relevant government authority; (c) Restriction on the keeping of livestock; (d) Improve habitat connectivity through the retention or re-establishment of corridors, that safeguard and enhance linkages within and external to the development area, with appropriate methods implemented to the specifications of the responsible state department/s.
Uses and Development of Local Reserves	(1) A person must not use or commence or carry out development on a local reserve without first having obtained development approval in accordance with the <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>. (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 clause 67 <i>Planning and Development (Local Planning Schemes) Regulations 2015</i>; and (b) The ultimate purpose intended for the Reserve. (3) In the case of land reserved for the purposes of a government department or agency, the local government is to consult with that government department or agency before determining an application for development approval. (4) Development and use of land in local reserves that may affect remnant vegetation areas are to be referred to the responsible state department/s, to ensure an environmentally acceptable outcome is achieved by avoiding or minimising impacts on remnant vegetation areas. (5) Where a proposal is likely to have a significant environmental impact, it should also be referred to the Environmental Protection Authority under Part IV of the <i>Environmental Protection Act</i>. <i>Note: see also provisions relating to 'Land clearing'.</i>
Uses and Development of Closed Local Road Reserves	(1) 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.

Subject	Conditions
Water Sensitive Urban Design Principles	(1) The local government may 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. <i>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 responsible state department/s.</i> (2) Stormwater design plans may be required at the time of subdivision and development considerate of the following performance measures: (a) Retention of hydrology as close as possible to pre-development conditions. (b) Overland flood routes to accommodate major rainfall events. (c) Nutrient and flood mitigation measures such as underground detention tanks and/or overland flood routes with infiltration swales, filter strips and nutrient stripping features. (d) Drainage management measures being designed to withstand high velocity flows and to minimise erosion, generation of sediment and ongoing maintenance requirements.
Workforce Accommodation	(1) The local government may grant development approval for Workforce Accommodation subject to the following requirements: (a) 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; (b) The accommodation is clustered around the Single House or other buildings on the land to minimise the impacts on adjoining properties and to enable the sharing of infrastructure servicing.

Table 14. Outbuilding requirements

Zoning	Max. Wall Height (Meters)	Max. Ridge Height (Meters)	Max. Floor Area (combined floor area of all outbuilding structures on Lot) (Square Meters)
Urban Development	3	4.5	150
Rural (Lots < 2ha)	4.2	4.8	220
Rural (Lots 2ha - 4ha)	4.2	4.8	240
Priority Agriculture (Lots < 2ha)	4.2	4.8	220
Priority Agriculture (Lots 2ha - 4ha)	4.2	4.8	240
Rural Enterprise (Lots < 2ha)	4.2	4.8	200
Rural Enterprise (Lots 2 -4ha)	4.2	4.8	220
Rural Residential (Lots < 2ha)	4.2	4.8	200
Rural Residential (Lots 2-4ha)	4.2	4.8	220
Rural Residential (Lots 4-6ha)	4.2	4.8	240
Rural Residential (Lots 6ha >)	4.2	4.8	300
Rural Townsite (Lots < 4000m ²)	4.2	4.5	150
Rural Townsite (Lots > 4000m ²)	4.2	4.8	170
Rural Townsite (Lots 1ha >)	4.2	4.8	220
Rural Smallholdings (Lots 4ha >)	4.2	4.8	300
Environmental Conservation (Lots < 2ha)	3.5	3.8	170
Environmental Conservation (Lots 2ha >)	3.5	3.8	220
Mixed Use	See Table 4		
Regional Centre			

Table 15. Parking requirements

Car and bicycle parking requirements		
Land use	Car parking	Bicycle parking
Abattoir	1 bay per employee	Nil
Aged or dependent persons dwelling	As per R-Codes	As per R-Codes
Agriculture — extensive	N/A	Nil
Agriculture — intensive	1 bay per employee	Nil
Amusement parlour	1 bay per 30 m ² net lettable area	1 bay per 20 m ² net lettable area
Ancillary dwelling	As per R-Codes	As per R-Codes
Animal establishment	1 bay per employee + visitor parking as expected	Nil
Animal husbandry — intensive	1 bay per employee + visitor parking as expected	Nil
Art gallery	1 bay per employee + visitor parking as expected	Nil
Bed and breakfast	As per R-Codes for Single House + 1 bay per Bed and breakfast bedroom	Nil
Betting agency	1 bay per 30 m ² net lettable area	Nil
Brewery	1 bay per 4 persons the facility is designed to accommodate + 1 bay per employee	Nil
Bulky goods showroom	1 bay per 50 m ² net lettable area	1 bay per 20 car bays
Chalet/cabin	1 bay	Nil
Caravan park	Minimum car parking to be provided for caravan and camping sites in accordance with the minimum requirements set out under <i>Caravan and Camping Regulations 1997</i> + 1 bay per chalet/cabin associated with a Caravan Park	Nil
Caretaker's dwelling	1 bay	Nil
Child care premises	1 bay per employee + 1 bay per 10 children	Nil
Cinema/theatre	1 bay per 4 persons accommodated	1 bay per 10 car bays
Civic use	1 bay per 4 persons accommodated	1 bay per 20 car bays
Club premises	1 bay per 4 persons accommodated	1 bay per 20 car bays
Community purpose	1 bay per 4 persons accommodated	1 bay per 20 car bays
Consulting rooms	3 bay per practitioner + 1 bay per 3 employees	1 bay per 10 car bays

Car and bicycle parking requirements		
Land use	Car parking	Bicycle parking
Convenience store	1 bay per 20 m ² net lettable area	1 bay per 10 car bays
Corrective institution	1 bay per employee + 2 per bus + 1 per 10 persons accommodated.	Nil
Educational establishment	1 bay per employee + bus, parent and student parking at discretion of the local government	1 bay per 10 students
Exhibition centre	1 bay per 20 m ² net lettable area	1 bay per 20 car bays
Family day care	As per R-Codes + 1 bay	Nil
Fast food outlet	1 bay per 2.5 m ² queuing area (4 bays min.) + 1 bay per 5 m ² eating area + 4 car queuing spaces for drive through facility.	1 per 10 car bays
Fuel depot	1 bay per employee, 1 bay per truck loading and 1 bay per visitor	Nil
Funeral parlour	1 bay per 20 m ² of public viewing space.	Nil
Garden centre	1 bay per 50 m ² sales / display area	1 bay per 10 car bays
Grouped dwelling	As per R-Codes	Nil
Holiday accommodation	2 on-site car parking bays are to be provided per 6 guests (4 bays per 12 guests)	Nil
Holiday house	2 on-site car parking bays are to be provided per 6 guests (4 bays per 12 guests)	Nil
Home business	As per R-Codes + 1 bay per employee	Nil
Home occupation	N/A	Nil
Home office	N/A	Nil
Home store	N/A	Nil
Hospital	1 bay per 4 beds plus 1 per employee	1 bay per 10 car bays
Hotel	1 bay per employee + 1 per 3 m ² bar area + 1 per 4 seats in dining area + 1 per bedroom (i.e. 1 per key) + 1 per 4 m ² other public areas	1 bay per 10 car bays
Independent living complex	1 bay per employee + visitors as expected	Nil
Industry	1 bay per 100 m ² net lettable area	1 bay per 20 car bays
Industry — cottage	1 bay per 30 m ² net lettable area	Nil
Industry — extractive	N/A	Nil
Industry — light	1 bay per 50 m ² net lettable area (with minimum 4 bays / tenancy)	1 bay per 20 car bays
Industry — primary production	1 bay per employee + visitors as expected	Nil
Liquor store — large	1 bay per 30 m ² net lettable area	Nil

Car and bicycle parking requirements		
Land use	Car parking	Bicycle parking
Liquor store — small	1 bay per 30 m ² net lettable area 1 bay per 2.5 m ² queuing area (4 bays min.) + 1 per 5 m ² eating area + 4 car queuing spaces for drive through facility.	Nil
Lunch bar		1 bay per 10 car bays
Marina	Visitors as expected	Nil
Marine filling station	1 bay per filling station + 1 per employee	Nil
Market	1 bay per market stall or 1 space per 10m ² whichever is greater	1 bay per 10 car bays
Medical centre	As per Consulting rooms	1 bay per 10 car bays
Mining operations	N/A	Nil
Motel	As per Hotel	Nil
Motor vehicle, boat or caravan sales	1 bay per 100m ² display area + 1 bay per employee	Nil
Motor vehicle/boat repair	4 bays per working bay + 1 per employee	Nil
Motor vehicle wash	2 bays per wash bay	Nil
Multiple dwelling	As per R-Codes	Nil
Night club	1 bay per 2 m ² public drinking area + 1 bay per 4 seats dining + 1 bay per 4 m ² other public spaces	Nil
Office	1 bay per 30 m ² net lettable area	1 per 10 car bays
Park home park	As per the <i>Caravan and Camping Regulations 1997</i>	Nil
Place of worship	1 bay per 15 m ² of worship space	Nil
Reception centre	1 bay per 4 persons the facility designed to accommodate + 1 bay per employee	1 per 20 car bays
Recreation — private	1 bay per 4 persons the facility designed to accommodate	Nil
Repurposed dwelling	As per R-Codes for Single house	Nil
Residential aged care facility	As per Hospital	1 bay per 10 car bays
Residential building	As per R-Codes	Nil
Resource recovery centre	1 bay per employee	Nil
Restaurant/café	1 bay per 4 persons the facility designed to accommodate + 1 bay per employee	Nil
Restricted premises	1 per 20 m ² net lettable area	Nil
Road house	1 bay per pump + 1 per employee + 1 per 20 m ² retail area	Nil
Rural home business	N/A	Nil
Rural pursuit/hobby farm	N/A	Nil
Second-hand dwelling	As per R-Codes for Single House	Nil

Schedule 6 (Table 15)

Car and bicycle parking requirements		
Land use	Car parking	Bicycle parking
Serviced apartment	1 bay per employee + 1 bay per 3m ² bar area + 1 bay per 4 seats in dining area + 1 per bedroom (i.e. 1/key) + 1 per 4 m ² other public areas	Nil
Service station	1 bay per pump + 1 bay per employee + 1 bay per 20 m ² retail area	Nil
Shop	1 bay per 20m ² net lettable area	1 bay per 20 car bays
Single house	As per R-Codes	Nil
Small bar	1 bay per 4 persons the facility designed to accommodate + 1 bay per employee	Nil
Tavern	1 bay per 2m ² public drinking area + 1 bay per 4 seats dining + 1 bay per 4m ² other public spaces	Nil
Telecommunications infrastructure	N/A	Nil
Tourist development	1 bay per employee + 1 bay per 3 m ² bar area + 1 bay per 4 seats in dining area + 1 bay per bedroom (excluding chalets/cabins) + 1 per 4 m ² other public areas 1 bay per chalet/cabin associated with a Tourist development	1 bay per 10 car bays
Trade display	1 bay per 40 m ² net lettable area	Nil
Trade supplies	1 bay per 100 m ² net lettable area	Nil
Transport depot	1 bay per employee	Nil
Tree farm	N/A	Nil
Veterinary centre	4 bay per practitioner + 1 per employee	Nil
Warehouse/storage	1 bay per 100 m ² net lettable area	Nil
Waste disposal facility	1 bay per employee + visitors as expected	Nil
Winery	1 bay per 4 persons the facility designed to accommodate + 1 per employee	Nil
Workforce accommodation	1 bay per bedroom	Nil

Table 16. Construction standards for car parking bays

Parking Bay Angle	Minimum Parking Space Length (m)	Minimum Parking Space Width (m)	Minimum Aisle Width (m)	
			One - Way Aisle	Two - Way Aisle
30°	4.4	2.5	3.45	6.0
45°	5.2	2.6	4.2	6.0
60°	5.7	2.6	5.1	6.0
90°	5.4	2.7	6.2	6.0
Parallel	6.3	2.1	3.0	6.0

Schedule 7**Table 17. Site specific provisions**

No.	Description of Affected Lands	Standards
(1)	Lange Neighbourhood Centre (Brooks Garden) Lots 1001 & 1007 Chester Pass/Catalina Roads and Brooks Garden Boulevard, Lange	(1) The maximum net lettable area for a development in the Lange Neighbourhood Centre zone is as follows: (a) 5,000 m ² for retail uses; and (b) 500 m ² for office uses.
(2)	Yakamia Neighbourhood Centre (North Road) Lots 2 & 296 North Road, Anuaka Road and Barnesby Drive, Yakamia	(1) The maximum net lettable area for a development in the Yakamia Neighbourhood Centre zone is as follows: (a) 5,000 m ²
(3)	Orana Neighbourhood Centre Lots 401 & 405 Albany Highway, Orana	(1) The maximum net lettable area for a development in the Orana Neighbourhood Centre zone is as follows: (a) 5,000 m ²
(4)	Spencer Park Neighbourhood Centre Lots 50, 62, 63, 64, 65, 72 & 73 Angove Road, Nind Street, Pretious Street and Hardie Road, Spencer Park	(1) The maximum net lettable area for a development in the Spencer Park Neighbourhood Centre zone is as follows: (a) 5,000 m ²
(5)	Bayonet Head Neighbourhood Centre (South) Lot 508 Bayonet Head Road, Bayonet Head	(1) The maximum net lettable area for a development in the Bayonet Head (South) Neighbourhood Centre zone is as follows: (a) 5,000 m ²
(6)	Bayonet Head (North) Neighbourhood Centre 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	(1) The maximum net lettable area for a development in the Bayonet Head (North) Neighbourhood Centre zone is as follows: (a) 5,000 m ²
(7)	Big Grove (Future Centre) To be determined	(1) The maximum net lettable area for a development in Big Grove (Future Centre), is as follows: (a) 5,000 m ²
(8)	McKail General Store Neighbourhood Centre	(1) The maximum net lettable area for a development in the McKail (General Store) Neighbourhood Centre zone is as follows:

Schedule 7 (Table 17)

No.	Description of Affected Lands	Standards
	Lot 25 Lancaster Road Lots 60, 59, 35, 37, 58 and 57 Albany Highway, McKail	(a) 600 m ² for retail uses (b) 200 m ² for Restaurant/Cafe (c) 400 m ² for commercial and office uses
(9)	McKail Neighbourhood Centre Clydesdale Road, McKail	(1) The maximum net lettable area for a development in the McKail (Clydesdale Rd) Neighbourhood Centre zone is as follows: (a) 600 m ²
(10)	Lockyer Neighbourhood Centre Lot 25 Barrett Street and South Coast Highway; Lots 53 and 54 South Coast Highway, Orana	(1) The maximum net lettable area for a development in the Lockyer Neighbourhood Centre zone is as follows: (a) 600 m ²
(11)	Little Grove Neighbourhood Centre Lot 1 Frenchman Bay Road and Lot 312 Bay View Drive, Little Grove	(1) The maximum net lettable area for a development in the Little Grove Neighbourhood Centre zone is as follows: (a) 600 m ²
(12)	Lower King Neighbourhood Centre Lots 3 and 4 Lower King Road, Lower King	(1) The maximum net lettable area for a development in the Lower King Neighbourhood Centre zone is as follows: (a) 600 m ²
(13)	Middleton Beach Neighbourhood Centre Lot 201 Adelaide Crescent, Middleton Beach	(1) The maximum net lettable area for a development in the Middleton Beach Neighbourhood Centre zone is as follows: (a) 600 m ²
(14)	Emu Point Neighbourhood Centre Pt Reserve 22698 Mermaid Avenue, Emu Point	(1) The maximum net lettable area for a development in the Emu Point Neighbourhood Centre zone is as follows: (a) 600 m ²
(15)	Environmental Conservation lots Eden Rd, Nullaki (Refer to Figure 16, No. 93)	(1) <u>Lot size</u> (a) The minimum lot size should be no less than 30 ha and the average minimum lot size should be no less than 40 ha. (2) <u>Development</u> In addition to Schedule 5, Table 12, the following will apply:

No.	Description of Affected Lands	Standards
		(a) Development area not to exceed 1ha. (b) The local government may require as a condition of development, the following: (i) Preparation and implementation of a Coastal Foreshore & Sand Blowout Management Plan to the satisfaction of the local government; (ii) Preparation and implementation of a Foreshore Management Plan for the Wilson Inlet foreshore, to the satisfaction of the local government. Where the inlet or coastal foreshore management plans justify the need for a variation of the respective foreshore reserves, such variation may be sought by the local government. (c) The location of access and any building envelope is to consider environmental factors. In doing so, the following assessments may be required: (i) Comprehensive professional assessment to determine the presence of rare, endangered and/or threatened flora or fauna species; (ii) Archaeological assessment to determine the presence of potential Aboriginal sites; (iii) Assessment to determine the location of any sand blowouts and highly exposed steeply sloping sites (high erosion potential); (iv) Assessment to determine location of low coastal heath (Low coastal heath does not provide for effective screening of development); (v) Assessment to determine location of significant ridgelines. (3) <u>Setbacks</u> (a) Building envelopes should be located: (i) Within sheltered swales; (ii) Where possible, on the calcareous sands or podzols; (b) Building should be setback: (i) 50m from the Wilson Inlet foreshore reserve; (ii) 200m from the coastal foreshore reserve; (iii) 100m from boundaries of lots shared with intensive agricultural uses; and (c) A photographic assessment is to be provided, 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.

No.	Description of Affected Lands	Standards
		(d) The photographic assessment is to 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. (e) The local government may require certain locations to: (i) Include details of the overall horizontal and vertical extents of the buildings proposed within photographic assessments. (ii) Be designed and/or located such that it is not visible from a foreshore node or the Bibbulmun Track. (f) To ensure buildings do not dominate the visual landscape as seen from Anvil Beach, the Anvil Beach lookout, a public roadway, a foreshore, coastal walk trail and/or the Ocean Beach Lookout, the local government may apply conditions that limit or control building height, colouring, materials, site works and/or require landscaping for visual screening purposes. (g) Variations to setback requirements may be considered where it can be clearly demonstrated that a lesser setback will be necessary to satisfy environmental objectives of the zone (including visual amenity to public roads and prominent view points) and where it can be clearly demonstrated that the location of the development area at another location is not practical.
(16)	Environmental Conservation lots – Rainbows End, Little Grove (Refer to Figure 9, No. 94)	(1) <u>Lot size</u> (a) The minimum lot size should be no less than 8 ha. (2) <u>Development</u> In addition to Schedule 5, Table 12, the following will apply: (a) Designated building envelope to be a maximum area 5 000 m².
(17)	Environmental Conservation lots Lots 20-21 Torbay Rd, Kronkup (Refer to Figure 14, No. 95)	(1) <u>Lot size</u> (a) The minimum lot size should be no less than 2 ha, subject to a maximum number of 8 lots. (2) <u>Setbacks</u> (a) The approved building envelopes size and location will vary subject to site specifics. (b) The designated building envelope shall be sited to achieve the following requirements:

No.	Description of Affected Lands	Standards
		(i) Be setback a minimum of 20 m from any lot boundary; (ii) Avoid highly exposed sloping sites and ridgelines;
(18)	Ardess (Light Industry – Lot 10 Chester Pass Road and portion of Lot 521 Mercer Road, Walmsley)	(1) <u>Land Use</u> (a) Notwithstanding any other requirements of the Zoning Table, the following land use restrictions shall apply: (i) All industrial uses within the zone shall comply with the definition of a 'Dry Industry' as follows: (1) 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. (b) 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 ha per industry). (2) <u>Site and Building Requirements</u> (a) All buildings and structures are to have minimum setbacks as follows: (i) Internal Road: 9 m; and (ii) Revegetation Areas: 10 m. (b) The setback from the internal road can be used for landscaping, car parking or trade display. (3) <u>Access to Ardess Industrial Estate</u> (a) The main access to the estate is via a single-entry road onto Chester Pass Road. Secondary access is permitted between the estate and Terry Road for as-of-right vehicles. (b) All internal roads and crossovers will be required to be sealed to the satisfaction of the local government. (c) The minimum road pavement width for the internal road(s) should be 10 m with 2 m 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 m pavement width. (d) The local government will require the provision of additional shoulder width, at the 90-degree corner of the private access road, to allow for two opposing restricted access vehicles to pass each

Schedule 7 (Table 17)

No.	Description of Affected Lands	Standards
		other simultaneously (as per the Transport Impact assessment report 2019). (e) The maximum number of restricted access vehicle movements per day is 180 (90 movements in and 90 movements out) based on the current intersection design (Ardess Estate access/Chester Pass Road) and the transport impact assessment report (2019). (f) Prospective commercial vehicle, warehouse/storage and associated operators will be advised that there is no guarantee that restricted access vehicles will be permitted to use Chester Pass Road between Menang Drive and the main roundabout (intersection with Albany Highway, North Road and Hanrahan Road) following the Albany Ring Road being completely constructed and operational to the Port of Albany. Associated development approvals may also contain conditions or advice relating to future limitations of access for restricted access vehicles (as-of-right vehicles are not impacted by possible future limitations of access to Chester Pass Road or to other public roads). (4) <u>Stormwater Management</u> (a) Stormwater Management Plan is to be provided to the satisfaction of the local government. 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. (b) Stormwater is not to be discharged from development into the Chester Pass Road drainage system. (5) <u>Landscaping</u> (a) The landowner shall retain and manage the landscaping strip adjoining the Chester Pass Road boundary of the site.
(19)	Pendeen (General Industry - Chester Pass Road, Pendeen Road, Copal Road and Mallard Road, Willyung)	(1) <u>Land Use</u> (a) Notwithstanding any other requirements of the Scheme, any change of use shall require development approval to be granted by the local government. (b) 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 Structure Plan. (c) Industries shall be located within the Pendeen Industrial Estate as follows:

No.	Description of Affected Lands	Standards
		(d) Lots located within the '<200 m' buffer precinct as shown on the Structure Plan shall be set aside for industries that require no more than a 200 m buffer. (e) Lots located within the '200 m to 300 m' buffer precinct as shown on a Local Development Plan shall be set aside for industries that require a buffer between 200 m and 300 m. (f) Lots located within the '>300 m' buffer precinct as shown on the Structure Plan shall be set aside for industries that require a minimum buffer of 300 m. (g) 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. (2) <u>Site and Building Requirements</u> (a) All buildings and structures are to have minimum setbacks as follows: (b) Primary Road: 15 m; (c) All other lot boundaries: 5 m; and (d) Landscape Area and/or Remnant Vegetation Retention Area: 5 m. (e) Access and Signs to Pendeen Industrial Estate (f) No direct vehicular access is to be permitted from individual lots to Menang Road or Chester Pass Road. (g) 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. (3) <u>Stormwater Management</u> (a) Stormwater Management Plan is to be provided to the 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 on site

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No.	Description of Affected Lands	Standards
		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. (4) <u>Landscaping and Fencing</u> (a) The landowners shall prepare and implement a landscape plan for the zone to the satisfaction of the local government that includes: (b) Adequate screening of the industrial estate from public view along Chester Pass Road, other public vantage points and surrounding properties. (c) No fencing shall be permitted within a landscape area and/or remnant vegetation retention areas.
(20)	Mirambeena (General Industry - Cnr. Down Road and Albany Highway, Drome)	(1) <u>Site and Building Requirements</u> (a) All buildings and structures are to have the minimum setbacks as follows: (i) Primary Street: 15 m. (ii) All other boundaries 5 m. (b) Unless otherwise approved by the local government, a person shall not use the land within 10 m of the common boundary with, or boundaries adjacent to, the Rural Zone, Down Road or Albany Highway for any purpose other than either: (i) A means of access; and/or (ii) Lawns, gardens or the planting of trees or shrubs. (c) 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 Mirambeena Timber Processing Precinct Environmental Management Plan (2005). (2) <u>Access to Mirambeena Industry Estate</u> (a) No subdivisional or vehicle access shall be gained directly to Albany Highway. (3) <u>Car Parking</u> (a) Car parking bays will be provided in accordance with Table 15 or 1 bay for every person employed, whichever is the greater. (b) 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. (c) No parking is permitted on the street verge.

No.	Description of Affected Lands	Standards
		(4) <u>Landscaping</u> (a) 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. (b) 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. (5) <u>Servicing and Infrastructure</u> (a) Potable water supply shall be provided to the satisfaction of the local government and the responsible state department/s, with all sampling, analysis and/or treatment costs being borne by the proponent. (b) All stormwater runoff/drainage from individual development proposals shall be undertaken in accordance with an Environmental Management Plan approved by the local government. (c) The provision of infrastructure specifically required for the use of the land by any industry shall be the responsibility of that industry. (6) <u>Referral of Applications</u> (a) 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. (b) The Environmental Protection Authority will assess the impacts of any industrial activity on the following environmental factors: (i) Noise (ii) Air quality (iii) Risk (iv) Surface and groundwater quality (v) Water resources
(21)	Lot 600-615 La Perouse Road and Karrakatta Road, Goode Beach (Refer to Figure 9, No. 19)	(1) Street and lot boundary setbacks as per the R-Codes with the following exception: (a) Development within Lots 600, 603, and 604, shall be restricted to below the 18m contour. (2) All buildings and effluent disposal systems shall be confined within a designated building envelope (maximum area 900 m²) nominated by the landowner and approved by the local government which is outside any environmental elements. (3) <u>Unexploded ordinance</u>

Schedule 7 (Table 17)

No.	Description of Affected Lands	Standards
		(a) 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.
(22)	Lots 1-6 Oyster Heights, Lots 50, 905 and 9000, Oyster Heights, Lots 121-131 Maddison Way, Bayonet Head (Refer to Figure 4, No. 20)	(1) Designated building envelope (maximum area 800 m ²).
(23)	Lots on Endeavour Way, Radiata Drive, Maritime Avenue and Parmelia Way, McKail (Refer to Figure 6, No. 21)	(1) Street and lot boundary setbacks as per the R-Codes with the following exception: (a) Rear setback of lots abutting South Coast Highway: 40m
(24)	Morilla Road, Lower King And Nanarup/Kula Roads, Lower King (Refer to Figure 11, No. 30)	(1) Street and lot boundary setbacks as per the R-Codes with the following exceptions: (a) Rear/side setbacks from Nanarup Road: 30m which may be reduced to 20m provided extensive vegetation screening is implemented. Existing vegetation to be retained. (b) Rear setback from Oyster Harbour 75m from high water mark.
(25)	Rufus Street, Milpara (Refer to Figure 6, No's. 30, 31 & 32)	(1) For Lots 101-109 Hereford Way, Milpara, outbuildings may be considered outside of designated building envelope where: (a) Not within 100m of the creek and on the basis of the following; (b) Outbuildings are to be located within the proximity of the building envelopes; (c) Only minor fill required; (d) Application of a notification on title advising development outside designated building envelope may be susceptible to flooding. (2) Floor levels for dwellings shall achieve a minimum 1.1 metre vertical separation above the estimated maximum flood level. (3) Floor levels for all other buildings shall achieve a minimum 600 mm vertical separation above the estimated maximum flood level. (4) No direct vehicular access is permitted to the proposed Henry Street extension.

No.	Description of Affected Lands	Standards
(26)	Lots 650-658, La Perouse Court, Goode Beach (Refer to Figure 9, No. 33)	(1) Building envelope - maximum area 900 m². (2) 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. (3) The maximum height of buildings constructed within this area shall be in accordance with the following: (a) $A+B+C+D$ divided by 4 = Site Datum Height. (b) Where A, B, C and D are the levels occurring on the site within 1m of the building envelope. (c) Wall height means height of any wall measured as the vertical distance between the Site Datum Height and the top plate of the wall or ceiling height. (d) Max height shall be measured from Site Datum Height are as follows: (i) To top of ridge - 9.1m; and (ii) To top of wall – 6.6m.
(27)	Gladville Road, McKail (Refer to Figure 6, No's. 41, 42 & 48)	(1) The following street and lot boundary setbacks apply: (a) Primary street setback: 12m (b) Side setback: 5m (c) Rear setback: 5m (2) For the Lot 301 Federal Street, McKail, all buildings shall achieve a minimum finished floor level of 10.50m AHD. (3) Subdivision of Lots 36-38 Federal Street, shall not be supported until such time as the Speedway has been permanently closed or relocated.
(28)	Lots - Kelty View, Willyung Road, Greenwood Drive, Pony Club Road and Neville Rise, Willyung. (Refer to Figure 12, No. 35)	(1) The following street and lot boundary setbacks apply: (a) Primary/secondary street setback: (i) Willyung Road: 30m (2) All buildings and on-site effluent disposal systems shall be confined within the designated building envelope in accordance with Schedule 6 Table 13 and the following criteria: (a) A minimum setback of 50m from the King River and creekline; (b) A minimum setback of 50m from the foreshore footpath/bridlepath; and (c) A minimum setback of 20m from vegetation areas. (3) Access tracks and earthworks that may impede the flow of water, will not be supported within the development exclusion area (floodway).

Schedule 7 (Table 17)

No.	Description of Affected Lands	Standards
(29)	Hayn Road, Goode Beach (Refer to Figure 9, No. 40)	(1) The erection of boundary fencing shall be restricted to the designated building envelope and/or road frontage and 15 m return along the side boundaries.
(30)	Norwood Road, Lower King (Refer to Figure 5, No. 44)	(1) All buildings, water storage systems and on-site secondary treatment system shall be confined within the designated building envelope, in accordance with Schedule 6 Table 13 and the following additional criteria: (a) A minimum setback of 50m from the King River and creekline; (b) A minimum setback of 50m from the foreshore footpath/bridlepath; (c) A minimum setback of 20m from vegetated/revegetation areas; and (d) 15 m from all lot boundaries.
(31)	Henry Street, Warrenup (Refer to Figure 6, No. 45)	(1) A drainage/flood study maybe required to determine the extent of constrained land, to be ceded to the Crown as a reserve for drainage management purposes.
(32)	Lot 11 Nanarup Road, Kalgan (Refer to Figure 10, No. 46)	(1) Access 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.
(33)	Lot 6, 8 and 10 Kalgonak Lane, Kalgan (Refer to Figure 10, No. 47)	(1) <u>Development Setbacks</u> (a) Min 20m front setback and min 10m side and rear setback.
(34)	Lot 1181 Sandalwood Road, Cape Riche (Refer to Figure 18, No. 49)	(1) <u>Building Envelope</u> (a) All development (including dwelling, outbuildings, landscaping, effluent disposal and water storage systems) shall be centrally located to a designated building envelope. (b) Vegetation clearance for the purpose of constructing a house, shed and/or other buildings shall be limited to a maximum of 3 000 m ² unless approved by the local government, in consultation with the responsible state department/s. (2) <u>Fencing</u> (a) Boundary fencing shall not be allowed outside of Building Envelopes. Where it is necessary to define a boundary within vegetated areas, bollards or other approved alternative demarcation measures should be used. (3) <u>Remnant Vegetation and Clearing Controls</u>

No.	Description of Affected Lands	Standards
		(a) At the time of subdivision, subject to agreement from the responsible state department/s, 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. (b) 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 responsible state department/s, 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. (4) <u>Landscaping</u> (a) 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 100 m² of lawn/turf area is permitted per lot. (5) <u>Dieback and Weed Hygiene Plan</u> (a) A dieback survey should be undertaken (pre and post approval) to inform the development and implementation of an endorsed Dieback and Weed Hygiene Plan to the specifications of the responsible state department/s. (6) <u>Control of Off-Road Vehicles</u> (a) 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 Bushfire Management Plan and Dieback and Weed Hygiene Plan. (7) <u>Keeping of Livestock</u> (a) The keeping of animals, is not permitted.
(35)	Lots – Mead Road, Kalgan (Refer to Figure 11, No. 51)	(1) <u>Development setbacks</u> (a) Primary street setback: (i) Mead Road: 15m (ii) From any internal road and access-way: 7.5m

No.	Description of Affected Lands	Standards
		(b) Side and rear setback – 10m
(36)	Lots 1-10, 110-111 and 12 McBride Road, Goode Beach (Refer to Figure 9, No. 52)	(1) <u>Building Envelope</u> (a) Building envelopes are to be a maximum area of 2 000 m ² . (2) <u>Keeping of Livestock</u> (a) The keeping of livestock is not permitted. (3) <u>Vegetation</u> (a) All vegetation within any connective vegetation corridors shall be retained.
(37)	Lots - Gull Rock Road (West), Kalgan (Refer to Figure 10, No. 53)	(1) <u>Building envelopes</u> (a) Building envelopes are to be a maximum area of 2 000 m ² .
(38)	Lots - Gull Rock Road (East), Kalgan (Refer to Figure 10, No. 55)	(1) <u>Landscape Planning</u> (a) Within Special Design Areas (Lots 15-22, 37-47 & 56-74), applicants will be required to submit an overall design and landscape plan which addresses: (i) Setbacks from property boundaries and creeklines; (ii) Existing and proposed vegetation/revegetation; (iii) Low lying, flood prone and stormwater disposal areas; (iv) Low fuel zones; (v) 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; (vi) That only 1 outbuilding shall be permitted with a maximum size of 65 m ² and maximum height to the eaves of 3 m; (vii) 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; (viii) Stormwater runoff shall be attenuated to ensure erosion does not occur; and (ix) 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. (2) <u>Access</u> (a) No new access/egress points onto Nanarup Road will be permitted.

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No.	Description of Affected Lands	Standards
(39)	Lots 405-412 Shoal Bay Retreat, Goode Beach (Refer to Figure 9, No. 56)	(1) <u>Lot Size</u> (a) Lot sizes shall be minimum of 2.4ha (2) <u>Development setbacks</u> (a) 30 m setback from Quararup Road. (b) 80 m setback from Austin Road. (c) 20 m setback from all other boundaries. (3) <u>Unexploded Ordinance</u> (a) Prior to any development earthworks being commenced within Rural Residential area, the applicant shall conduct a limited form of field validation study to determine whether or not a potential threat from unexploded ordinance exists.
(40)	Lots - Rowney Road, Robinson (Refer to Figure 8, No. 57 and 58)	(1) <u>Lot Size</u> (a) Lot sizes shall be minimum of 2 ha for areas within a Priority 2 Public Drinking Water Source Area. (2) <u>Lot 202 Rowney Road</u> (a) No further subdivision permitted for the Lot 202 Rowney Road.
(41)	Lots 100-101 Robinson Road, Robinson (Refer to Figure 8, No. 63)	(1) <u>Lot size</u> (a) Minimum of 2 ha in Priority 2 Public Drinking Water Source Area.
(42)	Lots 4-5 Lowanna Drive, Lots 9 and 110 George Street, Lot 16 South Coast Highway, Lots 17 and 203 Charles Street and Lots 200-202 Pearson Place, McKail (Refer to Figure 7, No. 64)	(1) <u>Development setbacks</u> (a) All buildings shall be setback a minimum 20 m from South Coast Highway, 15 m from Lowanna Drive, 15m from Charles Street and 15 m from Pearson Place. Additionally, habitable buildings are to be located outside of the Albany Ring Road 60 db acoustic zone. (b) Outbuildings may-be located within the Albany Ring Road 60 db acoustic zone, subject to being set back a minimum of 20 m from the Albany Ring Road reserve and South Coast Highway. (c) 10 m setback from all other lot boundaries.
(43)	Lots 103-115 Greatrex Road, Lots 118-125 Hart View and Lots 150-153 Manyat Place, King River (Refer to Figure 5, No. 65)	(1) <u>Development setbacks</u> (a) 30 m setback from the proposed 10m road widening area along Greatrex Road. (b) 10 m setback from all other lot boundaries.
(44)	Lots - Bon Accord Road, Lower King	(1) <u>Development setbacks</u> (a) 20 m setback from public roads. (b) 10m setback from all other lot boundaries.

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No.	Description of Affected Lands	Standards
	(Refer to Figure 11, No. 66)	(c) No Single House (other than additions to existing dwellings) shall be permitted to be constructed within the 500 m Liquid Waste Disposal Site Buffer area until the disposal activities have ceased and the site has been rehabilitated to the satisfaction of the local government in consultation with the responsible state department/s.
(45)	Lots - Lowanna Drive, Marbelup (Refer to Figure 7, No. 67)	(1) <u>Development setbacks</u> (a) 15m setback from Lowanna Drive. (b) 10m setback from all other lot boundaries.
(46)	Lots 250-254 - Lancaster Road (South), McKail (Refer to Figure 6, No. 68)	(1) <u>Development setbacks</u> (a) 12m setback from Lancaster Road. (b) 10m setback from all other lot boundaries.
(47)	Lots - Link Road/Ajana Drive, Marbelup (Refer to Figure 7, No. 69)	(1) <u>Mitigation to Noise</u> (a) 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 AS 2107:2000 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors. (2) <u>Development setbacks</u> (a) 20m setback from Public Roads. (b) 10m setback from all other lot boundaries. (c) Building envelopes are to be located outside of the acoustic setback area.
(48)	Lots Laithwood Circuit, Marbelup (Refer to Figure 7, No. 70)	(1) <u>Development setbacks</u> (a) 40m setback from South Coast Highway. (b) 20m setback from all other public roads. (c) 10m setback from all other lot boundaries.
(49)	All Lots - Manni Road, Robinson (Refer to Figure 8, No. 71)	(1) <u>Lot Size</u> (a) Minimum of 2 ha in a Priority 2 Public Drinking Water Source Area. (2) <u>Sand Extraction Buffer</u> (a) Land identified within 200 m of any Sand Extraction Area should not be supported for subdivision, unless sand extraction use is discontinued to the local government's satisfaction. (b) Appropriate means of mitigating the impacts of dust and noise associated with sand extraction activities are to be implemented to the local government's satisfaction. Means of mitigating the impacts of dust and noise impacts may include but not be limited to:

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No.	Description of Affected Lands	Standards
		(i) Earth bunding; (ii) Tree/shrub planting; (iii) Solid wall construction.
(50)	Lots 52 and 87 Racecourse Road and Lots 81-85 Roberts Road, Robinson (Refer to Figure 8, No. 72)	(1) <u>Lot size</u> (a) Minimum of 4ha. (2) <u>Sand Extraction Buffer</u> (a) Land identified within 200 m of any Sand Extraction Area should not be supported for subdivision, unless sand extraction use is discontinued to the local government's satisfaction. (b) Appropriate means of mitigating the impacts of dust and noise associated with sand extraction activities are to be implemented to the local government's satisfaction. Means of mitigating the impacts of dust and noise impacts may include but not be limited to: (i) Earth bunding; (ii) Tree/shrub planting; (iii) Solid wall construction.
(51)	Lots – Migo Place, Kronkup (Refer to Figure 14, No. 73)	(1) <u>Development setbacks</u> (a) 100m setback from the rural zoned land to the north. (b) 50m setback from Coombes and Cosy Corner Roads. (c) 30m setback from the motel zoned land. (d) 20m setback to all other lot boundaries. (e) Any outbuilding is to be located within 40m of the approved dwelling or vice versa. (2) <u>Livestock grazing and development</u> (a) Livestock grazing and any development to be located in cleared areas. (3) <u>Management Plans</u> (a) A Weed Management Plan, foreshore management plan and vegetation management plan (planning on boundaries) may be required to be prepared, in consultation with the responsible state department/s , as a prerequisite to subdivision or development of the land.
(52)	Lots 151-156 Koolbardi Court, Kronkup (Refer to Figure 14, No. 74)	(1) <u>Building Envelopes</u> (a) Building envelopes to be located considerate of bushfire risk, privacy to neighbouring Lots and effluent management.
(53)	Lots – Forest Court, Kronkup (Refer to Figure 14, No. 75)	(1) <u>Development setbacks</u> (a) 20m setback from Coombes Road (b) 10m setback from all other lot boundaries.

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No.	Description of Affected Lands	Standards
(54)	All Lots 300-301 Bottlebrush Road, Gledhow (Refer to Figure 6, No. 76)	(1) <u>Development setbacks</u> (a) 12m setback from Bottlebrush Road (b) 5m setback from all other lot boundaries. (c) Outside of any development exclusion areas and a minimum of 10m from the edge of the riparian vegetation.
(55)	Lot 6 – Henderson Road, McKail (Refer to Figure 7, No. 77)	(1) <u>Development setbacks</u> (a) All outbuildings and structures (excluding fencing) shall be setback a minimum of 40m from Albany Highway and all habitable buildings shall be setback a minimum of 80m from Albany Highway. (b) All buildings and structures shall be setback a minimum of 15m from Henderson and Link Roads and 10 m 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. (2) <u>Notification on title</u> (a) At the time of subdivision, a Section 70A notification maybe placed on title to advise potential purchasers of the existence of noise associated with a dog kennel and the Albany Ring Road.
(56)	Lot 9000 Link/Lancaster Roads, McKail (Refer to Figure 7, No. 78)	(1) <u>Development setbacks</u> (a) 15m front setback. (b) 12m setback from a secondary road boundary. (c) 10m setback from all other lot boundaries.
(57)	Lots – Link Road, Marbelup (Refer to Figure 7, No. 79)	(1) <u>Mitigation to Noise</u> (a) 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 AS 2107:2000 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors. (2) <u>Development setbacks</u> (a) 15 m front setback. (i) Outside of the development exclusion areas. (ii) Outside the acoustic setback; (iii) Outside the 40 m setback with the boundary of Lot 401. (b) Where no building envelope is identified, dwellings shall be sited in a development area not exceeding 2 000 m ² in area approved by the local government.
(58)	Lots 2-5 Shelley Beach Road, Kronkup	(1) <u>Lot area</u> (a) Lot sizes shall be a minimum of 2 ha.

No.	Description of Affected Lands	Standards
	(Refer to Figure 14, No. 81)	(b) Larger lot sizes may be necessary for environmentally sensitive areas. (2) <u>Development setbacks</u> (a) 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 bushfire protection. (b) 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. (3) <u>Management Plans</u> (a) A Vegetation, Flora and Fauna Management Plan shall be prepared in consultation with the responsible state department/s, 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): (i) Proximity to West Cape Howe National Park; (ii) Identify all areas of Karri vegetation and designate to be retained and protected; (iii) Identify large stands of vegetation and designate to avoid dissection by lot boundaries and/or fencing as far as practical; (iv) Identify creekline vegetation and provide for a vegetative buffer with a minimum width of 30 m to be maintained/established along the creekline. (v) Identify degraded remnant vegetation and develop a program for revegetation and restoration; (vi) Weed management; (vii) Fertiliser and pesticide application restrictions; (viii) Stock restrictions; and (ix) Maintenance program. (b) An Environmental Management Plan shall be prepared in consultation with the responsible state department/s, 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. The use, development and management of any lot within the Plan of Subdivision shall be in accordance with the Environmental Management Plan.

No.	Description of Affected Lands	Standards
		(4) <u>Notification of Title</u> (a) A notification shall be placed on each Certificate of Title of all lots created by a subdivision advising prospective purchasers of the following: “Due to the close proximity of West Cape Howe National Park, which is managed by the Department of Biodiversity Conservation and Attractions, Parks and Wildlife Service, amenity of proposed lots may be affected on occasion by the following – (i) Prescribed burning for conservation or fire hazard reduction purposes; (ii) Baiting with poison to control predators of native fauna and/or shooting or trapping to control declared animal species; (iii) Weed control using herbicides; and (iv) Firebreak construction and/or maintenance”.
(59)	Lot 202 – Sandalwood Road, Wellstead (Refer to Figure 17, No. 82)	(1) <u>Development setbacks</u> (a) 20m front setback. (b) 10m side setback. (c) 20m from any rear boundary adjoining any other Rural Residential lots. (d) 30m from any rear boundary adjoining any rural zoned land. (e) 60m from any lot adjoin any Crown Land. (2) <u>Site works</u> (a) 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). (b) The local government may require management controls and conditions be imposed on any approval to minimise dust and ensure rehabilitation of the site. (3) <u>Memorial on Title</u> (a) The subdivider shall place a memorial on the Certificate of Title warning that there is potential for mining operations to occur within 2 km of the land and these operations may adversely impact on the amenity of the lots.
(60)	Lots 16 and 172 Bramwell Road, Lots 51-52, 171, 181-182 and 531-536 Home Road and Lots 122-123 Harding Road, Robinson (Refer to Figure 8, No. 83)	(1) <u>Development setbacks</u> (a) 15m front setback (b) 10m side setback (2) <u>Building Envelope</u> (a) The local government may consider variations to the designated location subject to (but not limited by): (i) In accordance with minimum setbacks; (ii) No clearing of remnant vegetation.

No.	Description of Affected Lands	Standards
(61)	Lots 2 and 62 South Coast Highway, Lots 4-5 and 52-61 Beaudon Road, McKail (Refer to Figure 7, No. 84)	(1) <u>Development setbacks</u> (a) 15 m setback from Beaudon Road and South Coast Highway (b) 10 m side setback. (c) Buildings or structures are not permitted within the Waste Water Treatment Plant Buffer unless it is of the opinion that the development would not be detrimental to the operation of the Waste Water Treatment Plant. (d) Any proposed development below the 30 m contour will require geotechnical and bushfire hazard assessments to confirm site suitability. (2) <u>Livestock</u> (a) The keeping of livestock and animals shall not be undertaken within vegetated areas, except for those areas the local government deems to be for vegetative screening. (3) <u>Weed Management Plan</u> (a) A weed management plan may be required to be prepared, in consultation with the responsible state department/s, as a prerequisite to subdivision or development of the land. The weed management plan is to include an implementation programme.
(62)	Lot 50 Chester Pass Road, King River (Refer to Figure 12, No. 85)	(1) <u>Mitigation to Noise</u> (a) 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 AS 2107:2000 Acoustics – Recommended Design Sound Levels and Reverberation Times for Building Interiors. (2) <u>Development setbacks</u> (a) Setbacks from Chester Pass Road (i) Habitable Building – 80 m (ii) Other Buildings – 40 m (b) Setback from Lot 4849 - 40 m (c) Setback from Primary Street – 15 m (d) Setback from Secondary Street/Side/Rear – 10 m (3) <u>Building Envelope</u> (a) Building Envelope to be an area of 10% of the lot area, or 1 000 m², whichever is the greater. (4) <u>Management Plans</u> (a) An Urban Water Management Plan shall be lodged with an application for subdivision. The local government may request that the Commission impose a condition relating to the implementation of the Urban Water Management Plan (water usage and stormwater).

No.	Description of Affected Lands	Standards
		(b) At the time of subdivision, the local government may request that the Commission impose a condition relating to the preparation and implementation of a Visual Landscape Management Plan. (c) The local government will request the Commission to impose a condition at the time of subdivision requiring preparation and implementation of a foreshore management and revegetation plan for the creekline. (d) The local government shall request the 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. (5) <u>Landscaping</u> (a) The local government shall request the Commission to impose a condition at the time of subdivision, requiring tree/shrub planting. (6) <u>Fencing</u> (a) The local government shall request the 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. (b) 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. (7) <u>Rehabilitation – Extractive Industry</u> (a) 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. (b) 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. (8) <u>Notification on Title</u>

No.	Description of Affected Lands	Standards
		(a) The local government may recommend that the 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: (i) 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. (ii) 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. (iii) 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. (9) <u>Geotechnical Report</u> (a) The local government shall recommend to the 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.
(63)	Lots – Symers Street, Little Grove (Refer to Figure 9, No. 86)	(1) <u>Lot Size</u> (a) Lot sizes shall be a minimum of 2 ha within a Priority 2 Public Drinking Water Source Area. (2) <u>Development setbacks</u> (a) 15 m front setback. (b) All building and structures shall be: (i) Located off any ridgeline as determined by the local government; (ii) Located to retain the maximum amount of remnant vegetation on the site.
(64)	Lot 114 (#142) Frenchman Bay Road, Robinson (Refer to Figure 8, No's 87 & 101)	(1) <u>Floor Height</u> (a) Buildings within the Rural Residential zone, must achieve a minimum finished floor level of 2.64 m AHD. (2) <u>Development setbacks</u> (a) 10 m front setback.

No.	Description of Affected Lands	Standards
		(b) A vegetated agricultural buffer is to be provided to the minimum width of 20 m, plus a 10 m setback for access from the south south-east boundary of the subject lot where the market garden adjoins, together with any required additional land for access for maintenance and firebreaks. (c) In relation to the 20 m vegetated agricultural buffer to the existing market garden, species used in the closest 10 m portion of the buffer shall not be capable of growing taller than 3 m to prevent the incidence of overshadowing. (3) <u>Building Envelope</u> (a) Building Envelopes shall not exceed 2 000 m². (4) <u>Water Management</u> (a) The wastewater, stormwater and effluent disposal solutions documented in the Local Water Management Strategy and Urban Water Management Plan Lot 114 (No. 142) Frenchman Bay Road, Robinson, City of Albany (April 2011) shall form the basis for the detailed water management strategies. (5) <u>Notification</u> (a) 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 m may affect rural amenity.
(65)	Lots – Hortin Road, Kronkup (Refer to Figure 14, No. 88)	(1) <u>Lot size</u> (a) Lot sizes shall be a minimum of 4ha. (2) <u>Development setbacks</u> (a) 20m front setback. (b) No development shall be permitted within 20m of Marron Creek and/or Verne Brook.
(66)	Lots 1 and 973 Nanarup Road, Lower King (Refer to Figure 11, No. 89)	(1) <u>Subdivision</u> (a) A maximum of two lots may be considered over Johnston Creek. (b) Larger lots may be required over parts of the site to respond to site characteristics. (2) <u>Notification</u> (a) At subdivision, a notification, pursuant to s. 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificates of title of lots abutting Rural zoned land advising of the existence of an existing agricultural activity.

No.	Description of Affected Lands	Standards
		(b) At subdivision, a notification, pursuant to s. 165 of the <i>Planning and Development Act 2005</i> is to be placed on the certificates of title of proposed lots within 500 m of the existing extractive industry, advising of its existence. (3) <u>Vegetation Buffer</u> (a) At subdivision, a vegetative buffer to the specifications of the responsible state department/s, is to be established on any lots abutting Rural 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. (4) <u>Management Plan</u> (a) At subdivision, a Foreshore Management Plan for Johnston Creek, including revegetation of drainage lines is to be prepared and implemented to the specification of the state department responsible for water. (b) 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.
(67)	Lot 2 (Pt. 4889) Cnr Gunn Road and Albany Highway, Marbelup (Refer to Figure 7, No. 90)	(1) <u>Access</u> (a) No direct access will be permitted to Albany Highway. (2) <u>Development Setbacks</u> (a) All habitable buildings are to be setback 40 m from adjoining Lot 401 and Lot 5. (b) All buildings shall be setback 20 m from lot boundaries abutting public road frontages and 10 m from all other lot boundaries.
(68)	All Lots 105-106 Nanarup Road, Lower King (Refer to Figure 11, No. 91)	(1) <u>Development Setbacks</u> (a) All buildings and on-site effluent disposal systems shall be: (i) Located a minimum of 100m from the high-water mark of Oyster Harbour. (ii) Confined within the designated building envelope (maximum area 1,200 m²). (b) All buildings shall be setback: (i) 30 m from Nanarup Road; (ii) 12 m from the front boundary; (iii) 5 m from any side boundary; and (iv) 12 m from the rear boundary. (2) <u>Access</u> (a) No direct access from Lots 105 and 106 to Nanarup Road.

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No.	Description of Affected Lands	Standards
		(3) <u>Management Plans</u> (a) Prior to development/subdivision an environmental management plan and stormwater management plan, is to be prepared, approved and implemented to the satisfaction of DWER, in consultation with DBCA. (4) <u>Vegetation retention</u> (a) Vegetation south of a low fuel link (adjacent to foreshore) and adjacent to the Nanarup Road, is to be retained. (b) Common lot boundaries and foreshore boundaries in vegetated areas are to be marked by bollards or similar.

Schedule 8

Table 18. Special control areas in Scheme area

Name of area	Purpose	Additional provisions																																											
Special Control Area 1 — Albany Airport	(1) The purpose of the Albany Airport 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: <i>Acoustics – Aircraft Noise Intrusion – Building Siting and Construction</i>; 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.	(1) 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 follows: <table><tr><th colspan="4">ANEF Levels</th></tr><tr><th rowspan="2">Building Type Acceptability</th><th colspan="3">ANEF Level</th></tr><tr><th><20</th><th>20 – 25</th><th>>25</th></tr><tr><td colspan="4">Acceptable - 1 Conditionally Acceptable - 2 Unacceptable - 3</td></tr><tr><td>Single House, Grouped/Multiple Dwellings</td><td>1</td><td>2</td><td>3</td></tr><tr><td>Educational Establishment</td><td>1</td><td>2</td><td>3</td></tr><tr><td>Hospital, Medical Centre</td><td>1</td><td>2</td><td>3</td></tr><tr><td>Hotel/Motel, Holiday Accommodation</td><td>1</td><td>2</td><td>2</td></tr><tr><td>Community Purpose</td><td>1</td><td>2</td><td>2</td></tr><tr><td>Shop, Office</td><td>1</td><td>1</td><td>2</td></tr><tr><td>Industry</td><td>1</td><td>1</td><td>1</td></tr></table> <i>Note:</i> 1. The above determines the acceptability of different building types and has been adapted from AS 2021-2000: <i>Acoustics – Aircraft Noise Intrusion – Building Siting and Construction</i>. (b) Recommendations contained within AS 2021-2000: <i>Acoustics – Aircraft Noise Intrusion – Building Siting and Construction</i>; and (c) Advice of the responsible state department/s. <i>Note:</i> The specific location of the 20 ANEF contour is difficult to define accurately, primarily because of variation in aircraft flight paths. Subsequently, the local government may apply the Scheme controls for building sites outside but near to the 20 ANEF contour. (2) 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.	ANEF Levels				Building Type Acceptability	ANEF Level			<20	20 – 25	>25	Acceptable - 1 Conditionally Acceptable - 2 Unacceptable - 3				Single House, Grouped/Multiple Dwellings	1	2	3	Educational Establishment	1	2	3	Hospital, Medical Centre	1	2	3	Hotel/Motel, Holiday Accommodation	1	2	2	Community Purpose	1	2	2	Shop, Office	1	1	2	Industry	1	1	1
ANEF Levels																																													
Building Type Acceptability	ANEF Level																																												
	<20	20 – 25	>25																																										
Acceptable - 1 Conditionally Acceptable - 2 Unacceptable - 3																																													
Single House, Grouped/Multiple Dwellings	1	2	3																																										
Educational Establishment	1	2	3																																										
Hospital, Medical Centre	1	2	3																																										
Hotel/Motel, Holiday Accommodation	1	2	2																																										
Community Purpose	1	2	2																																										
Shop, Office	1	1	2																																										
Industry	1	1	1																																										

Schedule 8 (Table 18)

Name of area	Purpose	Additional provisions
		(3) The local government may refuse applications for development of any sensitive land uses within the >25 ANEF area. (4) 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) The local government may 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 ha, 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 ha minimum lot size.
Special Control Area 2 — Public Drinking Water Source Areas	Purpose: To identify and protect public drinking water source areas. Objectives: (a) provide a basis for the protection of public drinking water resources through the control of land use or development, which has the potential to affect the quality of drinking water supplies for public use (b) identify land that has been designated as a public drinking water source area (c) implement additional planning provisions that are designed to address water quality and public health risks in a public drinking water source area.	(1) There are four 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 (d) Angove Creek Catchment Area (2) <u>General development:</u> (a) All development in the special control area requiring planning approval shall be subject to the local government's discretion, notwithstanding that the use may be permitted elsewhere in the Scheme. (b) In considering proposals within the special control area, the local government may require preparation of a water management report to demonstrate the appropriate protection, management and use of water resources. (3) <u>Land use:</u> (a) The local government shall refer all applications for development approval to responsible state department/s for comment. (b) Notwithstanding the land use permissibility set out in Table 3. – Zoning Table, a use which is identified as incompatible within the relevant

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Name of area	Purpose	Additional provisions
		priority area classification shall not be approved, unless risks or impacts associated with the proposed land use can be adequately managed or mitigated, to the specifications of the local government in consultation with relevant referral agency. (4) <u>Subdivision and development proposals:</u> (a) In determining or making recommendation on an application for development approval or subdivision, the local government shall have due regard to: (i) Water resource setback requirements identified elsewhere in this Scheme, and; (ii) advice of responsible state department/s; (iii) Recommendations of the relevant drinking water source protection report or land use and water management strategy (iv) The potential risk of contamination to the public drinking water source area resulting from a proposed land use and/or development; (v) The retention of native vegetation and protection of wetlands and waterways; (vi) The drainage characteristics of the land, including surface and groundwater flow, and the adequacy of proposed measures to meet water quality targets and manage run-off and drainage. (5) Development must be connected to reticulated sewerage, where required in accordance with responsible state department/s policy or guidelines. <i>Note:</i> 1. <i>There will be a general presumption against development or use of land, which is not compatible with Public Drinking Water Source Areas or which involves a significant risk to the resource. The onus will be on the proponent of development to demonstrate that the proposed activity will not prejudice the resource.</i> 2. <i>Matters such as compatible and incompatible uses within applicable priority drinking water areas, are outlined under applicable policy or guidance notes prepared by relevant the responsible state department/s, specifically the Department of Water and Environmental Regulation's Water Quality Protection Note 25:</i>

Name of area	Purpose	Additional provisions
		<i>Land Use Compatibility in Public Drinking Water Source Areas.</i> 3. <i>The type of water management report required by the responsible authority should correspond with the associated planning instrument or applicable stage of the development approval process.</i>
Special Control Area 3 — Albany Speedway Noise Special Control Area	(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.	(1) In considering an application for development approval within the Albany Speedway Noise Special Control Area, the local government shall have particular regard to: (a) Recognise existing dwellings constructed within the Special Control Area prior to these controls; (b) Acknowledge the seasonal and part-time nature of the speedway activities and its potential to impact upon existing residents; (c) Consider the position of the proposed development within the Special Control Area mapping; and (d) Give consideration to the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i> and any advice on the proposal received from the responsible state department/s. (2) Having regard to provision (1), the local government may require the applicant to incorporate design and construction methods/materials to reduce noise impacts into the dwelling. The following construction requirements are recommended: (a) Where possible, bedrooms are located on the opposite side of the dwelling away from the Speedway; (b) Laundry and Bathrooms are preferably located on the same side as the Speedway; (c) Double brick or concrete construction; (d) Casement windows (with winders) in timber or commercial steel frame and compressible seals; (e) For bedrooms facing or exposed to the speedway, glazing to be minimum 6.38 mm thick laminated glass; (f) Roofs to include 50 mm thick anticon;

Name of area	Purpose	Additional provisions
		(g) Installing the windows slightly forward in the reveal to allow a secondary sliding window to be installed or select frames that allow for the installation of a second operable window to be installed within the frame, such as a Capral window frame or equivalent. (3) The local government may grant development approval for outbuildings 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. (4) 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.
Special Control Area 4 — Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area	(1) The purpose of the Water Corporation Wastewater Treatment Plant Odour Buffer Special Control Area is: (a) To protect the Wastewater Treatment Plant present and future operations from potential conflict with incompatible development and land uses.	(1) 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. (2) The local government may grant development approval for outbuildings 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. (3) 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

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Name of area	Purpose	Additional provisions
		and the odour buffer around the Wastewater Treatment Plant. (4) 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.
Special Control Area 5 — Spencer Park Special Control Area	(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.	(1) For the land contained within the Spencer Park Improvement Special Control Area designated on the Scheme Map, the following provisions shall apply: (a) <u>Whole Precinct</u> (i) Despite anything else in the Scheme, a Structure Plan and/or Local Development Plan is to be prepared in accordance with the <i>Planning and Development) Local Planning Schemes) Regulations 2015</i> of the Scheme before any subdivision or development of land within the Spencer Park Special Control Area may occur. (ii) The Structure Plan is to define: (1) Precinct and sub-precinct boundaries; (2) Precinct and sub-precinct character statements; (3) Whole of precinct objectives for each element; and (4) Development provisions by sub-precinct. (iii) All development within the Spencer Park Special Control Area shall demonstrate, to the satisfaction of the local government, consistency with both the relevant sub-precinct provisions and the Structure Plan and/or Local Development Plan objectives. Where any objective conflicts with the relevant sub-precinct development provisions, the development provisions shall take precedence.

Name of area	Purpose	Additional provisions
		(iv) Overall Built Form Design Requirements: (1) All service areas shall be screened from view from the adjacent street (not including ROWs); (2) All openings to adjacent streets shall be of a vertical proportion of at least 2:1, or composed of similarly proportioned glazing panels; and (3) All street frontages shall incorporate at least two wall materials or colours to provide visual interest. (v) Floorspace Limits - Retail developments in the Spencer Park Improvement Special Control Area are subject to overall net lettable area floorspace limits for the Spencer Park Neighbourhood Centre under clause 33 (Table 17) of the Scheme. (b) <u>Central Sub-Precinct</u> (i) The land within the Central Sub-Precinct is designated on the Scheme Map as R80. (ii) Notwithstanding those land uses generally permissible under Table 3: Zoning Table, within the Central Sub-Precinct the following uses are 'D' discretionary uses: (1) Child Care Premises (2) Club Premises (3) Consulting Rooms (4) Fast Food Outlet (5) Lunch Bar (6) Hotel (7) Medical Centre (8) Multiple Dwelling (9) Office (10) Restaurant/Cafe (11) Shop (12) Tavern (iii) Notwithstanding those land uses generally permissible under Table 3: Zoning Table, within the Central Sub-

Name of area	Purpose	Additional provisions
		Precinct, a 'Single House' is 'X' not permitted: (iv) The following general provisions apply in the Central Sub-precinct: (1) Residential development is to achieve a density greater than the R60 density code. (2) Maximum plot ratio: 1.75:1 (3) Height: Maximum of 3 storeys with a maximum building height of 12 m as per Category C in Table 3 of the R-Codes. (4) 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 1 m. (5) Minimum setbacks from primary and secondary streets: (a) Non-residential uses and any floors above: Nil (b) Ground floor residential and any floors above: 2.5 m (c) Side/rear setbacks: Nil (d) Vehicle access: (6) Only from ROW where available. Where access from a ROW is not possible, vehicle crossovers for car parking shall be limited to 1 per street for each lot. (7) On-site car parking provision: (a) Retail: 1 bay per 25 m² GFA (b) Other commercial: 1 bay per 30 m² (c) Residential: 1.5 bays per dwelling (of which 1 bay shall be assigned for each dwelling) (8) 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. (9) Built Form Design Requirements: (a) Ground floor commercial uses shall incorporate full height glazing (floor level to at least 2.4 m above floor level) for

Name of area	Purpose	Additional provisions
		75% of the building frontage to adjacent streets. (b) 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 m and a minimum height of 3 m. (10) Additional 'Main Street' Sub-precinct provisions: The following additional provisions shall apply to development fronting Hardie Road (between Angove Road and Mokare Road): (a) No residential uses shall be permitted at ground floor level; (b) Ground floor commercial uses shall incorporate full height glazing (floor level to at least 2.4 m above floor level) for 85% of the building frontage to adjacent streets; (c) All ground floor tenancies must have a primary entrance to Hardie Road; and (d) An additional development contribution for landscaping shall apply at a prescribed rate per linear metre of street frontage to Hardie Road. (c) <u>Mixed Use Sub-Precinct</u> (i) The land within the Mixed Use Sub-Precinct is designated on the Scheme Map as R60 (Mixed Use zone). (ii) Notwithstanding those land uses generally permissible under Table 3: Zoning Table, within the Mixed Use Sub-Precinct the following land uses are 'D' discretionary uses: (1) Consulting Rooms (2) Home Business (3) Medical Centre, (4) Office (limited to a maximum net lettable area of 150 m² per unit) (5) Single House

Name of area	Purpose	Additional provisions
		(iii) Notwithstanding those land uses generally permissible under Table 3: Zoning Table, within the Central Sub-Precinct the following uses are 'X' not permitted: (1) Residential development below the density of the R40 residential density code. (iv) The following general provisions apply in the Mixed Use Sub-Precinct: (1) Maximum plot ratio: 1.5:1 (2) Height: Maximum of 3 storeys with a maximum building height of 12 m as per Category C in Table 3 of the R-Codes. (3) 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 1 m. (4) Minimum Setbacks: Primary and Secondary Streets: 2.5 m; Side: Nil; Rear: 4.5 m (except for ROWs). (5) Vehicle Access: Only from ROW where available. Where access from a ROW is not possible, vehicle crossovers shall be limited to 1 per street for each lot. Part of Lots 28 & 29 Pretious Street/Hardie Road shall be reserved for a public laneway. (6) On-site Car Parking: (a) Commercial: 1 bay per 30 m² net lettable area (b) Residential: 1.5 bays per dwelling (of which 1 bay shall be assigned for each dwelling) (7) 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. (8) Built Form Design Requirements: (a) Ground floor commercial uses shall incorporate full height glazing (floor level to at least 2.4 m above floor level) for 60% of the building frontage to adjacent streets. (b) All commercial street frontages built to within 2.5 m of the front boundary shall

Name of area	Purpose	Additional provisions
		incorporate a verandah or roof overhang to provide pedestrian shelter over the adjacent footpath with a minimum footpath overhang of 3 m and a minimum height of 3 m. (c) 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 Commission approval of a Deposited Plan or Strata Plan. (c) <u>Residential Inner-Frame Sub-Precinct</u> (i) The land within the Residential Inner-Frame Sub-Precinct is designated on the Scheme Map as R60 (IF). (ii) Notwithstanding those land uses generally permissible under Table 3: Zoning Table, within the Residential Inner-Frame Sub-Precinct the following land uses are 'D' discretionary uses: Single House (iii) Notwithstanding those land uses generally permissible under Table 3: 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. (iv) The following general provisions apply in the Residential Inner-Frame precinct: (1) Maximum plot ratio 1:1

Name of area	Purpose	Additional provisions
		(2) Height: Maximum of 3 storeys with a maximum building height of 12 m as per Category C in Table 3 of the R-Codes. (3) Minimum Setbacks: (a) Primary Street: 4 m (b) Secondary Street: 1.5 m (c) Side/Rear: as per the R-Codes (4) Vehicle Access: (a) Vehicle crossovers shall be limited to 1 per street (not including ROWs) for each lot. (5) On-site Car Parking: (a) As per the R-Codes. (6) Landscaping: (a) 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. (7) Development of a Single House: (a) 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 Commission approval of a Deposited Plan or Strata Plan.

Name of area	Purpose	Additional provisions
		(d) <u>Residential Outer-Frame Sub-Precinct</u> (i) The land within Residential Outer-Frame Sub-Precinct is designated on the Scheme Map as R40 (OF). (ii) Notwithstanding those land uses generally permissible under Table 3: Zoning Table, within the Residential Outer-Frame Sub-Precinct the following land uses are 'D' discretionary uses: Single House (iii) Notwithstanding those land uses generally permissible under Table 3: 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. (iv) The following general provisions apply in the Residential Outer-Frame Sub-Precinct: (1) Plot Ratio: As per the R-Codes (2) Height: 2 storeys as per Category B in Table 3 of the R-Codes (3) Setbacks: As per the R-Codes for the R40 residential density code (4) Vehicle Access: As per the R-Codes (5) On-site Car Parking: As per the R - Codes (6) Fencing: As per the R-Codes
Special Control Area 6 — Pendeen Special Control Area Buffer	(1) The Pendeen Special Control Area Buffer seeks to limit sensitive uses that may be impacted by industrial operations located at the General Industry zone west of Chester Pass Road.	(1) Within the Buffer Area shown on the Scheme Map, the local government shall not permit the following land uses: (a) Ancillary Dwelling; (b) Bed and Breakfast; (c) Caretaker's Dwelling; (d) Civic Use; (e) Club Premises; (f) Community Purpose;

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Name of area	Purpose	Additional provisions
		(g) Educational Establishment; (h) Family Day Care; (i) Home Business; (j) Home Occupation; (k) Home Office; (l) Industry – Cottage; (m) Place of Worship; (n) Recreation – Private; (o) Single House. (p) Tourist Development (q) Workforce Accommodation
Special Control Area 7 — Down Road East Special Control Area Buffer	(1) The Down Road East Special Control Area Buffer seeks to limit sensitive uses that may be impacted by industrial operations at the General Industry zone located at Down Road.	(1) Land Use within Industrial Buffer Area (a) The local government shall permit as 'D' discretionary uses all those land uses permissible ('P') within the Priority Agriculture zone except the following uses which are 'X' not permitted: (i) Ancillary Dwelling; (ii) Bed and Breakfast; (iii) Caretaker's Dwelling; (iv) Civic Use; (v) Club Premises; (vi) Community Purpose; (vii) Educational Establishment; (viii) Family Day Care; (ix) Workforce Accommodation; (x) Home Business; (xi) Home Occupation; (xii) Home Office; (xiii) Place of Worship; (xiv) Second-hand Dwelling; (xv) Veterinary Centre; and (b) Development approval is required for any land use and/or development. (c) No development of sensitive land uses shall be permitted within the Industry Buffer Area designated on the Scheme Map.
Special Control Area 8 — Down Road West Special Control Area Buffer	(1) The Down Road West Special Control Area Buffer seeks to limit sensitive uses that may be impacted by industrial operations at the General Industry zone located north of Down Road West.	(1) Development within the Buffer Area (a) No development of sensitive land uses shall be permitted within the Industry Buffer Area designated on the Scheme Map.
Special Control Area 9 — Albany Port Special	(1) The Port Special Control Area Buffer seeks to manage the design of	(1) Subdivision and Development within the Buffer Area

Name of area	Purpose	Additional provisions
Control Area Buffer	subdivision and development to mitigate potential noise from industrial operations at the Port.	(a) 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. (b) The local government may grant development approval and impose conditions on the approval including requiring the applicant: (i) Provide a specialist report (prepared by a suitably qualified acoustic consultant) to show that the proposed development can achieve the provisions of the <i>Environmental Protection (Noise) Regulations 1997</i>. (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 6 mm laminated/toughened or 3 mm '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 (vii) A memorial to be placed on the Certificate of Title stating: (1) The premises are subject to high noise levels from the port operations; and (2) Any residential development will be required to incorporate design and construction methods/materials to reduce noise impacts into the dwelling.

Name of area	Purpose	Additional provisions
Special Control Area 10 — Coastal Erosion Risk — Middleton Beach	(1) The purpose of the Coastal Erosion Risk Special Control Area is to implement adaptation options for assets requiring short term management.	(1) Development (a) All land use and works within the special control area requires development approval which is time limited. (b) Development is to be designed to be capable of removal. (2) Development Approval (a) A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the proposed development lot advising of the existence of a hazard. The notification is to state as follows: <i>“This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered and may be subject to conditions of development approval which require removal and/or rehabilitation to pre-development conditions.”</i> (b) The development approval shall cease to have effect and the development removed when: (i) The most landward part of the Horizontal Shoreline Datum is within 35 metres of the most seaward lot boundary, or (ii) A public road is no longer available or able to provide legal access to the property, or (iii) Water, sewerage, or electricity connection to the lot is removed/decommissioned by the relevant authority due to coastal hazards. (c) At the point approval lapses the land shall be rehabilitated to its pre- development condition, to the specifications of the local government, at the landowner’s cost. <u>Advice:</u> 1. In relation to Condition 1(a), there is no limit to the number of extensions that the City may grant, allowing the development to remain until such time as one of the conditions of 2(b) occur at which time the development will be required to be removed. 2. The applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in <i>State Planning Policy 2.6 – State Coastal Planning Policy</i>. 3. The applicant is advised that the 35 metre distance

Name of area	Purpose	Additional provisions
		between the Horizontal Shoreline Datum and the most seaward part of the lot boundary is the S1 value for this location which is obtained from the Emu Point to Middleton Beach Coastal Hazard Risk Management Adaptation Plan (CHRMAP) prepared for the City of Albany. S1 is the allowance for absorbing the current risk of storm erosion, as defined in <i>State Planning Policy 2.6 – State Coastal Planning Policy</i>.
Special Control Area 11 — Coastal Erosion Risk — Griffiths Street	(1) The purpose of the Coastal Erosion Risk Special Control Area is to implement adaptation options for assets requiring short term management.	(1) Subdivision (a) No additional lots zoned for permanent development should be created within the special control area. (2) Development (a) All land use and works within the special control area requires development approval which is time limited. (b) Development is to be designed to be capable of removal. (3) Development Approval (a) A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the proposed development lot advising of the existence of a hazard. The notification is to state as follows: “This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered and may be subject to conditions of development approval which require removal and/or rehabilitation to pre-development conditions” (b) The development approval shall cease to have effect and the development removed when: (i) The most landward part of the Horizontal Shoreline Datum is within 40 metres of the most seaward lot boundary, or (ii) A public road is no longer available or able to provide legal access to the property, or (iii) Water, sewerage, or electricity connection to the lot is removed/decommissioned by the relevant authority due to coastal hazards. (c) At the point approval lapses the land shall be rehabilitated to its pre- development condition, to the specifications of the local government, at the landowner’s cost. <u>Advice:</u> 1. In relation to Condition 2(a), there is no limit to the

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Name of area	Purpose	Additional provisions
		number of extensions that the City may grant, allowing the development to remain until such time as one of the conditions of 3(b) occur at which time the development will be required to be removed. 2. The applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in <i>State Planning Policy 2.6 – State Coastal Planning Policy</i>. 3. The applicant is advised that the 40 metre distance between the Horizontal Shoreline Datum and the most seaward part of the lot boundary is the S1 value for this location which is obtained from the Emu Point to Middleton Beach Coastal Hazard Risk Management Adaptation Plan (CHRMAP) prepared for the City of Albany. S1 is the allowance for absorbing the current risk of storm erosion, as defined in <i>State Planning Policy 2.6 – State Coastal Planning Policy</i>.
Special Control Area 12 — Coastal Erosion Risk — Emu Point	(1) The purpose of the Coastal Erosion Risk Special Control Area is to implement adaptation options for assets requiring short term management.	(1) Development (a) All land use and works within the special control area requires development approval which is time limited. (b) Development is to be designed to be capable of removal. (2) Development Approval (a) A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the proposed development lot advising of the existence of a hazard. The notification is to state as follows: “This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered and may be subject to conditions of development approval which require removal and/or rehabilitation to pre-development conditions.” (b) The development approval shall cease to have effect and the development removed when: (i) The most landward part of the Horizontal Shoreline Datum is within 35 metres of the most seaward lot boundary, or (ii) A public road is no longer available or able to provide legal access to the property, or

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Name of area	Purpose	Additional provisions
		(iii) Water, sewerage, or electricity connection to the lot is removed/decommissioned by the relevant authority due to coastal hazards. (c) At the point approval lapses the land shall be rehabilitated to its pre- development condition, to the specifications of the local government, at the landowner's cost. <u>Advice:</u> 1. In relation to Condition 1(a), there is no limit to the number of extensions that the City may grant, allowing the development to remain until such time as one of the conditions of 2(b) occur at which time the development will be required to be removed. 2. The applicant is advised that the Horizontal Shoreline Datum means the active limit of the shoreline under storm activity, as defined in <i>State Planning Policy 2.6 – State Coastal Planning Policy</i>. 3. The applicant is advised that the 35 metre distance between the Horizontal Shoreline Datum and the most seaward part of the lot boundary is the S1 value for this location which is obtained from the Emu Point to Middleton Beach Coastal Hazard Risk Management Adaptation Plan (CHRMAP) prepared for the City of Albany. S1 is the allowance for absorbing the current risk of storm erosion, as defined in <i>State Planning Policy 2.6 – State Coastal Planning Policy</i>.
Special Control Area 13 — Yakamia Creek Inundation Area	(1) The Yakamia Creek Special Control area seeks to impose design criteria to development, as a means to limit potential flood damage.	(1) All habitable buildings are to be constructed with a minimum finished floor level height of 0.5m above the designated flood level shown adjacent to the site in the water and rivers commission/aquaterria floodplain management, Yakamia Creek flood study (plans 15264-3-1 to 15264-3-3) or any replacement study. (2) The subsoil adjacent to the proposed development is to be effectively drained. (3) The surface of the ground beneath the building is to be regraded or filled and provided with adequate drainage outlets to prevent the accumulation of water beneath the building. (4) The surface of the ground beneath the building to be covered with an approved damp-resistant material (moisture barrier). (5) The local government may grant development approval for development of outbuildings below the specified levels, where it is satisfied the applicant has: (a) Addressed the need to maintain an adequate floodway in all cases;

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Name of area	Purpose	Additional provisions
		(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.
Special Control Area 14 — Lake Seppings Inundation Area	(1) The Lake Seppings Special Control area seeks to impose design criteria to development, as a means to limit potential flood damage.	(1) All habitable buildings are to be constructed with a minimum finished floor level height of 2.68m AHD. (2) The subsoil adjacent to the proposed development is to be effectively drained. (3) The surface of the ground beneath the building is to be regraded or filled and provided with adequate drainage outlets to prevent the accumulation of water beneath the building. (4) The surface of the ground beneath the building to be covered with an approved damp-resistant material (moisture barrier). (5) The local government may grant development approval for development of outbuildings below the specified levels, 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.
Special Control Area 15 — Princess Royal Harbour Inundation Area	(1) The Princess Royal Harbour Special Control area seeks to impose design criteria to development, as a means to limit potential flood damage.	(1) Development (a) All land use and works within the special control area requires development approval. (b) Development is to be designed to be capable of removal. (c) All habitable buildings and associated driveway are to be constructed with a minimum finished floor level height of 3.02m

Name of area	Purpose	Additional provisions
		AHD in accordance with Local Planning Policy - Development in Flood prone Areas. (2) Development Approval (a) A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the proposed development lot advising of the existence of a hazard. The notification is to state as follows: <i>“This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered and may be subject to conditions of development approval which require removal and/or rehabilitation to pre- development conditions.”</i> (b) Where possible, development to be located outside of inundation area. (c) In circumstances where the entirety of a lot is within the inundation area, the use of fill is to be avoided. Fill has the potential to impact on water flows or other properties during a flood event. (d) Where a lot is identified to be permanently inundated within the 100-year planning timeframe as identified in an endorsed CHRMAP, development approval shall be time limited. At the point approval lapses: (i) The development shall be removed; and (ii) The land shall be rehabilitated to its pre-development condition, to the specifications of the local government, at the landowners cost. OR (e) Any development approval granted in respect of the Condition 2(d) shall cease to have effect and: (i) The development shall be removed; and (ii) The land shall be rehabilitated to its pre-development condition, to the specifications of the local government, at the landowner’s cost where: (1) A public road is no longer available or able to provide legal access to the property, or access is no longer available from the public road to the development, and/or (2) Water, sewerage, or electricity to the lot is no

Name of area	Purpose	Additional provisions
		longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards. <u>Advice:</u> 1. In relation to Condition 2(d), there is no limit to the number of extensions that the City may grant, allowing the development to remain until such time condition 2(e) occurs at which time the development will be required to be removed.
Special Control Area 16 — Oyster Harbour Inundation Area	(1) The Oyster Harbour Special Control area seeks to impose design criteria to development, as a means to limit potential flood damage.	(1) Development (a) All land use and works within the special control area requires development approval. (b) Development is to be designed to be capable of removal. (c) All habitable buildings and associated driveway are to be constructed with a minimum finished floor level height of 3.02m AHD in accordance with Local Planning Policy - Development in Flood prone Areas. (2) Development Approval (a) A notification, pursuant to Section 70A of the Transfer of Land Act 1893 is to be placed on the certificate of title of the proposed development lot advising of the existence of a hazard. The notification is to state as follows: "This lot is located in an area likely to be subject to coastal erosion and/or inundation over the next 100 years from the date this notification is registered and may be subject to conditions of development approval which require removal and/or rehabilitation to pre-development conditions." (b) Where possible, development to be located outside of inundation area. (c) In circumstances where the entirety of a lot is within the inundation area, the use of fill is to be avoided. Fill has the potential to impact on water flows or other properties during a flood event. (d) Where a lot is identified to be permanently inundated within the 100-year planning timeframe as identified in an endorsed CHRMAP or equivalent mapping, development approval shall be time limited. At the point approval lapses: (i) The development shall be removed; and

Name of area	Purpose	Additional provisions
		(ii) The land shall be rehabilitated to its pre-development condition, to the specifications of the local government, at the landowners cost. OR (e) Any development approval granted in respect of the Condition 2(d) shall cease to have effect and: (i) The development shall be removed; and (ii) The land shall be rehabilitated to its pre-development condition, to the specifications of the local government, at the landowner's cost where: (1) A public road is no longer available or able to provide legal access to the property, or access is no longer available from the public road to the development, and/or (2) Water, sewerage, or electricity to the lot is no longer available as they have been removed/decommissioned by the relevant authority due to coastal hazards. <u>Advice:</u> 1. In relation to Condition 2(d), there is no limit to the number of extensions that the City may grant, allowing the development to remain until such time condition 2(e) occurs at which time the development will be required to be removed.
Special Control Area 17 — Lake Powell Inundation Area	(1) The Lake Powell Special Control area seeks to impose design criteria to development, as a means to limit potential flood damage.	(1) All habitable buildings are to be constructed with a minimum finished floor level height of 1.88m AHD. (2) The subsoil adjacent to the proposed development is to be effectively drained. (3) The surface of the ground beneath the building is to be regraded or filled and provided with adequate drainage outlets to prevent the accumulation of water beneath the building. (4) The surface of the ground beneath the building to be covered with an approved damp-resistant material (moisture barrier). (5) The local government may grant development approval for development of outbuildings below the specified levels, where it is satisfied the applicant has:

Name of area	Purpose	Additional provisions
		(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.
Special Control Area 18 — Lake Manurup Inundation Area	(1) The Lake Manurup Special Control area seeks to impose design criteria to development, as a means to limit potential flood damage.	(1) All habitable buildings are to be constructed with a minimum finished floor level height of 1.08m AHD. (2) The subsoil adjacent to the proposed development is to be effectively drained. (3) The surface of the ground beneath the building is to be regraded or filled and provided with adequate drainage outlets to prevent the accumulation of water beneath the building. (4) The surface of the ground beneath the building to be covered with an approved damp-resistant material (moisture barrier). (5) The local government may grant development approval for development of outbuildings below the specified levels, 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.
Special Control Area 19 — Willyung Creek Inundation Area	(1) The Willyung Creek Special Control area seeks to impose design criteria to development, as a means to limit potential flood damage.	(1) All habitable buildings are to be constructed with a minimum finished floor level height of 0.5m above the designated flood level shown adjacent to the site in the Willyung Creek Flood Study or any replacement study. (2) The subsoil adjacent to the proposed development is to be effectively drained. (3) The surface of the ground beneath the building is to be regraded or filled and provided with adequate drainage outlets to prevent the accumulation of water beneath the building.

Schedule 8 (Table 18)

Name of area	Purpose	Additional provisions
		(4) The surface of the ground beneath the building to be covered with an approved damp-resistant material (moisture barrier). (5) The local government may grant development approval for development of outbuildings below the specified levels, 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.

Schedule 9 — Signage for which development approval not required

- (1) Proposed new and/or amendments to existing signage is required to satisfy the requirements specified under Table 13 of Schedule 6 and local planning policy.
- (2) Further to clauses 60 and 61 of the deemed provisions, and unless otherwise stated in this Scheme, development approval is not required for the following if –
 - (a) The signage satisfies all of the requirements set out under Columns 1 and 2 of Table 19 below;
 - (b) The signage is non-illuminated, unless specifically referenced;
 - (c) The signage is wholly contained within a lot zoned under this Scheme;
 - (d) The signage is not erected or installed within 1.5m of any part of a crossover or street truncation; and
 - (e) The signage is not erected in a heritage-protected place.

Table 19. Signage for which development approval not required

Column 1 Signage type, maximum permitted number and other limitations (includes changes to posters or poster signs)	Column 2 Maximum permitted signage dimensions and height above natural ground level <i>Note: Maximum permitted height above natural ground level shall be measured to the top of the sign</i>
A sign erected or maintained in accordance with an Act.	Not applicable
Applicable developments: (1) A property transaction sign relating to the sale, leasing or impending auction of the property upon which the sign is displayed. (2) Sign erected on the private property or immediately adjacent to the front boundary, where it is not possible to erect it on the private property. (3) One sign per street frontage to a maximum of 2 property transaction signs in total on each lot. (a) Single Dwelling (or equivalent); (b) Multiple Dwellings, Shops, Commercial and Industrial Properties; (c) Large Properties, including Shopping Centres, Buildings in excess of 3 storeys and Rural Properties in excess of 5 ha.	The maximum permitted dimensions and height above NGL for each signage type listed under (3) of Column 1 are as follows: (a) 2 m² with maximum height above natural ground level of 2 m; (b) 5 m² with maximum height above natural ground level of 3 m; (c) 10 m² with maximum height above natural ground level of 3 m.
(1) Signage for a construction site containing details of the project and contractors undertaking the work to be displayed upon the land being developed. (2) One main sign is permitted per street frontage (unless otherwise stated) and an additional sign is permitted per street frontage showing the name of the project builder/parties involved. (3) Signage to be displayed only for the duration of the construction work. Applicable developments: (a) Single House, Grouped Dwellings or Multiple Dwellings	The maximum permitted dimensions and height above NGL for each signage type listed under (3) of Column 1 are as follows: (a) 2 m² with maximum height above natural ground level of 2 m; (b) 5 m² with maximum height above natural ground level of 3 m; (c) 10 m² (main sign) & 5 m² (additional sign) with maximum height of both above natural ground level of 3 m.

Schedule 9

(b) Mixed use developments, shops, tourist or other commercial and/or industrial developments (c) Significant residential or non-residential developments and/or redevelopment projects, including Shopping centres and developments exceeding buildings exceeding 3 storeys in height (d) Public infrastructure projects	
A Display Home sign displayed only for the duration of the period the building is available for public inspection. One sign for each Display Home plus 1 additional sign for each group of Display Homes by a single project builder, giving details of the project building company and their range of dwellings on display.	2 m² (individual sign) with maximum height above natural ground level of 2 m. 5 m² (additional sign) with maximum height above natural ground level of 3 m
A plate or plaque erected or affixed on the street alignment or between that alignment and the building line, to indicate the name and occupation or profession of the occupier of the premises. One (1) per occupant.	0.6 m² If there are multiple occupiers within the premises, all occupants details are to be incorporated into the maximum permitted dimensions.
Wayfinding signage used solely for the direction and control of people, animals or vehicles or to identify the street address of a premises.	0.2 m²
Signage affixed to or painted on a window by the occupier of the premises and relating to the business carried on at the premises.	The total surface area of all signage (including existing and proposed) that is opaque/solid, does not cover more than 10% of the subject tenancy window area to which it is being affixed.
A sign displaying solely the name and occupation of any occupier of business premises painted on a wall of those premises.	Not applicable
Signage within a building or internal to a development that is not visible from the public realm.	Not applicable
A sign on an advertising pillar or panel approved by or with the consent of the City of Albany for displaying public notices for information (also includes parking signs on private property where the City of Albany has consented to patrol the car park).	0.9 m high, 0.7 m wide
Signage indicating the building name affixed to the building facade and consisting of a single line of letters.	Letters 0.6 m high
Newspaper or magazine posters displayed against the outside wall of the business premises from which the newspapers or magazines are sold, provided there is no obstruction to pedestrian traffic.	Not applicable
An Agricultural Producer's sign displayed on the landholding of the Producer or land used by them as part of their production enterprise. One (1) sign per producer.	2 m²
Signage promoting a garage sale of second hand domestic goods in domestic quantities, not being part of a business, trade or profession.	0.25 m²

Schedule 9

A maximum of 4 signs per garage sale, only displayed on the day of the sale and on no more than 4 occasions for the same lot in a calendar year.	
A sign promoting the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided the land is not normally used for that purpose. One sign displayed up to 3 months prior to the holding of the sale and removed within 7 days of the date of the sale.	2 m ²
A sign erected by the City of Albany for the purpose of: (a) encouraging participation in voting (but not in favour of any candidate, political party, group or thing) at a local government election, provided that the signs are erected no more than 28 days prior to the election and removed within 7 days of the date of the election; or; (b) indicating the name and location of a polling place for an election.	Not applicable
A Home Business sign describing the nature of the home business. One (1) sign per approved home business located on the lot where the business is approved and operates.	0.5 m ²
A Home Occupation sign describing the nature of the home occupation. One (1) sign per approved home occupation located on the lot where the activity is approved and operates.	0.2 m ²
An information sign at Places of Public Assembly (such as Place of Worship) detailing the function and/or activities of the institution involved (display opening times, hours of operation, timing of services, etc) to inform patrons attending the public venue. One (1) per venue.	0.5 m ²
A sign detailing the entertainment (current or future) at the venue upon which the sign is displayed. Two (2) per venue.	5 m ²

Schedule 10 — Site specific areas

Figure 1. Homestead Lot Areas

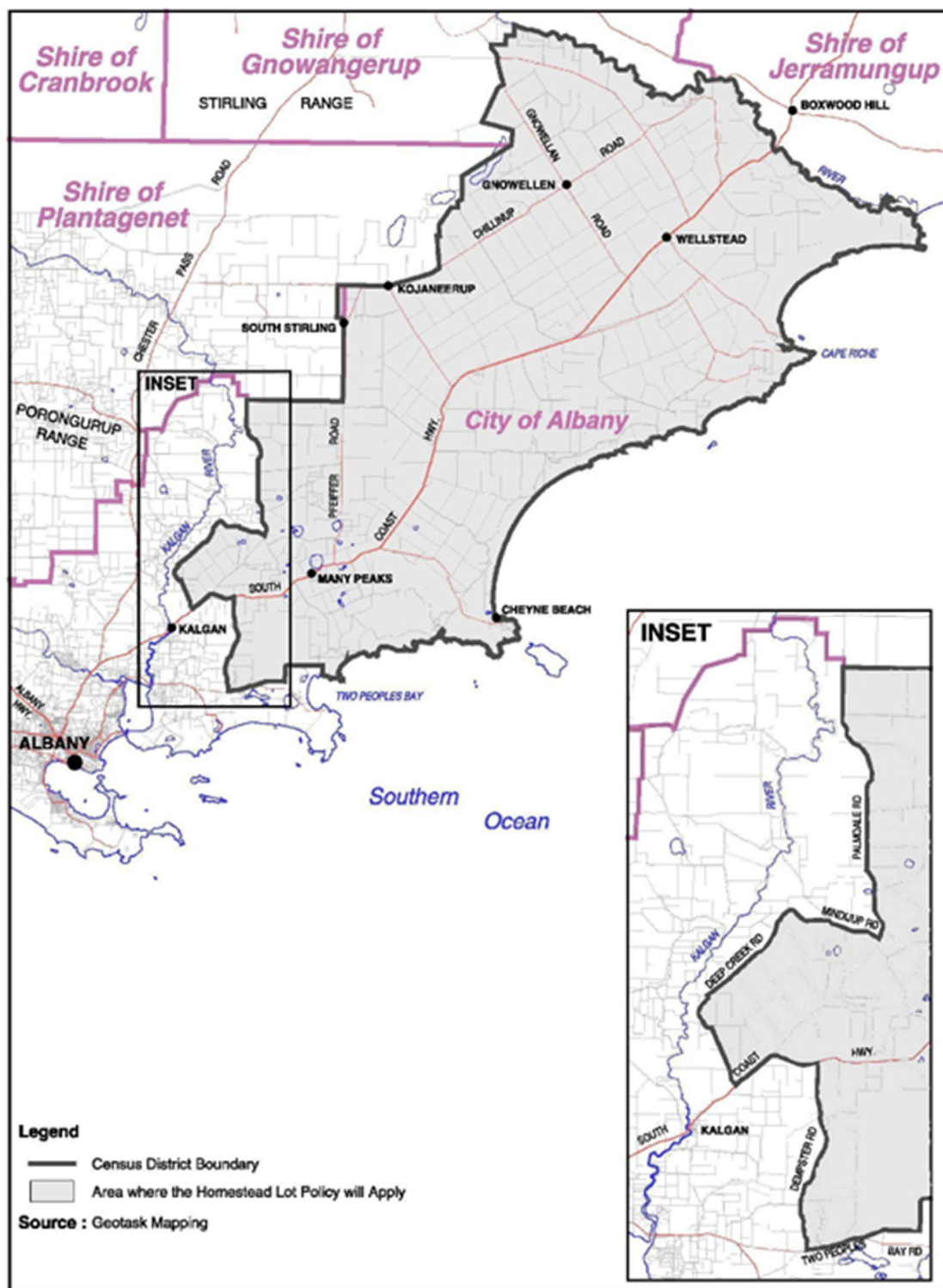


Figure 2. Middleton Beach Activity Centre Precinct Plan



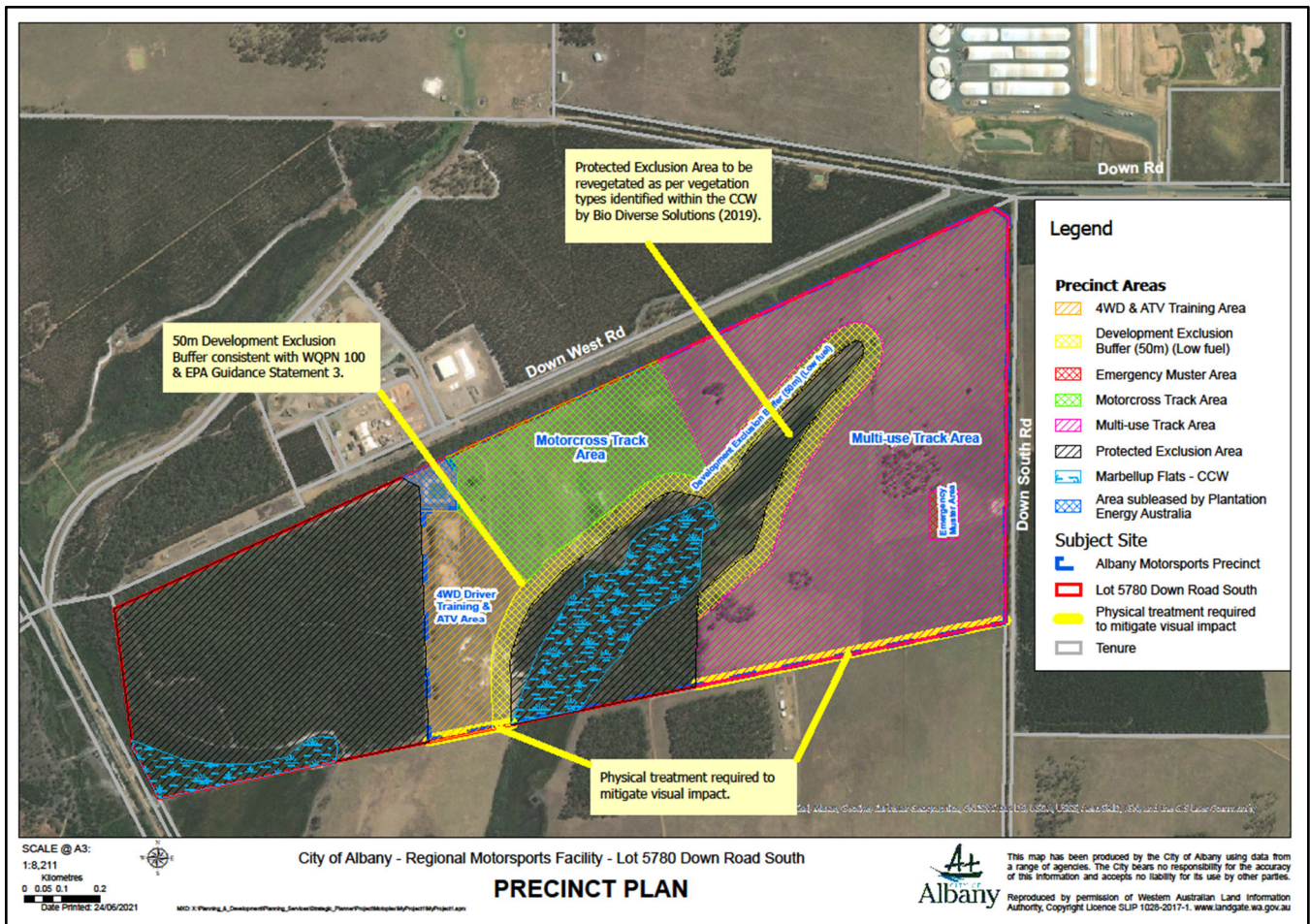
Figure 3. Albany Motorsports Precinct Plan

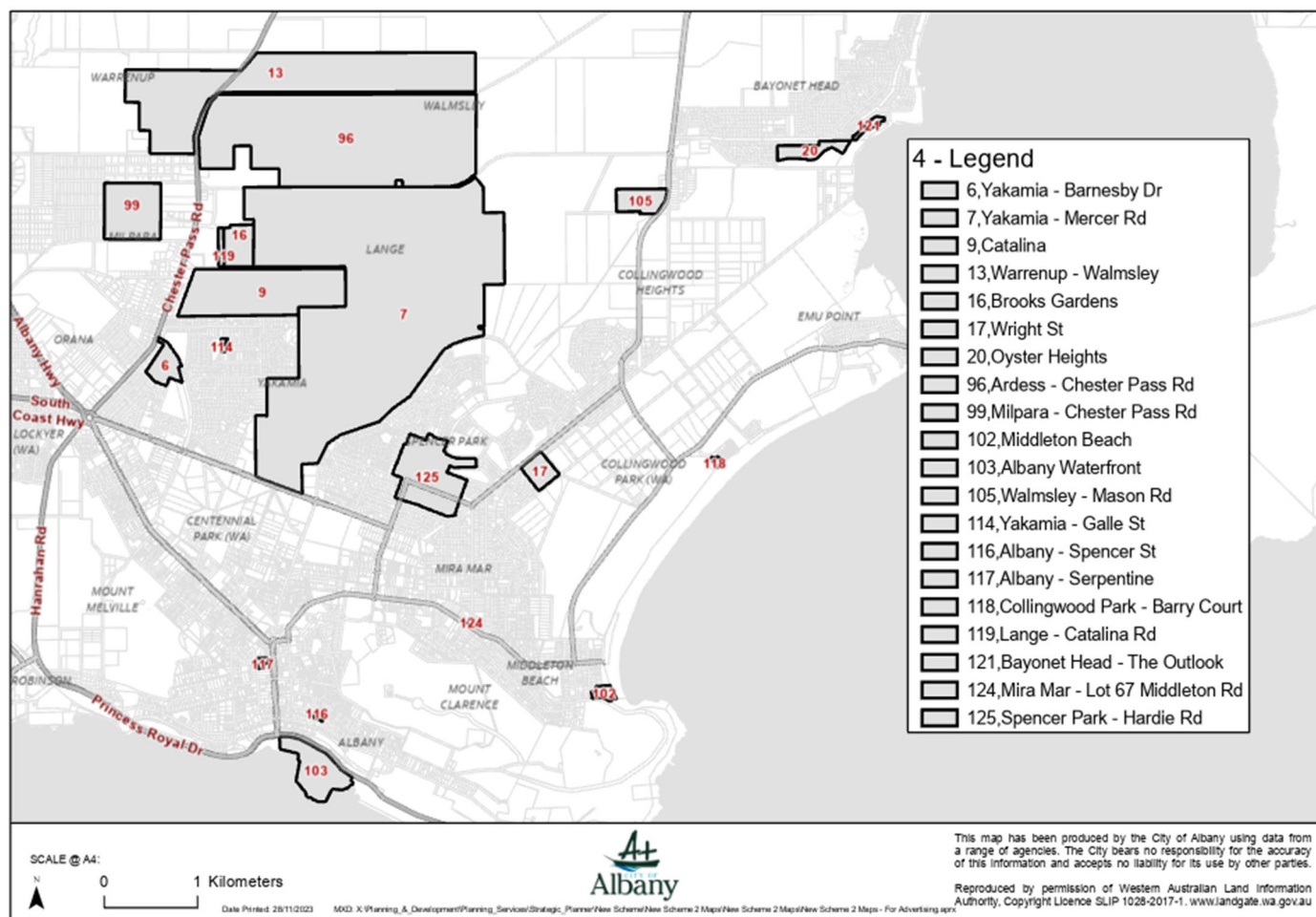
Figure 4. Site Specific Areas

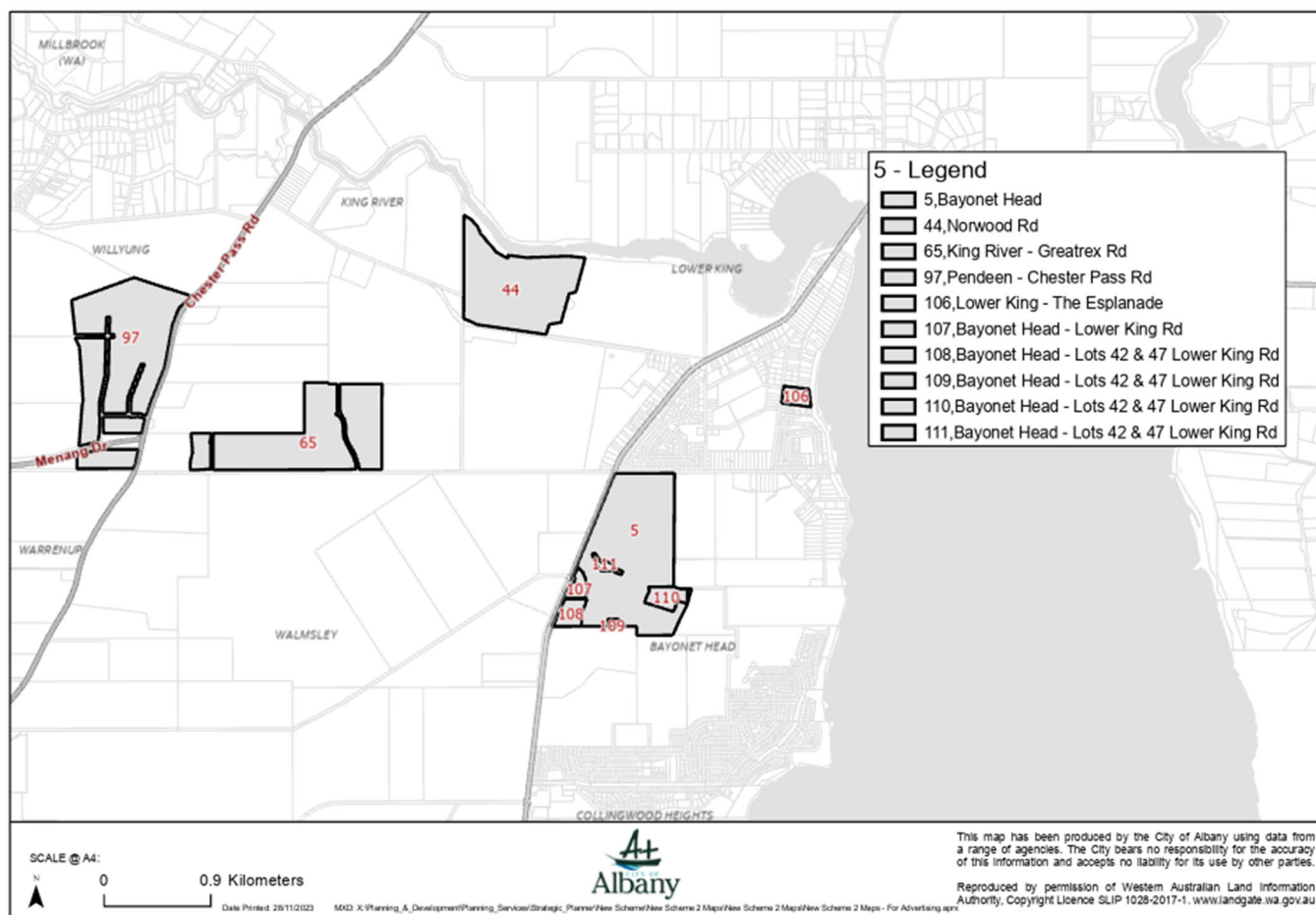
Figure 5. Site Specific Areas

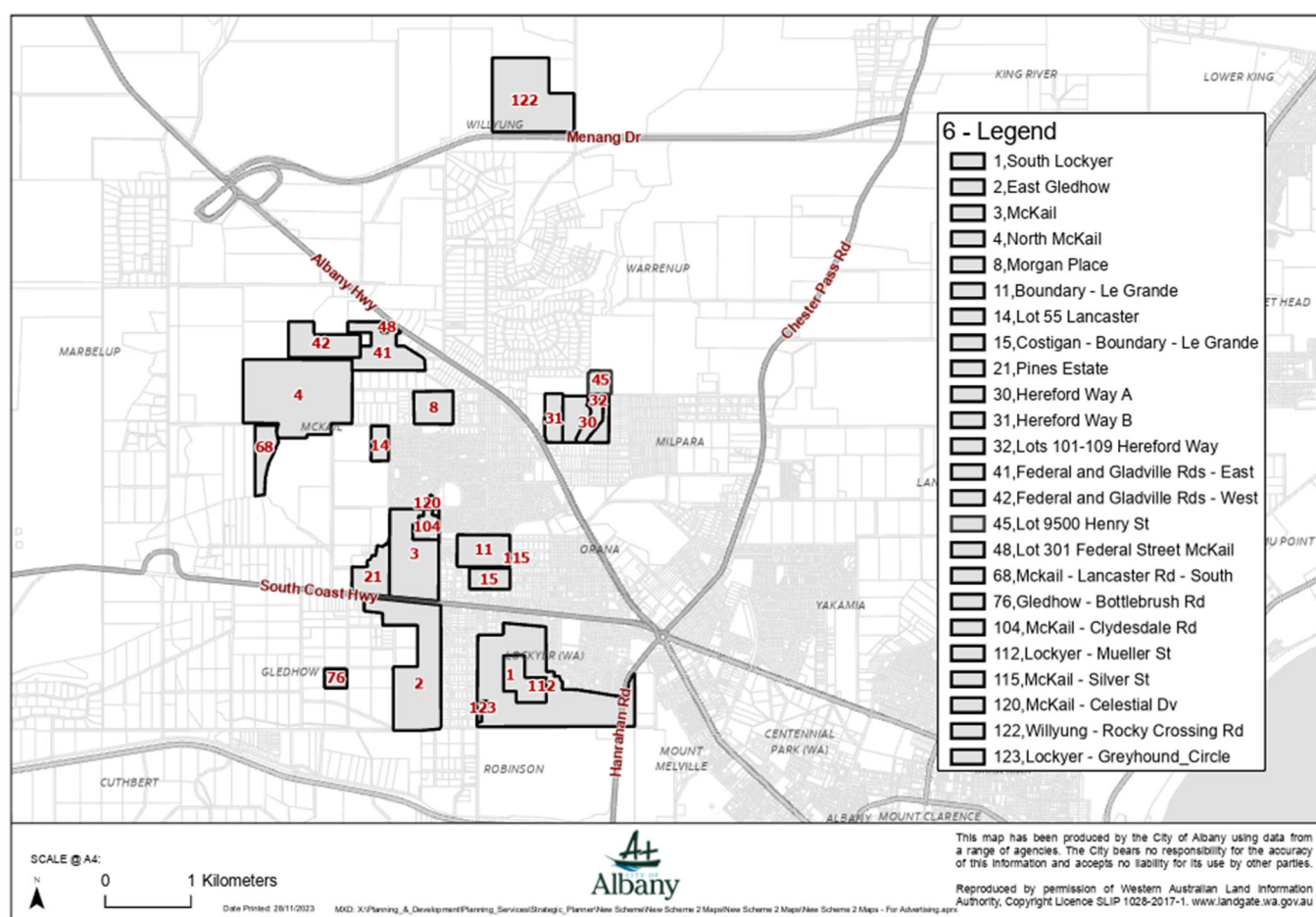
Figure 6. Site Specific Areas

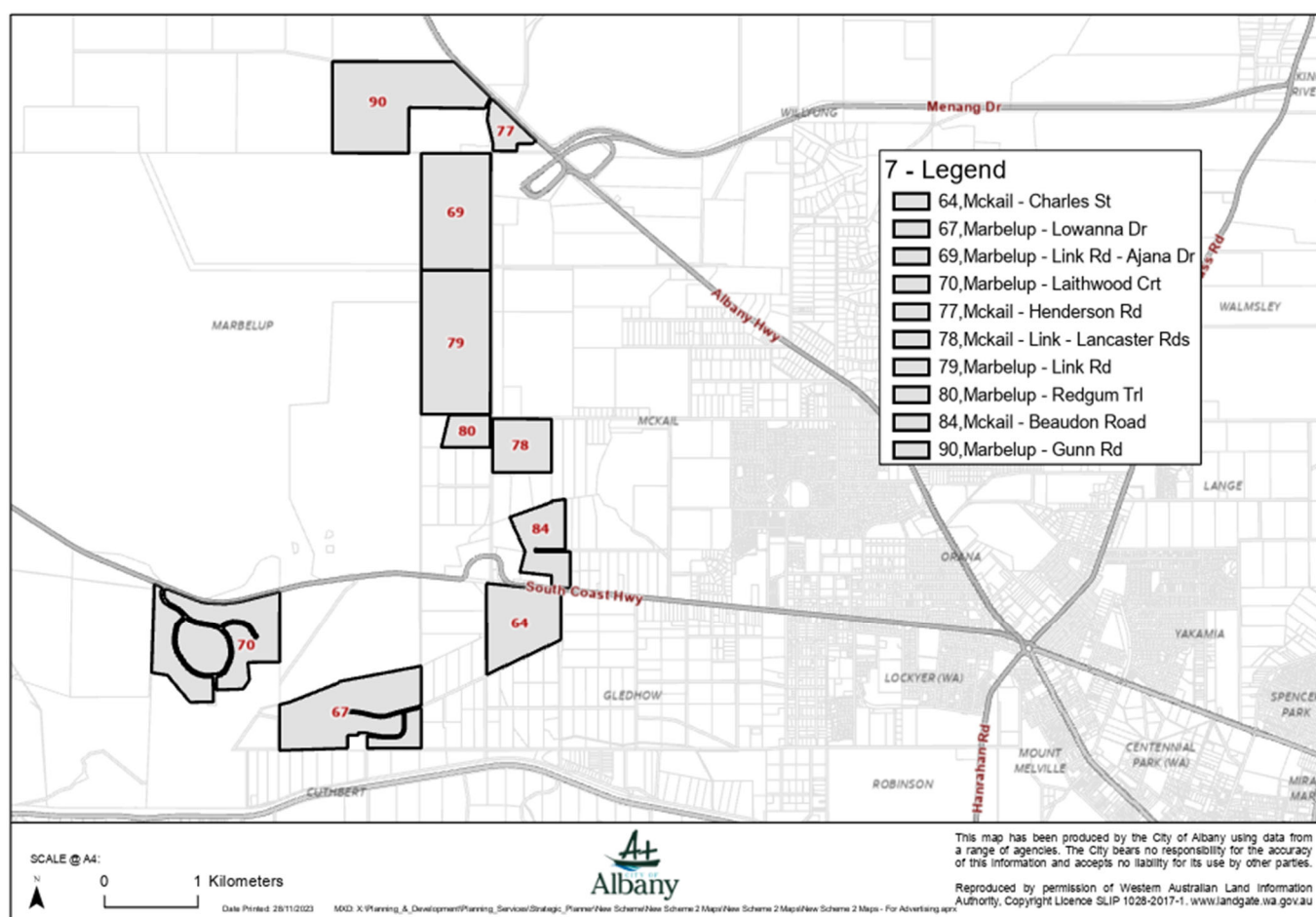
Figure 7. Site Specific Areas

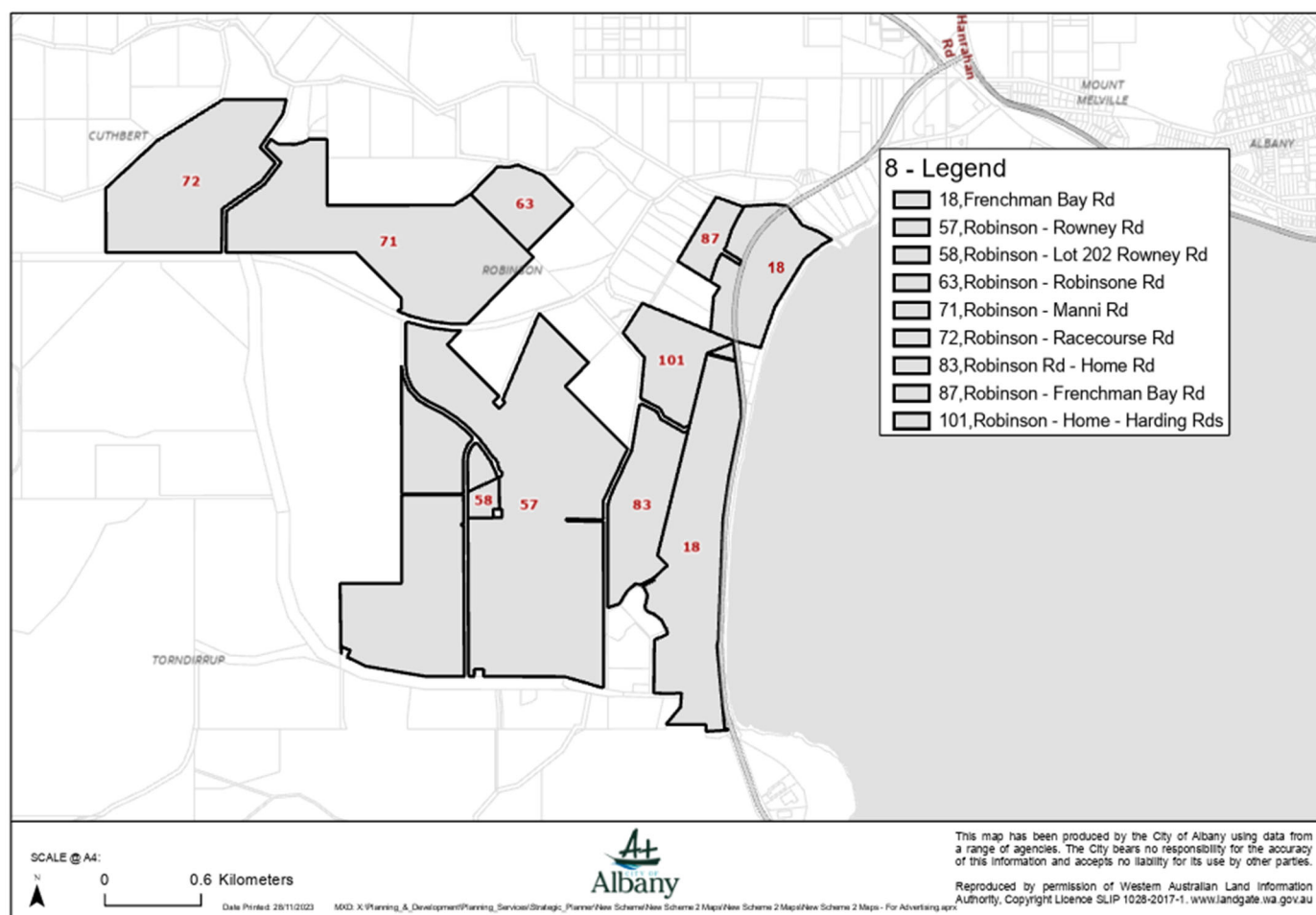
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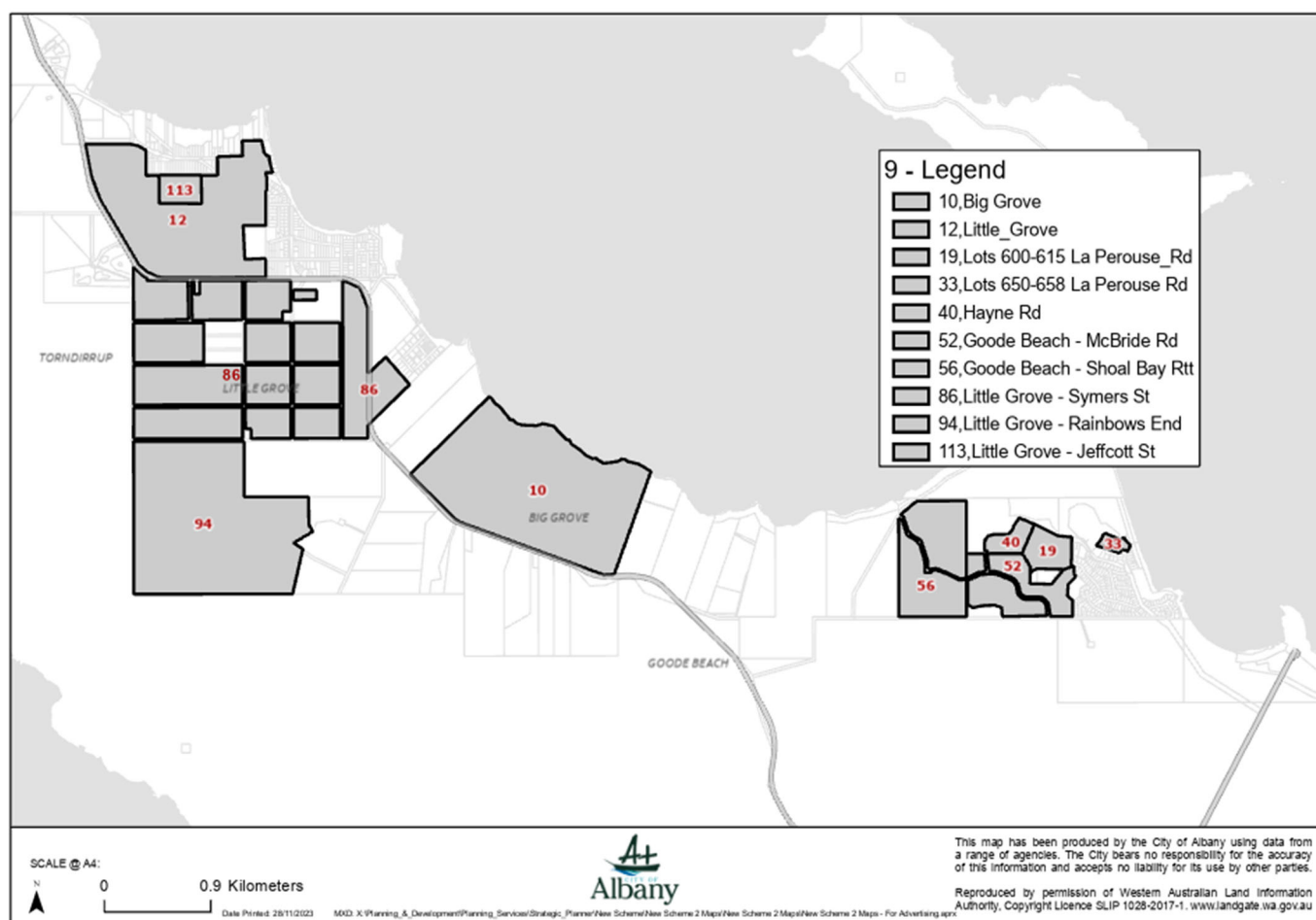
Figure 9. Site Specific Areas

Figure 10. Site Specific Areas

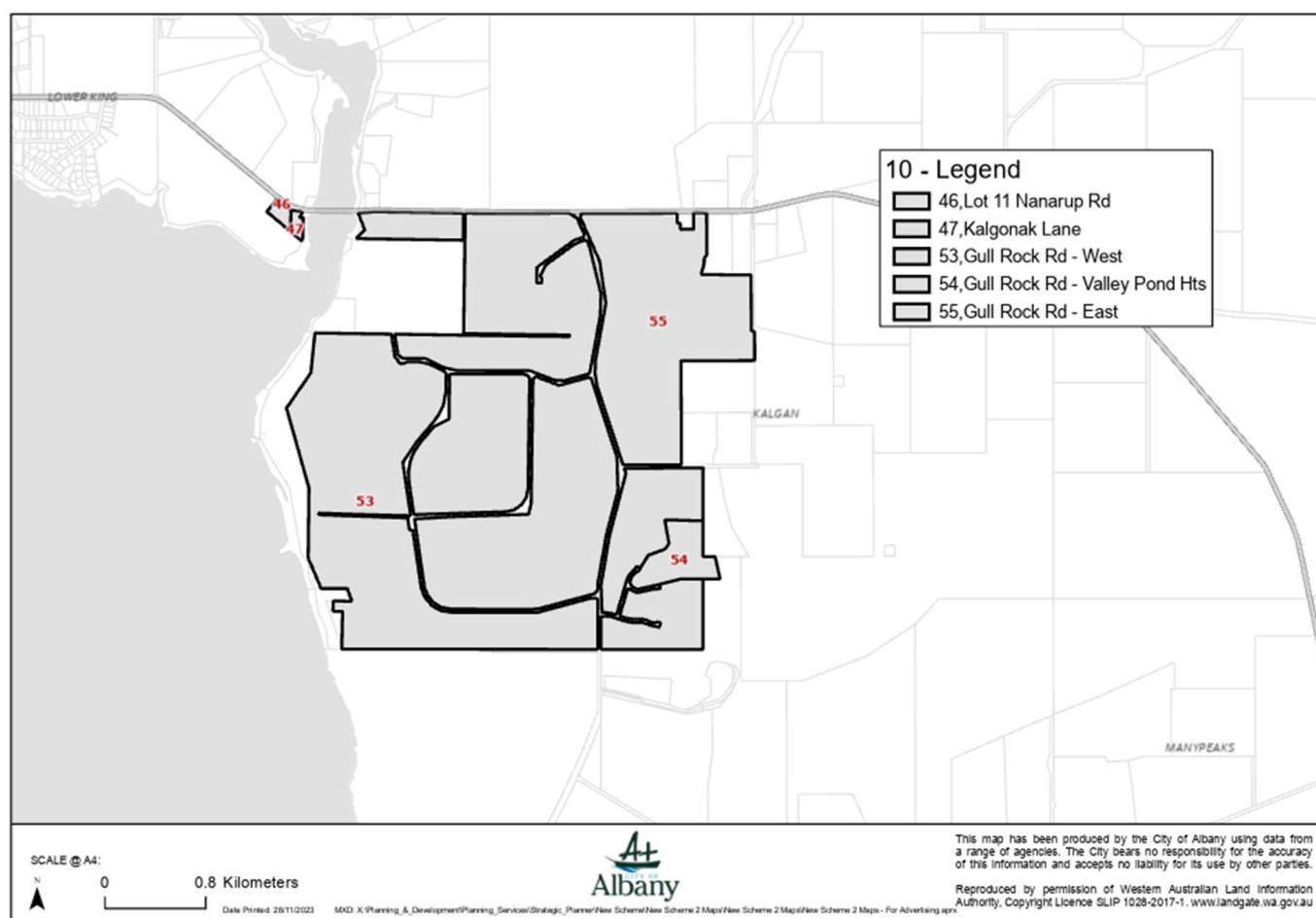


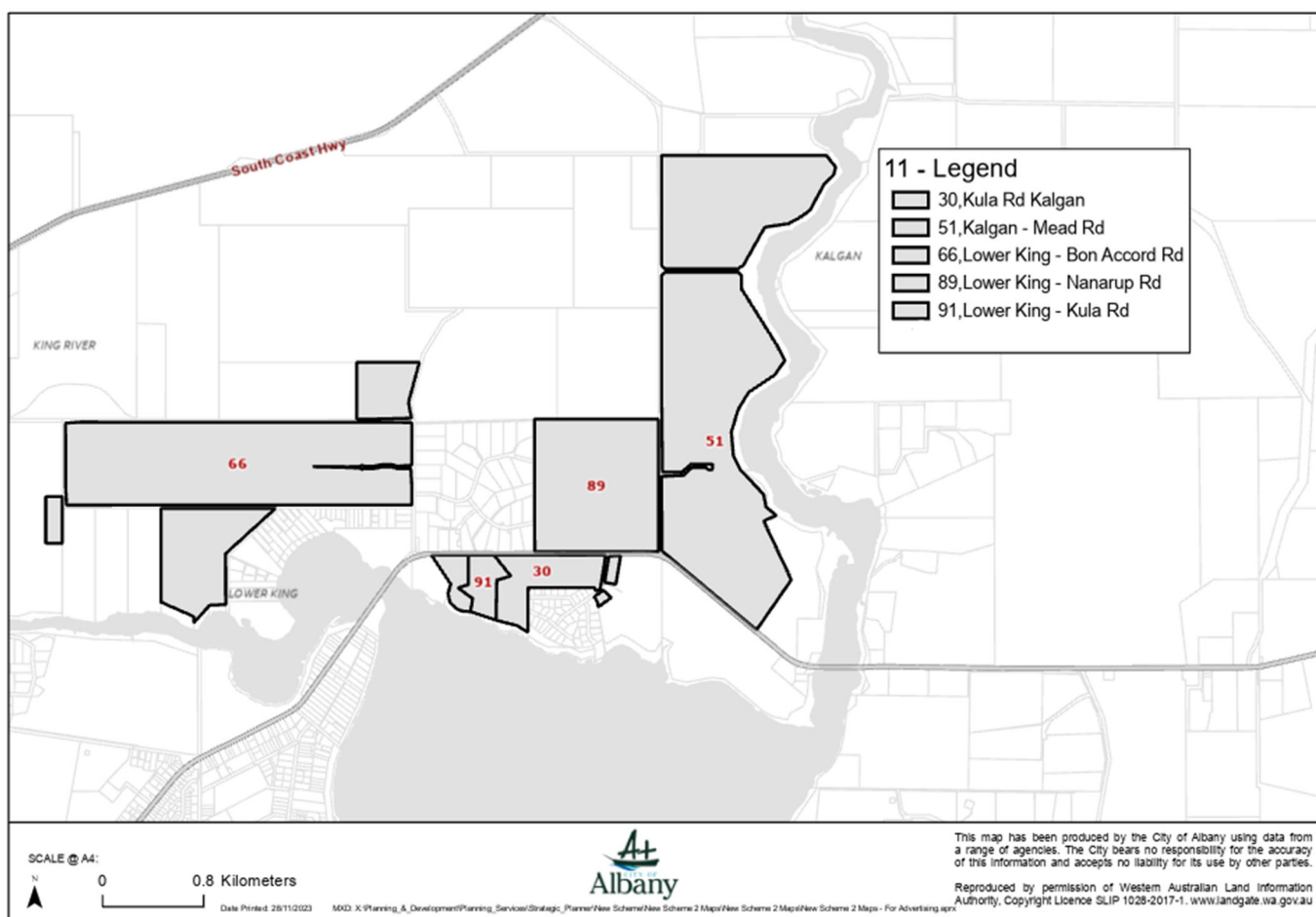
Figure 11. Site Specific Areas

Figure 12. Site Specific Areas

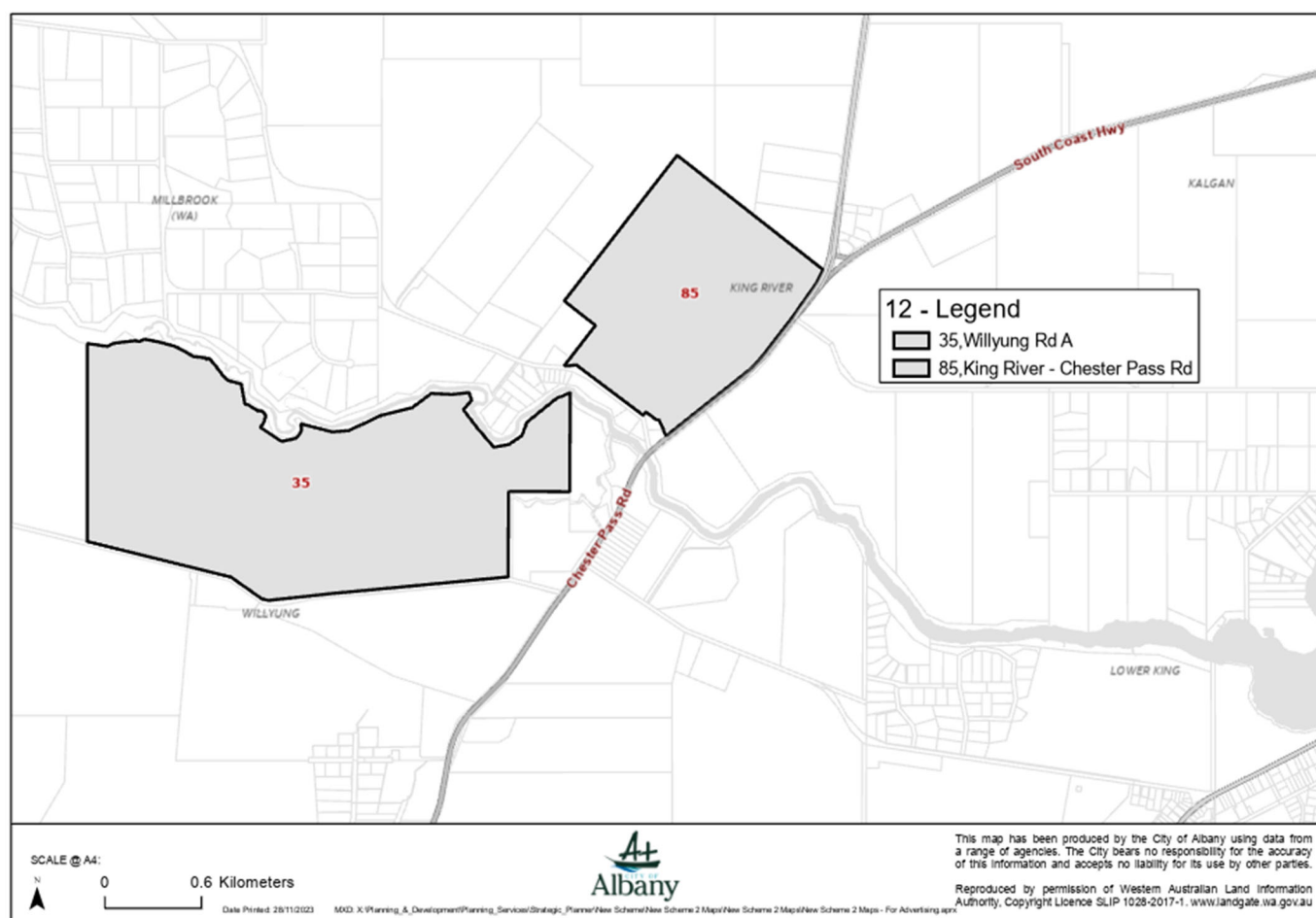


Figure 13. Site Specific Areas

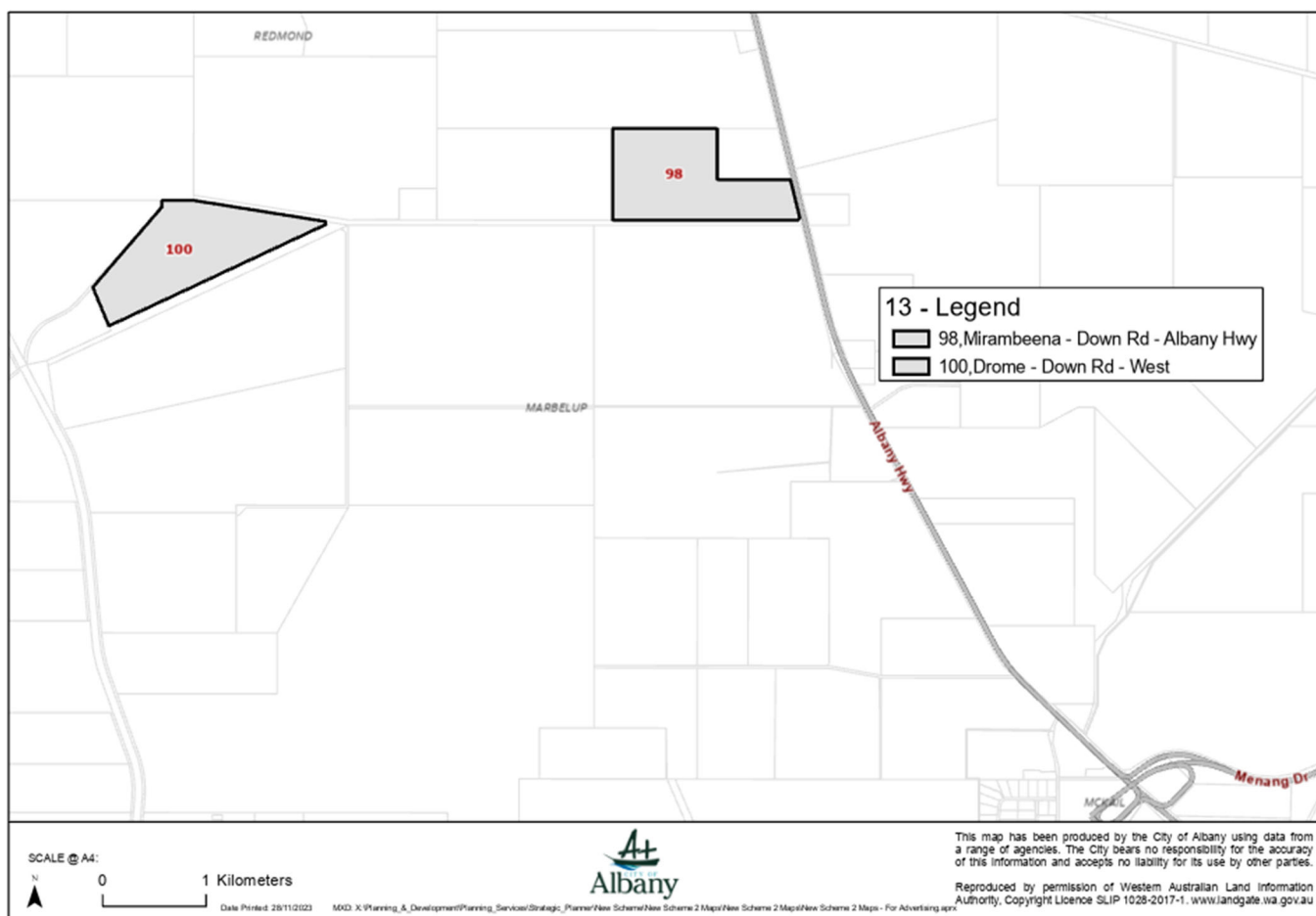


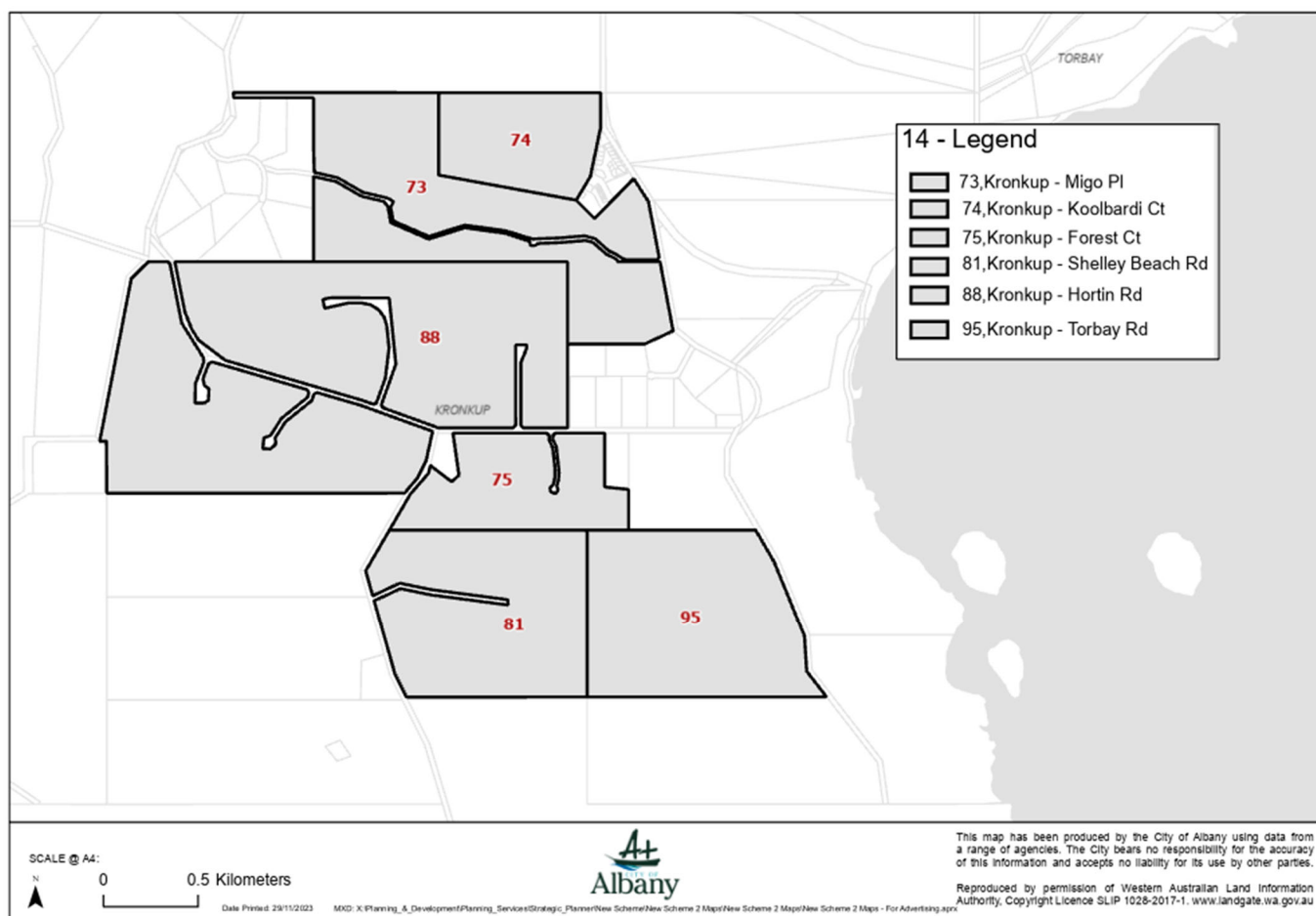
Figure 14. Site Specific Areas

Figure 15. Site Specific Areas

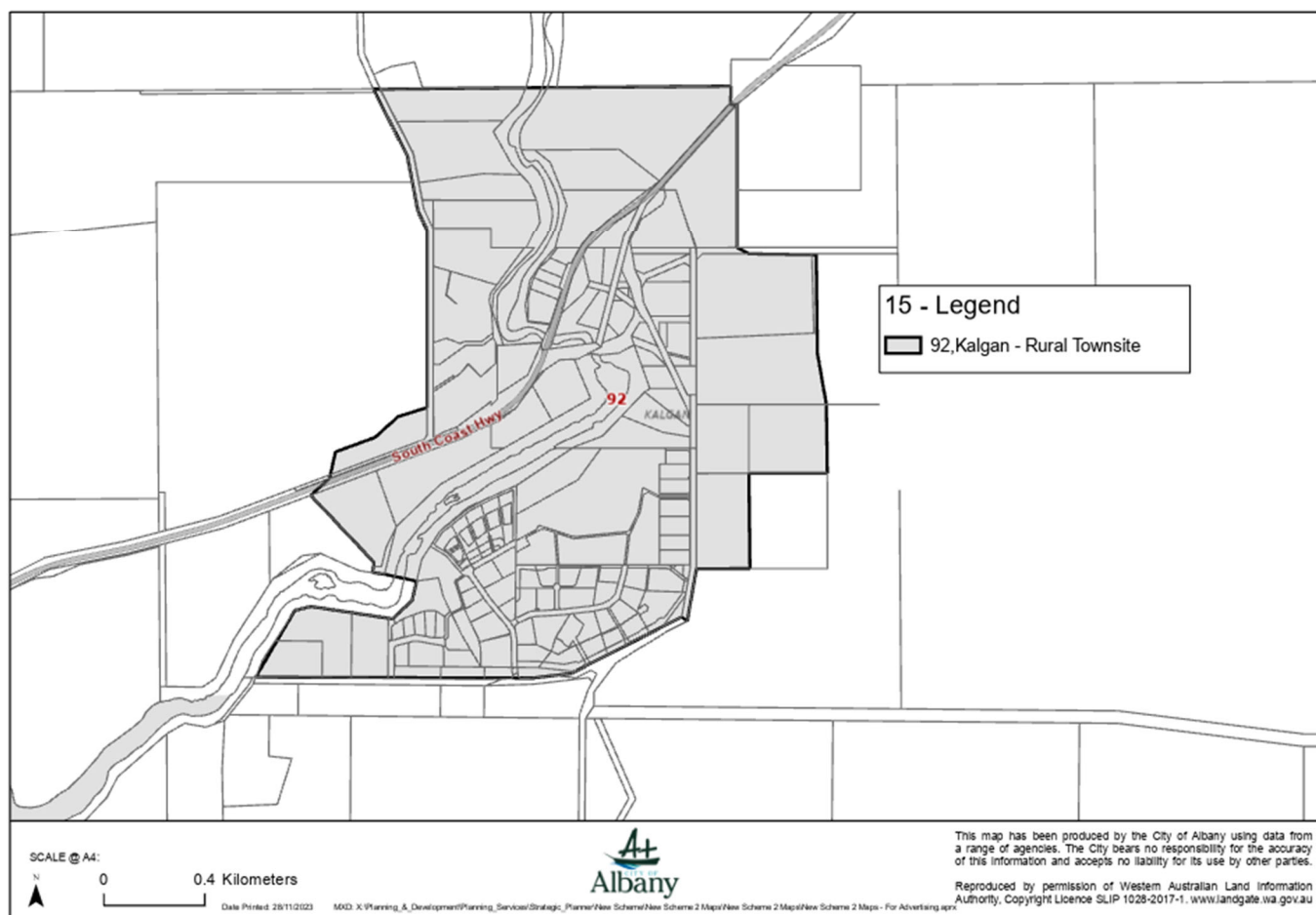


Figure 16. Site Specific Areas

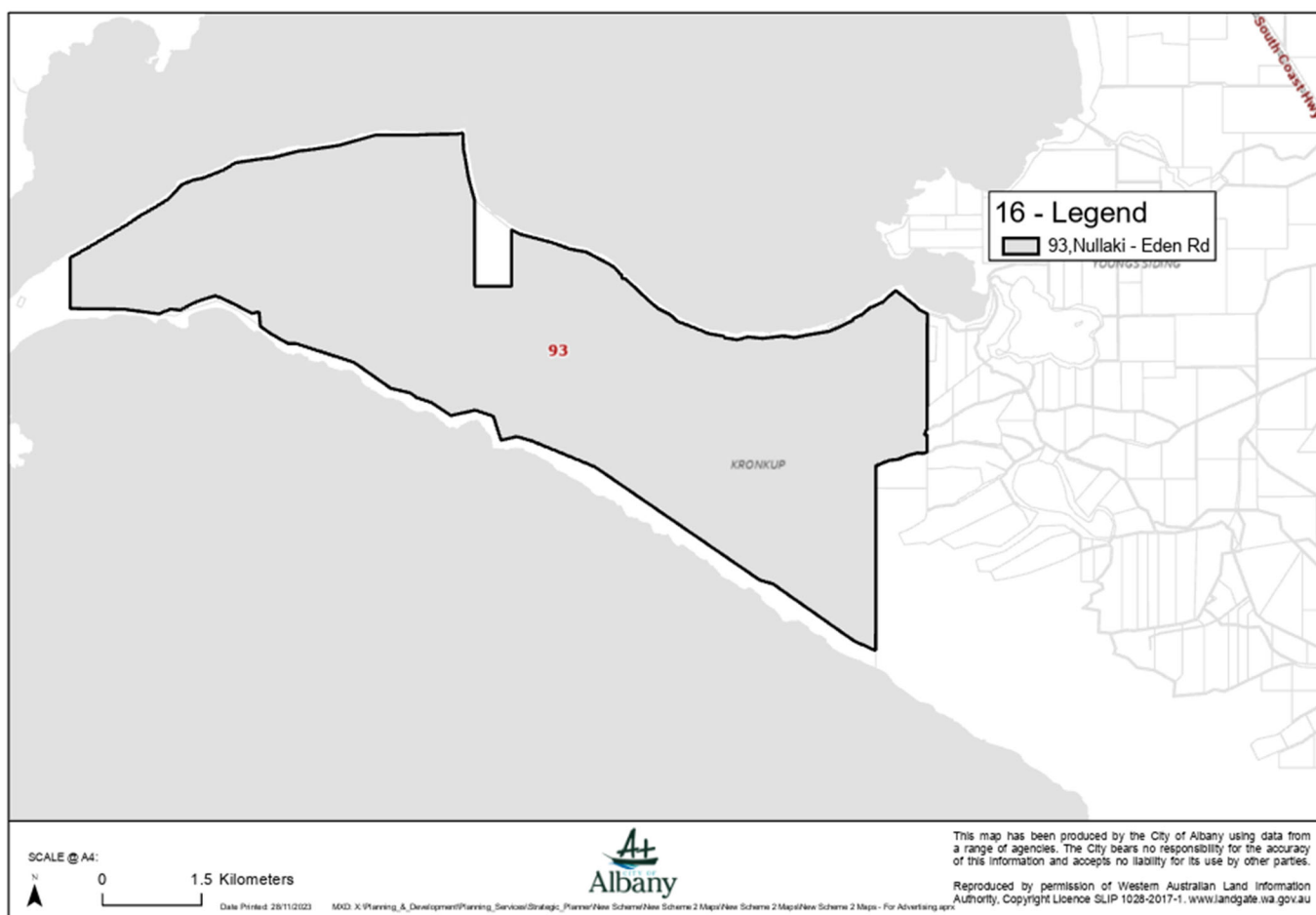


Figure 17. Site Specific Areas

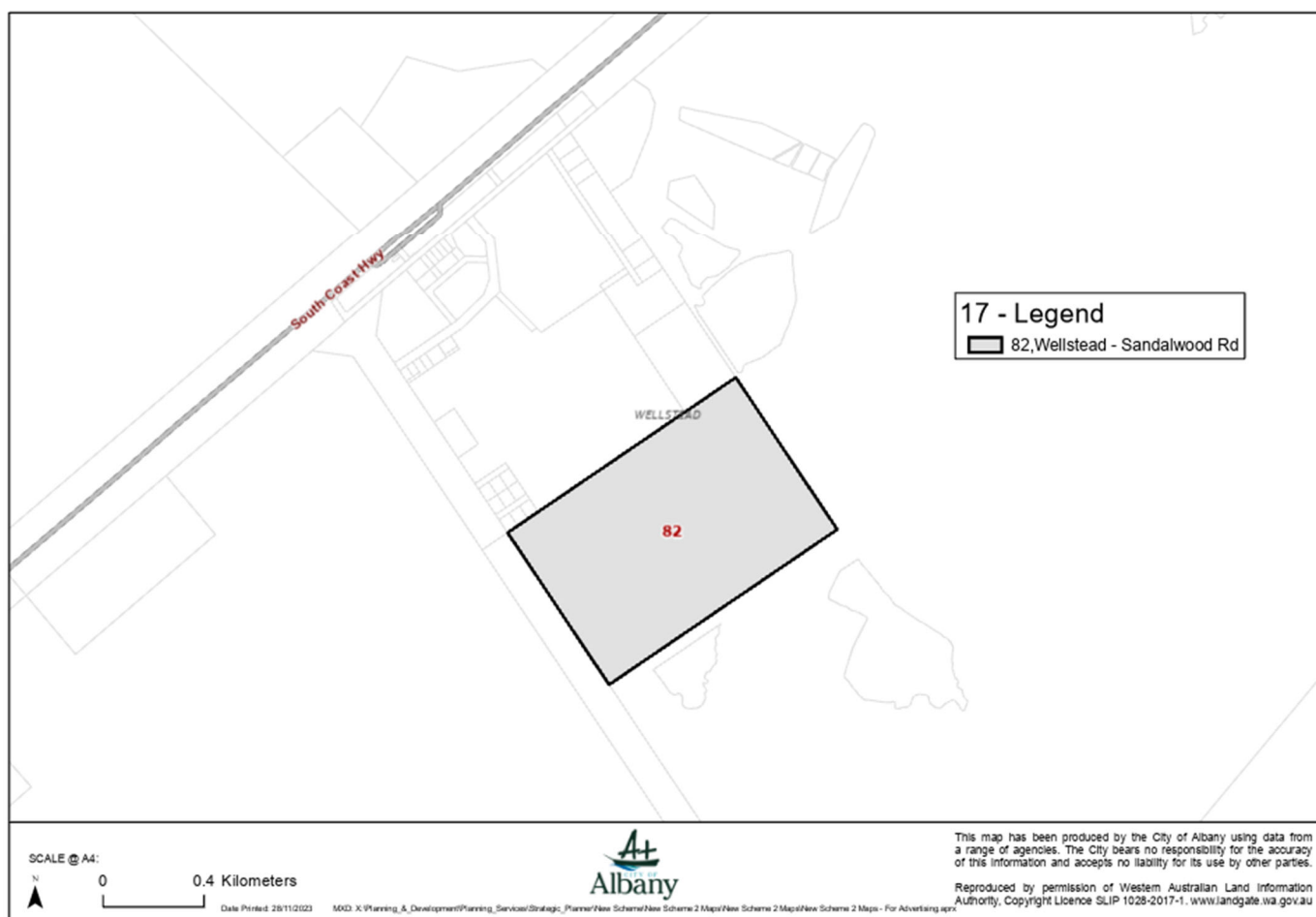
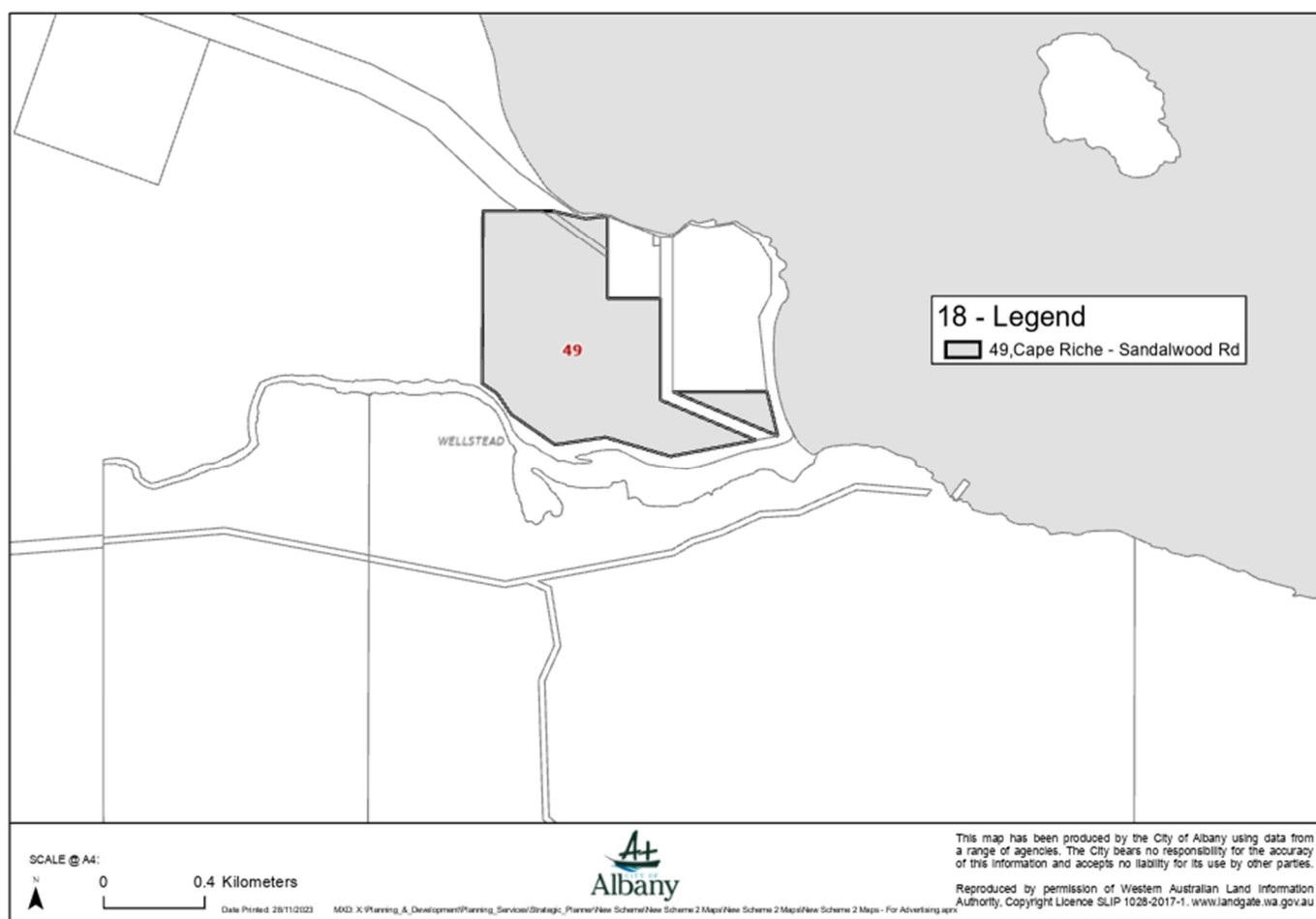


Figure 18. Site Specific Areas



Adoption

ADOPTED by resolution of the City of Albany at the Ordinary local government Meeting held on the **23 November 2021**.

G STOCKS
Mayor

M WATSON
A/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 **28 February 2023**. The Common Seal of the City of Albany was hereunto affixed pursuant to that resolution in the presence of:

G STOCKS
Mayor

M WATSON
A/Chief Executive Officer

Recommended/Submitted for Final Approval

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

Date 29/2/2024

Final Approval Granted

J CAREY
MINISTER FOR PLANNING

Date 12/2/2024