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SHIRE OF BRIDGETOWN-GREENBUSHES

Town Planning Scheme No. 4

Updated to include AMD 72 GG 10/02/2023



Department of **Planning,
Lands and Heritage**

Prepared by the
Department of Planning, Lands and Heritage

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SHIRE OF BRIDGETOWN-GREENBUSHES TPS 4 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
25	14.03.95	30.03.95	RA	Add to Schedule 4 - Part Nelson Location 761 South Western Highway, Bridgetown.
TPS 4	04/04/95		RA	Given to Matt for Area Team Checking.
23	28/11/95	28/11/95	RA	Add to Schedule 3 - Special Rural Zone No 2(a) and 2(b).
TPS 4	09/02/96			Given to Matt for LA.
30	12.03.96	16.04.96	RA	Part 3 - Insert new Clause 3.4.4
29	12.03.96	16.04.96	RA	Schedule 3 - Adding Portion of Nelson Location 1442
28	25/6/96	12/9/96	EB	Schedule 3 - Adding Portion of Nelson Loc 8757
32	25/11/97	27/11/97	DH	Schedule 3 - deleting existing Special Rural Area No. 2(a) and replace with "Special rural Zone No. 2(a) Lots 7,8,9,10 & 11, portion of Nelson Location 1020 Henderson Road, Bridgetown" and permitted uses.
37	1/9/98	14/9/98	DH	Schedule 3 - adding Nelson Location 1242 Kangaroo Gully and Elwins Road, Bridgetown and permitted use and conditions of development. (SR17)
38	12/2/99	16/2/99	DH	Part 3 - adding "Special Use" zone to the list of zones at Clause 3.1.1. Table 1 - adding "Special Use" zone to legend of table by placing it as "10. Special Use" and adding new column headed "10". Table 1 - placing "RU" in the column to represent coverage of all use classes. Adding new footnote to table "Uses Restricted to those listed in Schedule 6". Schedule 6 - adding new Schedule "Schedule 6 - Special Use Zones". Schedule 6 - adding amendment area "Lot 1 of Nelson Locations 973 and Part 819, Kangaroo Gully Road, Bridgetown". Schedule 1 adding new interpretations "Arboretum" and "guesthouse".
42	31/8/99	31/8/99	DH	Schedule 3 - adding "Pt Lot 2 Nelson Loc 199 May Street, Bridgetown" together with permitted uses and conditions of development. SR5
35	14/9/99	22/8/99	DH	Index - adding at Part 4 of index - "4.11 Special Residential Zones" and under heading of Schedules "Schedule 6 - Special Residential Zones". Part 3 - adding to list of zones in Clause 3.1.1 "Special Residential" zone and amending the number of zones referred to from 9 to 10. (Note: this was amended to 11 as there were already 10 zones in existence) Table 1 - adding 'Special Residential' zone to the head of Table 1. Table 1 - adding uses as 'P' to Public Utility, Public Recreation & Single House and uses 'AA' to Civic Building, Home Occupation, Cottage Industry and Aged or Dependent Persons Dwelling. All other uses as 'X'. Part 4 - adding new clause "4.11 Special Residential Zone" Introducing new Schedule 6 - Special Residential Zones. (SRes1) Schedule 3 - adding "Portion of Nelson Locations 1046, 1047 and Lots 4, 5, 6, 7, 8, 9, 10 and 11 South Western Highway, Bridgetown" and permitted uses and conditional development. (SR6)

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
46	3/8/01	1/8/01	DH	<p>Schedule 1 - adding interpretations for "Aquaculture", "Bed & Breakfast", "Telecommunications Infrastructure" and "Winery".</p> <p>Schedule 1 - Deleting interpretation for "Radio/TV Installation and "Wine House".</p> <p>Table 1 - Deleting interpretations "Radio/TV Installation" and "Wine House".</p> <p>Table 1 - adding use class "Aquaculture" under heading Rural with symbol "AA" in the Industrial Zone and Rural Zones 1, 2 & 3.</p> <p>Table 1 - adding use class "Winery" under the heading Rural with symbol "AA" under the Industrial Zone and Rural Zones 1, 2 & 3.</p> <p>Table 1 - adding use class "Telecommunications Infrastructure" under the heading Community with symbol "AA" under all zones except 'Special Use'.</p> <p>Table 1 - adding use class "Bed & Breakfast" under the heading Tourist Uses with symbol "AA" under the Residential Zone, Special Residential Zone, Special Rural Zone and Rural Zones 1, 2 & 3.</p> <p>Table 1 - adding use class "Industry - Rural" under the heading Industrial with symbol "AA" under the Industrial zone and Rural zones 1, 2, 3 & 4..</p> <p>Schedule 3 - amending in Special Rural Zone (Portion of Nelson Location 8757 and Portion of Nelson Location 11949 Greenbushes-Grimwade Road, North Greenbushes) the condition of Development No. 6 to read:</p> <p>"6. Unless otherwise approved by Council all buildings and structures are to be located within the Building Envelope indicated on the Subdivision Guide Plan and shall be contained in an area not greater than 4000m2." and condition of Development No. 7 to read:</p> <p>"Unless otherwise approved by council no buildings, structures or effluent disposal systems may be constructed within the 'Building Exclusion Area; unless otherwise depicted on the Subdivision Guide Plan. The Building Exclusion Areas for each of the lots shall be in accordance with those areas identified on the Subdivision Guide Plan."</p> <p>Contents - adding to Part IV, "4.12 Telecommunications Infrastructure".</p> <p>Part 4 - adding "4.12 Telecommunications Infrastructure".</p>
45	14/12/01	13/12/01	DH	<p>Part 3 - deleting sub-clause 3.4.2(b) and renumbering sub-clauses 3.4.2 (c), (d), (e), (f) and (g) accordingly.</p> <p>Part 3 - adding sub-clause 3.4.5 to the Scheme Text.</p> <p>Part 3 - reword Clause 3.4.3 to read "3.4.3 The Planning Consent of Council is required for erection of Resided Residence".</p>
49	9/7/02	8/7/02	DH	<p>Schedule 4 - adding additional use area "Lot 43 Moriarty Street, Bridgetown" with an additional permitted use "Cabinet Making".</p> <p>(A3)</p> <p>Schedule 1 - adding new interpretation "Cabinet Making".</p> <p>Part 5 - adding new clause "5.5 Term of Planning Approval".</p>
40	9/7/02	8/7/02	DH	<p>Schedule 7 - Adding Special Residential Zone "Portion of Lot 2 Lavery Street, Bridgetown".</p> <p><i>(Note: The Special Residential Table referred to above was originally gazetted as Table 6 and therefore this amendment was placed in "Schedule 6 - Special Residential Zone".</i></p> <p>Schedule 1 - adding new interpretation "Art & Craft Showroom and Sales", "Local Shop", "Licensed Premises" and "Souvenir Shop".</p> <p>Schedule 6 - adding new Special Use Area for "Portion of Lot 2 Lavery Street, Bridgetown".</p>
44	23/8/02	21/8/02	DH	<p>Schedule 6 - adding Special Use Area for "Nelson Location 11529 and portion of Nelson Location 1517 Henderson Road" and relevant special provisions.</p> <p>Schedule 1 - adding new interpretation for "Rural Production".</p>
48	10/1/03	8/10/03	DH	<p>Schedule 3 - adding Special Rural Zone being "Part Nelson Loc. 8456 and part of Lot 101 Nelson Locs. 8456 and 8457" with relevant Conditions of Development in column (b).</p> <p>(SR18)</p>

54	11/2/03	26/2/03	DH	Schedule 1 - amending interpretation for "Holiday Accommodation". Part 4 - delete sub-clauses 4.8.3 and 4.8.4 of the text. Part 4 - amending sub-clause 4.9.5 to read "4.8.3 Development for a Caravan Park or a Camping Ground shall conform in all other respects of the provisions of the Health Act (Caravan Parks and Camping Grounds) Regulations 1997. Schedule 4 - adding additional use for "Lot 2 of Nelson Location 9949 South Western Highway" with an additional permitted use of General Industry. (A6) Part 4 - amending sub-clause 4.11.3.
52	1/2/03	5/3/03	DH	Schedule 3 - adding Special Rural Zone 19 being for "Part Nelson Loc. 984 and Nelson Location 13238, Flintoff Road, Bridgetown" with relevant conditions of development. Schedule 3 - adding Subdivision Guide Plan for the above.
58	8/8/03	6/8/03	DH	Schedule 3 - amending Special Rural Zone which applies to Part Nelson Location 984 and Nelson Location 13238 Flintoff Road, Bridgetown" by deleting Clause 1 and replacing with new Clause 1. Schedule 3 - amending Special Rural Zone which applies to Part Nelson Location 984 and Nelson Location 13238 Flintoff Road, Bridgetown" by deleting Clause 4 and replacing with new clause. Schedule 3 - amending Special Rural Zone which applies to Part Nelson Location 984 and Nelson Location 13238 Flintoff Road, Bridgetown" by adding new clause "16. Creek Crossings".
59	8/8/03	6/8/03	DH	Schedule 6 - including "Restaurant" as an "AA" use within the "Special Use" zone applicable to Lot 1 of Nelson Locations 973 and Part 819 Kangaroo Gully Road, Bridgetown.
53	23/12/03	15/1/04	DH	Schedule 4 – additional additional use area "Lot 7 on Plan 19633 of Nelson Location 612 Rokewood Heights, Bridgetown" together with applicable conditions. (A5)
55	5/3/04	5/3/04	DH	Schedule 4 – adding additional use area "Lot 4 of Nelson Locations 746, 747, 17688 and Portion of Locations 1191 and 1246 Maranup Ford road, Greenbushes" together with additional uses and conditions applicable to the use. (A4)
60	14/12/04	14/12/04	DH	Part 5 – deleting existing Clause 5.4 and replacing with new Clause 5.4.
35	15/7/05	19/7/05	DH	Schedule 6 – deleting Special Provisions within Special Use Zone applicable to Lot 1 Nelson Location 973 and Part 819 Kangaroo Valley road, Bridgetown and replacing with revised Special Provisions.
61	15/12/06	19/12/06	DH	Schedule 3 - amending part of schedule which applies to "Part Nelson Location 984 and Nelson Location 13238 Flintoff Road, Bridgetown" by deleting clause 1 and inserting new clause "1(a)" and deleting clause 4 and inserting clause "4(a)". Schedule 3 - amending part of schedule which applies to "Part Nelson Location 984 and Nelson Location 13238 Flintoff Road, Bridgetown" by deleting clause 11(a) and inserting new clause "11(a)". Schedule 3 - amending part of schedule which applies to "Part Nelson Location 984 and Nelson Location 13238 Flintoff Road, Bridgetown" by inserting new clause "10(b)".
62	15/12/06	19/12/06	DH	Part 4 - replacing Clause 4.11.7.
67	9/10/09	19/10/09	DH	Schedule 3 - modifying land description of Special Rural Zone No 12 and relevant clauses.
65	23/11/10	30/11/10	NM	Replaced "SRes 2" within Schedule 6 – Special Residential Zones. Inserted 'Single dwelling' into "Permitted uses" and replaced Condition No.1 within Schedule 6 – Special Use Zones relating to SU2, Portion of Lot 2 Laverty Street, Bridgetown.
69	4/11/16	17/1/17	LD	Schedule 3 - Amending SR6 - Portion of Nelson Locations 1046, 1047 and Lots 4-11 South Western Hwy Including Lot 150 Sunridge Drive Bridgetown

70	20/03/18	28/03/18	GM	<p>Schedule 1 – Interpretations amended by:</p> <ul style="list-style-type: none"> • adding definitions for Home Office, Home Business and Rural Home Business; • modifying the definition for Home Occupation. <p>Table 1 – Zoning Table amended by:</p> <ul style="list-style-type: none"> • listing 'Home Business' as an 'AA' discretionary use in the Commercial, Residential, Rural 1, Rural 2, Rural 3, Rural 4, Special Residential and Special Rural zones; an **RU use in the Special Use zone; • listing 'Rural Home Business' as a 'SA' special approval use in the Rural 1, Rural 2, Rural 3 and Rural 4 zones only, and an **RU use in the Special Use zone and an 'X' use in all other zones. <p>Schedule 6 – Special Use Zones amended by including 'Home Business' as an 'AA' discretionary use in the Special Use SU1 and SU3 zones.</p>
72	10/02/2023	21/02/2023	HBA	<p>Add Zone Objectives for the Industrial zone into Part IV of the Scheme text – 4.13 INDUSTRIAL ZONE – OBJECTIVES</p>

SHIRE OF BRIDGETOWN-GREENBUSHES

TOWN PLANNING SCHEME NO. 4

The Bridgetown-Greenbushes Shire Council, under and by virtue of the powers conferred upon it in that behalf by the *Town Planning and Development Act 1928* (as amended) hereby makes the following Town Planning Scheme for the purpose of:

- (a) setting aside land for future public use as reserves;
- (b) controlling land development; and
- (c) other matters authorised by the enabling Act.

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PART I - PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the **Shire of Bridgetown-Greenbushes Town Planning Scheme No 4** hereinafter called '**the Scheme**' and shall come into operation on publication of the Scheme in the Government Gazette.

1.2 SCHEME AREA

The Scheme shall apply to the whole of the land set out in the maps forming part of the Scheme.

1.3 RESPONSIBLE AUTHORITY

The responsible authority for implementing the Scheme is the **Council of the Shire of Bridgetown-Greenbushes** (hereinafter referred to as '**the Council**').

1.4 ARRANGEMENT OF THE SCHEME

The Scheme Text is divided into the following parts:

Part I	-	Preliminary
Part II	-	Reserves
Part III	-	Zones
Part IV	-	Objectives, Policies and Development Requirements
Part V	-	Planning Consent
Part VI	-	Non-Conforming Use
Part VII	-	Administration
Part VIII	-	Control of Advertisements

The remaining documents of the Scheme are:

- (a) Land Use Map; and
- (b) Scheme Map.

PART II - RESERVES

2.1 SCHEME RESERVES

The lands shown as Scheme Reserves on the Scheme Map are lands reserved under this Scheme for Local Authority purposes or for the purposes shown on the Scheme Map.

2.2 DEVELOPMENT OF RESERVES

2.2.1 Except as provided in Clause 2.2.2 a person shall not commence or carry out development of any Scheme Reserve other than the erection of a boundary fence without first having applied for and obtained the Planning Consent of the Council.

2.2.2 A Scheme Reserve may be used without the Planning Consent of the Council:

- a) for the purpose for which land is reserved under the Scheme;
- b) where such land is vested in a Public Authority for any purpose for which such land may be lawfully used by that Authority.

2.3 MATTERS TO BE CONSIDERED BY COUNCIL

Where an application for Planning Consent is made with respect to land under a Scheme Reserve, the Council shall have regard to the ultimate purpose intended for the Reserve and the Council shall, in the case of land reserved for the purposes of a Public Authority, confer with that Authority before granting its consent.

2.4 COMPENSATION

2.4.1 Where a Council refuses Planning Consent for the development of a Scheme Reserve on the ground that the land is reserved for Local Authority purposes or for the purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

2.4.2 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price not exceeding the value of the land at the time of refusal of Planning Consent or of the grant of consent subject to conditions that are unacceptable to the applicant.

PART III - ZONES

3.1 ZONES

3.1.1 The Scheme area is divided into 11 zones set out hereunder:

Rural 1 -	Extensive Farming
Rural 2 -	General Agriculture
Rural 3 -	Blackwood Valley
Rural 4 -	Greenbushes
Special Rural	
Residential	
Commercial	
Industrial	
Community	
Special Use	
Special Residential	

3.1.2 The Zones are delineated and coloured on the Scheme Map according to the legend thereon.

3.1.3 The Scheme Area also contains a Special Rural Policy Area marked on the Scheme Map.

3.2 ZONING TABLE

3.2.1 The Zoning Table indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme in the various zones, such uses being determined by cross references between the text of the classes on the left hand side of the Zoning Table and the text of Zones at the top of the Zoning Table.

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

'P' means that the use is permitted provided it complies with the relevant standards and requirements of the Scheme and all conditions (if any) imposed by the Council in granting Planning Consent where this is required by the Scheme;

'AA' means that the use is not permitted by the Scheme unless Planning Consent is granted by the Council;

'SA' means that the use is not permitted by the Scheme unless Planning Consent is granted by the Council after notice of application has been given by the Council in accordance with **Clause 5.2**.

3.2.3 Where no symbols appear in the cross reference of a use class against a Zone in the Zoning Table a use of that class is not permitted in that Zone.

3.2.4 Where in the Zoning Table a particular use is listed, it is deemed to be excluded from any use class which by its more general terms might otherwise include such particular use.

3.2.5 If the use of land for a particular purpose is not specifically referred to in the Zoning Tables and cannot reasonably be determined as falling within the interpretation of one of the use classes shown, the Council may:

a) determine that the use is not consistent with the objectives and purposes of the particular Zone, and is therefore not permitted; or

b) determine by absolute majority that the proposed use is consistent with the objectives and purposes of the Zones and thereafter follow the 'SA' procedures of **Clause 5.2** in considering an application for Planning Consent.

3.3 ADDITIONAL USES

Notwithstanding anything contained within the zoning table the land specified in Schedule IV may, subject to compliance with any condition specified in the Schedule with respect to the land, be used for the purpose set against that land, the use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses is excluded or modified by a condition specified in the Schedule IV.

- 3.3.1 Land specified in Schedule IV as having an Additional Use permitted shall be delineated on the Scheme Map by the symbol 'A'.

3.4 DEVELOPMENT OF ZONED LAND

- 3.4.1 Subject to the exclusions of Clause 3.3.2 Council's Planning Consent is required for development of any land zoned under this Scheme.

- 3.4.2 The Planning Consent of Council is not required for the following development of land zoned under this Scheme; except where required by a clause of Scheme:

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- a) the erection of a boundary fence;
- b) development of land for purposes necessary and accepted for carrying out the normal practices of agriculture;
- c) the carrying out of works on, in, over or under a street or road by a Public Authority acting pursuant to the provisions of any Act;
- d) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- e) the use of any buildings on land within the curtilage of a dwelling for any purpose incidental to the enjoyment of the dwelling as such;
- f) the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

- 3.4.3 The Planning Consent of Council is required for erection of Resided Residence.

AMD 45 GG 14/12/01

- 3.4.4 Except for development in respect of which the Residential Planning Codes apply under this Scheme, if a development the subject of an application for planning approval does not comply with a standard prescribed by the Scheme with respect to minimum lot sizes, building height, setbacks, site coverage, car parking, landscaping and related matters, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit. The power conferred by this clause may only be exercised if the Council is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality;
- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

3.4.5 Council will require applications for the development of a single dwelling on a lot within the Residential Zone and Rural Zones 1, 2, 3 and 4 where it is determined by Council that the following circumstances exist: AMD 45 GG
14/12/01

- a) the location, siting and/or access to the proposed dwelling raises significant issues of fire risk and fire protection;
- b) the location, siting and/or access to the proposed dwelling could result in the amenity of adjacent and nearby owners being adversely affected;
- c) the proposed external materials of the dwelling are considered below the acceptable standard for the amenity and landscape of the surrounding area;
- d) where proposed earthworks to accommodate the dwelling raise issues of landscape protection, soil erosion and stormwater drainage;
- e) where the subject lot does not have gazetted or legal access;
- f) where specific concerns about the method and/or siting of effluent disposal are identified on the subject land; and/or
- g) if aspects of the proposed development fall under the objectives and contents of any of Council's Town Planning Scheme Policies.

Council shall prepare and endorse Town Planning Scheme Policies pursuant to Clause 7.6 of the Scheme relating to the abovementioned issues to control the development of single dwellings within the Residential Zone and Rural Zones 1, 2, 3 & 4.

TABLE I - ZONING TABLE

KEY TO COLUMNS

- | | |
|----------------|-------------------------|
| 1. RESIDENTIAL | 6. RURAL 2 |
| 2. COMMERCIAL | 7. RURAL 3 |
| 3. INDUSTRIAL | 8. RURAL 4 |
| 4. COMMUNITY | 9. SPECIAL RURAL |
| 5. RURAL 1 | 10. SPECIAL USE |
| | 11. SPECIAL RESIDENTIAL |

	1	2	3	4	5	6	7	8	9	10	11
RESIDENTIAL											
Single House	P	AA		AA	P	P	P	P	*	** RU	P
Attached House	AA	AA							*		X
Grouped Dwelling	AA	AA							*		X
Aged or Dependent Persons Dwelling	AA	AA		AA		AA	AA		*		AA
Boarding House	AA	AA		AA				AA	*		X
Caretakers Dwelling			IP						*		X
Hostel	SA	SA		SA		SA	SA		*		X
COMMERCIAL											
Car Park		P	P	P					*	X	
Fast Food Outlet		P							*	X	
Health Studio		P		AA					*	X	
Home Business AMD 70 GG 20/03/18	AA	AA			AA	AA	AA	AA	AA	AA	
Home Occupation	AA				AA	AA	AA	AA	*	AA	
Hotel	SA	P							*	X	
Motor Vehicle Sales		P	P						*	X	
Office	AA	P	P	P				P	*	X	
Restaurant	SA	P		SA		SA			*	X	
Retail Nursery		AA	AA		AA	AA	AA	AA		X	
Service Station		P	P			SA		SA	*	X	
Shop		P							*	X	
Showroom		P	P						*	X	
Tavern		P				SA			*	X	
TOURIST USES											
Bed & Breakfast	AA				AA	AA	AA		AA	AA	
Camping Grounds				AA	AA	AA	AA	AA	*	X	
Caravan Park				AA	AA	AA	AA	AA	*	X	
Holiday Accommodation				AA	AA	AA	AA	AA	*	X	
Motel	SA	P				SA			*	X	

* Uses restricted to those listed in Schedule III.

** Uses restricted to those listed in Schedule VI.

TABLE I - ZONING TABLE (continued)

KEY TO COLUMNS

- | | |
|----------------|-------------------------|
| 1. RESIDENTIAL | 6. RURAL 2 |
| 2. COMMERCIAL | 7. RURAL 3 |
| 3. INDUSTRIAL | 8. RURAL 4 |
| 4. COMMUNITY | 9. SPECIAL RURAL |
| 5. RURAL 1 | 10. SPECIAL USE |
| | 11. SPECIAL RESIDENTIAL |

	1	2	3	4	5	6	7	8	9	10	11
INDUSTRIAL											
Fuel Depot			P		AA	AA		P	*		X
Industry - Cottage <i>AMD 70 GG 20/03/18</i>	X	X	P		X	X	X	X	X		X
- General			P						*		X
- Light			P						*		X
- Service			P						*		X
- Extractive					AA	AA	AA	P	*		X
- Hazardous			SA					P	*		X
- Noxious			SA			AA			*		X
- Rural			AA		AA	AA	AA	AA			
Motor Vehicle Repairs		AA	P						*		X
- Wrecking			P						*		X
Sawmill			P		AA	AA	AA	AA	*		X
Salvage Yard			P		AA	AA		AA	*		X
Transport Depot			P		AA	AA		AA	*		X
COMMUNITY											
Ambulance-Fire Brigade Depot		P		P					*		X
Civic Building	P	P		P		P			*		AA
Club Premises		P		P					*		X
Consulting Rooms	AA	P		P					*		X
Day Care Centre - Kindergarten	AA	P		P					*		X
Educational Establishment		P		P					*		X
Hospital				P					*		X
Medical Centre				P					*		X
Public Utility	P	P	P	P	P	P	P	P	*		P
Public Worship - Place of	SA	P		P					*		X
Telecommunications Infrastructure	AA	AA	AA	AA	AA	AA	AA	AA	AA		AA
Veterinary – Consulting		P			P	P		P	*		X
Veterinary – Hospital					AA	AA		AA	*		X

** RU

- * Uses restricted to those listed in Schedule III.
 ** Uses restricted to those listed in Schedule VI.

TABLE I - ZONING TABLE (continued)

KEY TO COLUMNS

- | | |
|----------------|-------------------------|
| 1. RESIDENTIAL | 6. RURAL 2 |
| 2. COMMERCIAL | 7. RURAL 3 |
| 3. INDUSTRIAL | 8. RURAL 4 |
| 4. COMMUNITY | 9. SPECIAL RURAL |
| 5. RURAL 1 | 10. SPECIAL USE |
| | 11. SPECIAL RESIDENTIAL |

	1	2	3	4	5	6	7	8	9	10	11
RECREATION											
Equestrian Centre				AA	AA	AA	AA	AA	*		X
Private Recreation					AA	AA		AA	*		X
Public Amusement									*		X
Public Recreation	P	P		P	P	P	P	P	*		P
Zoological Gardens					AA	AA		AA	*	** RU	X
RURAL											
Afforestation					AA	AA	AA	P	*		X
Aquaculture			AA		AA	AA	AA				
Dog Kennels – Cattery					AA	AA	AA	AA	*		X
Restricted Rural Use					AA	AA	AA	AA	*		X
Rural Home Business AMD 70 GG 20/03/18	X	X	X	X	SA	SA	SA	SA	X		X
Rural Pursuit					P	P	P	P	*		X
Wayside Stall					AA	AA	AA	AA	*		X
Winery			AA		AA	AA	AA				

* Uses restricted to those listed in Schedule III.

** Uses restricted to those listed in Schedule VI.

PART IV - OBJECTIVES, POLICIES AND DEVELOPMENT REQUIREMENTS

4.1 GENERAL OBJECTIVES AND POLICIES

Council's general objective is to ensure that the Scheme protects the District's present economic base, whilst allowing where appropriate, for development of more intensive forms of agriculture, for growth of the District's tourist potential, and for increased settlement within certain areas of the District.

Council's General Policies will therefore be to:

- (a) establish Scheme Zonings which recognise the variation in land form and landscape and thus present and potential differences in land use;
- (b) delineate areas in which Special Rural Zones may be established and the conditions under which they may be developed, and, under appropriate conditions, for increased residential use of certain rural lands;
- (c) provide for reasonable expansion of residential, industrial and associated uses based on the District's established settlement structure;
- (d) permit, subject to adequate control, uses which add to and facilitate the District's potential for Tourism and recreational use;
- (e) require development, under a Planning Consent procedure, to achieve and maintain satisfactory standards of amenity;
- (f) protect, wherever possible and consistent with the General Objective, the District's landscape and rural character.

4.2 RESIDENTIAL DEVELOPMENT: RESIDENTIAL PLANNING CODES

- 4.2.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning Codes set out in Appendix 3 to the Statement of Planning Policy No 1, together with any amendments thereto.
- 4.2.2 A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
- 4.2.3 Unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.
- 4.2.4 Development for residential use in any zone where permitted by the Scheme shall conform to the provisions of the R12.5 Code except if approved by Council in accordance with sub-clause 4.2.5.
AMD 54 GG 11/2/03
- 4.2.5 Subject to Council Consent two (2) attached or grouped dwellings may be developed to the provisions of the R20 Code within the Residential Zone.
- 4.2.6 Where a resited or transportable residence is established on a lot, Council may require the subfloor area of the building to be enclosed with brick, stone, vermin battens or by other means acceptable to the Council, and where the building is considered by Council to be exposed or in a position such as to be visually prominent, Council may require satisfactory landscaping measures to be carried out.

4.3 RURAL ZONES - OBJECTIVES AND POLICIES

4.3.1 Rural Zone 1 - Extensive Farming

Council's Objective, recognising that the physical characteristics and location of land within the Zone are conducive to agriculture on an extensive basis and that this constitutes a major component of the District's economy, will be to give priority to the continued viability of this activity.

Council's Policies will therefore be to:

- a) where proposals for subdivision which are necessary to continuation of farming and rural activity associated herewith or ancillary thereto, Council shall take into consideration the Town Planning Board's Rural Subdivision Policy when making recommendations to the Board;
- b) permit a range of uses reasonably appropriate to the objective.

4.3.2 Rural Zone 2 - General Agriculture

Council's Objective, recognising that land within the Zone is by reason of its physical characteristics and location suited to the development of a wide range of uses appropriate to the growth of the District's economy and activity generally, will be to retain as far as possible, an agricultural base whilst assisting desirable changes in land use and activity through Planning Policies and Controls.

Council's Policies will therefore be to:

- a) support and assist in studies of land use and management which may be desirable and appropriate;
- b) promote the introduction of new and/or improved agricultural practices;
- c) permit, subject to adequate location and controls, establishment of uses of a tourist or recreational nature, and where appropriate, additional residential settlement;
- d) consider the establishment of Special Rural Zones within the defined Policy areas.

4.3.3 Rural Zone 3 - Blackwood Valley

Council's Objective, recognising that the zone contains areas of major landscape and historical significance, areas suitable for agriculture, afforestation or horticulture, and considerable tourist potential, will be to ensure that future development is such as to preserve and enhance the natural attributes and the economic potential of the zone.

Council's Policies will therefore be to:

- a) assist in the introduction of viable agricultural or horticultural practices;
- b) carefully assess development proposals, especially for tourist and recreational uses, in the light of their effect on the areas landscape and environment.

4.3.4 Rural Zone 4 - Greenbushes

Council's Objective, recognising that lands within the zone are currently under the operation of the Mining Act for the purpose of mineral extraction, will be to ensure continuation of mining in the interests of the District's economy, and to assist in eventual restoration of the area for appropriate uses.

Council's Policies will therefore be to:

- a) provide within the zone a range of permitted uses appropriate to the activity and to its requirements;
- b) in cooperation with the Company and the relevant Statutory Authorities work toward a long range strategy for the future of the area and its associated urban centres of Greenbushes and North Greenbushes.

4.4 RURAL ZONES - DEVELOPMENT CONDITIONS

4.4.1 Notwithstanding the provisions of Table 1, afforestation except with trees of Australian indigenous species, will not be permitted within 500 metres of the boundary of the Special Rural Zone Policy Area shown on the Scheme Map.

4.4.2 Rural Zone 3 - Tree Clearing

Within the zone development of land includes the clearing of trees except for the purposes of:

- a) construction of a fence;
- b) access to a lot;
- c) a firebreak required under a by-law;
- d) removal of trees which are dead, diseased or dangerous;

and will require the consent of Council who shall refer any application for development consent to the Commissioner of Soil Conservation and in considering granting its consent, Council will take into account any recommendations or representations made by the Commissioner.

4.4.3 Rural Zone 3 - Extractive Industry

- a) Within the zone development and use of land for an extractive industry will, in addition to conforming with the provisions of any by-law relating to extractive industry, require submission of a Notice of Intent as required under guidelines established by the Environmental Protection Authority and as a condition of granting its consent, Council may require preparation of an Environmental Review and Management Programme.
- b) In considering an application for Planning Consent for an extractive industry, Council shall forward the Notice of Intent to the Environmental Protection Authority with a request that the Authority consider the application and advise Council if consent should be granted or if further environmental management procedures are necessary.

4.4.4 Rural Zone 4 - Application for Consent

All applications for consent to development within the Zone shall be referred to the Department of Mines and to the Western Australian Water Authority and in considering granting its consent Council will take into account any representations or recommendations made by the Department or the Authority.

4.4.5 Development Abutting the South West Highway

Development on any lot abutting the South West Highway except that which entails only the use of land will require the consent of the Council and applications for consent to development shall be referred by Council to the Main Roads Department for comment thereon.

4.5 SPECIAL RURAL ZONES

Council's Objective is to ensure that the establishment of Special Rural Zones within the Scheme area will provide for adequate accessibility and proximity to the District's Urban Areas and result in minimal detriment to the District's agricultural production and rural landscape.

Council's Policies will therefore be to:

- (a) except in special circumstances as determined by Council, restrict Special Rural Zones to land within the Special Rural Policy Area shown on the Scheme Map;
- (b) require Special Rural Zones to be located on land containing significant tree cover of at least 5 trees per hectare overall or containing areas of uncleared land;
- (c) require that the size and shape of lots be directly related to topography and ground conditions such that each lot will be capable of providing adequately for occupation and use, and that potential problems of land deterioration are avoided;
- (d) require Special Rural Zones to be provided with road access of a standard which will require no upgrading in view of anticipated growth in traffic;
- (e) require application for zoning to Special Rural to conform to the provisions of this Scheme including the requirements of Schedule II.

4.5.1 Provisions for Tree Planting

Where land which is the subject of an application for zoning to Special Rural does not comply with Council's Policy requirement for minimum tree cover or where in the opinion of Council, tree cover is deficient in a particular area, Council may require as a condition of zoning the planting and maintenance for a period of two years of trees:

- a) of species approved by Council;
- b) to a planting plan based on the proposed subdivision and approved by Council.

4.5.2 Access Roads

Where land which is the subject of an application for zoning to Special Rural does not comply with Council's Policy requirement for adequate existing access roads, Council may as a condition of zoning, require a contribution to the cost of upgrading access roads to standards and specification considered suitable by Council.

4.5.3 Submissions for Rezoning

- a) Submissions for rezoning to Special Rural will be considered by Council if they can be shown to meet the Policy requirements of this clause and must consist of a detailed analysis and subdivision or development proposal in conformity with the requirements of Schedule II.

- b) **Scheme Amendment**

Upon being satisfied that an application for rezoning meets with its objectives and policies and the requirements of the Scheme, Council will initiate procedures for rezoning and the amendment documents will include, where applicable, the plan of subdivision or structure plan agreed to.

4.5.4 Application for Subdivision

Application for subdivision following rezoning shall be generally in accordance with the plan forming part of the amendment, or any variation therefrom as may be agreed upon.

4.5.5 Lodgement of Plan

Prior to final approval of subdivision a copy of the plan of subdivision must be lodged with Council on which is shown:

- a) a building envelope for each lot;
- b) tree preservation areas;
- c) strategic firebreaks or other bush fire control measures;
- d) any other matter required to be shown by the State Planning Commission or the Council as a condition of subdivision;

and upon adoption by Council the plan will form part of this Scheme for the purpose of determining an application for Planning Consent within the area.

4.5.6 Building Envelopes and Setbacks

- a) Where considered desirable or prudent to ascertain suitability for building, Council may require competently prepared analyses of slope, ground conditions and soil stability as a condition of agreement to proposed lots and building envelopes.
- b) A building on a lot must be contained within the building envelope defined on the plan lodged under the provisions of Clause 4.4.5 except that Council may permit construction of buildings in areas other than the building envelope if it is satisfied that the proposed location thereof will not be detrimental to the landscape or the environment but in any case the distance from a lot boundary will not be less than:
 - (i) from the frontage to Highways 30 metres
 - (ii) from the frontage to other roads 25 metres
 - (iii) from the side and rear boundaries of a lot 20 metres
- c) Where lots are serviced by a reticulated water supply, the minimum side and rear setbacks from a boundary for those lots will not be less than 10 metres.

4.5.7 Tree Preservation

Within a Tree Preservation area defined on the plan lodged with Council under the provisions of Clause 4.5.5 no indigenous tree or other substantial vegetation may be felled or removed except:

- a) trees which are dead, diseased or are dangerous;
- b) for the purpose of a firebreak required by a regulation or by-law;
- c) for the purpose of access to a lot;
- d) a fence.

4.5.8 Replacement of Trees

A person wishing to fell or remove indigenous trees or substantial vegetation within a Tree Preservation area except under the exemptions of the preceding clause will be required to obtain the approval of Council and if approval is granted will be required to establish a tree of a type approved by Council for each tree felled or removed.

4.5.9 Tree Preservation on Road Frontage

Land abutting a road within the Zone shall be shown on the plan lodged with Council as a Tree Preservation area to a depth of:

- a) from highways 25 metres
- b) from other roads 20 metres

4.5.10 Buildings

- a) Not more than one single house may be erected and occupied on a lot within a Special Rural Zone.
- b) A building on a lot may not be occupied as a residence unless such building has been approved by Council as a residence in conformity with its building by-laws currently in force or any variation therefrom approved by Council.
- c) Council may permit temporary occupancy of a building which does not conform to its building by-laws under such conditions as it thinks fit, provided that the Council has at the same time approved plans for construction of a residence on the lot.
- d) All buildings intended for residence except those occupied on a temporary basis under the provisions of the preceding sub-clause must provide for the catchment and storage of at least 92,000 litres of water unless it can be shown that the residence can be connected to and supplied from an existing reticulated water supply or from an alternative supply of potable water.

4.5.11 Schedule III of the Scheme sets out for each Special Rural Zone the uses which are permitted for that zone and the conditions if any relating to that use.

4.6 BUILDING SETBACKS IN RURAL ZONES

Within the Rural 1, Rural 2 and Rural 3 zones of the Scheme, a building may not be erected closer to the road frontage of a lot than:

- (a) from the frontage to Highways 50 metres
(as depicted in the Scheme maps)
- (b) from the frontage to Major roads 30 metres
(as depicted in the Scheme maps)
- (c) from the frontage to Other roads 20 metres
- (d) from all other boundaries 20 metres

except that where in the opinion of Council, special circumstances exist, Council may permit relaxation of the above standards.

4.7 BUILDING SETBACKS IN OTHER ZONES

Within other zones of the Scheme, the building setback shall be:

- (a) Residential Zones In accordance with the requirements of the Residential Planning Codes.
- (b) Industrial Zone 9 metres.
- (c) Commercial Zone Nil
- (d) Community Zone At the discretion of the Council.

4.8 HOLIDAY ACCOMMODATION AND TOURIST DEVELOPMENT

AMD 54 GG 11/2/03

- 4.8.1 Within the Rural Zones 1, 2, 3 and 4 Council may, subject to Planning Consent and the provisions of Table I and this clause, permit development of Holiday Accommodation and other facilities for the accommodation, recreation and use of tourists.
- 4.8.2 Development for Holiday Accommodation, Motels, Caravan Parks or Camping Grounds shall conform to the following site requirements:
- a) a site area of not less than 2 hectares;
 - b) be sited and designed so as to minimise the risk from bush fires;
 - c) the site shall in the opinion of Council contain tree cover adequate to provide visual screening and privacy and Council may require as a condition of Planning Consent additional planting and maintenance of trees where existing tree cover is considered deficient or inadequate;
 - d) public road access to the site shall in the opinion of Council be adequate for the use which may be reasonably anticipated;
 - e) site conditions of topography and soil shall be such as to ensure in the opinion of Council adequate effluent disposal and site drainage as a result of the development, and that the site is not susceptible to erosion;
 - f) an adequate supply of potable water shall be available.
- 4.8.3 Development for a Caravan Park or a Camping Ground shall conform in all other respects to the provisions of the *Health Act (Caravan Parks and Camping Grounds) Regulations 1997*. AMD 54 GG 11/2/03

4.9 RESIDENTIAL BUILDINGS IN RURAL ZONES

Not more than one single dwelling house may be erected and occupied on a lot within the rural zones of the Scheme, except that Council, where it is satisfied that one additional dwelling house is necessary or desirable for continuation of bona fide agricultural activity, or for any other permitted use, may grant its consent to one additional dwelling on a lot.

4.10 AMENITY AND DEVELOPMENT

Council's objectives will be to ensure that the overall amenity of the district is retained and enhanced for the benefit of residents and in the interests of the District's tourist potential, and that the landscape values of the environment are maintained.

4.10.1 Standard of Development

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

4.10.2 Amenity Control

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

4.10.3 Untidy Sites

Where in the Council's view a property is not being maintained in a generally clear and tidy condition and that the unkempt appearance of the property has an adverse effect on the amenity of the area in which it is located, the Council shall require the owner/occupier to make good the condition to meet acceptable standards.

4.10.4 Storage/Wrecking of Vehicles

Council shall not permit the storage and/or wrecking of any vehicle on any street verge.

4.11 SPECIAL RESIDENTIAL ZONE

Council's objective for the Special Residential Zone is to provide for a range in residential lot sizes and therefore, lifestyle opportunities subject to appropriate standards and controls while ensuring the protection of the character and amenity of adjoining rural areas. Council will use the zone sparingly and only where the site characteristics dictate that larger residential lots are desirable.

Council's Development Policy will therefore be to:

- (a) Only support the rezoning of areas to Special Residential which by topography, character, or location, require special consideration and, where residential services are available.
- (b) Ensure ad hoc rezoning and subdivision do not prejudice subdivision of surrounding land.
- (c) Control subdivision, development and land use to ensure the special qualities of the site are maintained.
- (d) To promote the use of alternative housing styles and building techniques which are in harmony with the character of the land, sympathetic to topography and minimise the potential for erosion through excavation.
- (e) Require the submission of a report outlining relevant matters relating to the proposal and the submission of a Subdivision Guide Plan which contains but is not limited to outlining the following:
 - natural landform features, existing buildings and other improvements;
 - areas intended for tree preservation or revegetation;
 - servicing provisions including effluent disposal, water supply and drainage;
 - methods of gaining access to the site and the proposed road and lot layout;
 - bush fire control measures;
 - open space areas;

4.11.1 Subdivision shall be generally in accordance with an approved Subdivision Guide Plan.

4.11.2 Council shall not support lot sizes below 2,000m².

4.11.3 Unless a specific building envelope has been declared for a lot, the minimum setback requirements shall be -

- 12 metres from front or rear boundaries; and
- 4 metres from a side boundary.

AMD 54 GG 11/2/03

4.11.4 All Special Residential lots shall be provided with reticulated water.

4.11.5 Council's approval is required prior to any development in the Special Residential Zone, including a single house.

- 4.11.6 Not more than 1 dwelling shall be permitted on any lot.
- 4.11.7 The use of second hand materials for visible structures is prohibited. AMD 62 GG 15/12/06
- 4.11.8 No boundary fences shall be constructed of the following materials -
- Asbestos or Fibre Cement;
 - Metal Sheeting.
- 4.11.9 No sign, hoarding or billboard shall be permitted within the Special Residential Zone unless approved by Council in which case the maximum size shall be 0.2m².
- 4.11.10 All lots shall be supplied with an underground power supply.
- 4.11.11 At the time of subdivision Council will request the preparation and implementation of a fire management plan.
- 4.11.12 No trees or other substantial vegetation shall be felled or removed from the site (including tree preservation areas) except where:
- a) required for approved development works;
 - b) the establishment of a firebreak required by regulation or bylaw;
 - c) as otherwise approved by Council.
- 4.11.13 No installation for the on-site disposal of effluent shall be located closer than 50 metres to a definable watercourse or water body. Where the physical constraints of a site dictate, Council may require the installation of alternative on-site effluent disposal units to the satisfaction of the Health Department.
- 4.11.14 Submissions for Re-zoning -
- Submissions for rezoning to Special Residential will be considered by Council if they can be shown to meet the policy requirements of this clause and must consist of a detailed analysis and subdivision or development proposal in conformity with the requirements of Schedule 2 - Submission Requirements for Special Rural zones.
- 4.11.15 Notwithstanding that all development shall generally comply with the requirements of the Residential Planning Codes, Council may permit minimum lot frontage of 20 metres for battle-axe and other irregular shaped lots as determined by Council.

4.12 COMMUNICATIONS INFRASTRUCTURE

- 4.12.1 An application for Council's Planning Consent will be required for the development of all telecommunications infrastructure (overhead cabling, telecommunications towers, radio communication dishes, etc) excluding those listed in the *Telecommunications (Low-Impact Facilities) Determination 1997* and subsequent amendments to that determination.
- 4.12.2 Applications for the development of telecommunications infrastructure shall be accompanied by the plans and information required for applications for Planning Consent under Clause 5.1 and will be considered in relation to the following:
- a) consistency with the objectives and purpose of the zone or reserve;
 - b) social and economic benefits of the proposal;
 - c) the impact of the proposal upon the landscape, heritage and environmental values of the locality;

- d) coordination with other services; and
- e) any relevant policy adopted by the Council.

4.12.3 Sub-clauses 4.12.1 and 4.12.2 also relate to applications for telecommunications infrastructure on Crown Land. Such applications must be accompanied by written consent of the Department of Land Administration and the vesting/management authority.

4.13 INDUSTRIAL ZONE-OBJECTIVES

AMD 72 GG 10/02/2022

The objectives of the Industrial zone are as follows:

- 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

PART V - PLANNING CONSENT

5.1 APPLICATION FOR PLANNING CONSENT

5.1.1 Every application for Planning Consent shall be made in writing addressed to the Shire Clerk and shall be accompanied by:

- a) such plans and information as is required by any clause or Schedule to the Scheme; or
- b) where not specifically referred to by any clause or Schedule, plans and information which show:
 - (i) the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the land;
 - (ii) the existing and proposed means of access for pedestrians and vehicles to and from the land;
 - (iii) the location, number, dimensions and layout of all car parking spaces intended to be provided;
 - (iv) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the land and the means of access to and from those areas;
 - (v) the location, dimensions and design of any landscaped area and particulars of the manner in which it is proposed to develop the same;
 - (vi) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
 - (vii) any other plan or information required to be provided pursuant to the Scheme or that the Council may require to enable the application to be determined.

5.1.2 The Council may dispense with all or any of the requirements specified in Clause 5.1.1 in respect of any application for Planning Consent which involves only the use of land.

5.2 ADVERTISING OF APPLICATIONS

5.2.1 Where an application is made for Planning Consent to commence or carry out development which involves an 'SA' use, the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of this clause.

5.2.2 Where an application is made for Planning Consent to commence or carry out development which involves an 'AA' use, or for any other development which requires the Planning Consent of the Council, the Council may give notice of the application in accordance with the provisions of this clause.

5.2.3 Where the Council is required or decides to give notice of an application for Planning Consent, the Council shall cause one or more of the following to be carried out:

- a) notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of Planning Consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;

- b) notice of the proposed development to be published in a newspaper circulating in the Scheme Area stating that submissions may be made to the Council within twenty-one days from the publication thereof;
 - c) a sign displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in paragraph b) of this clause.
- 5.2.4 If notices have been given, after expiration of twenty-one days from the publication of the notice, the erection of the notice or the posting of the notice to the owners and occupiers, whichever is the later, the Council shall consider and determine the application.

5.3 DETERMINATION OF APPLICATION

- 5.3.1 In determining an application for Planning Consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.
- 5.3.2 The Council having regard to any matter which it is required by the Scheme to consider, to the purpose for which the land is reserved, zoned or approved for use under the Scheme, to the purpose for which land in the locality is used, and to the orderly and proper planning of the locality, may refuse to approve any application for Planning Consent or may grant its approval unconditionally or subject to such conditions as it thinks fit.
- 5.3.3 Where the Council approves an application for Planning Consent under this Scheme the Council may limit the time for which that consent remains valid.

5.4 DEEMED REFUSAL

AMD 60 GG 14/12/04

- 5.4.1 Subject to sub-clause 5.4.2, an application for planning approval shall be deemed to have been refused where a decision in respect of that application is not conveyed to the applicant by the Council within 60 days of the receipt of it by the Council, or within such further time as agreed in writing between the applicant and the Council.
- 5.4.2 An application for planning approval which is subject of a notice under clause 5.2 shall be deemed refused where a decision in respect of that application is not conveyed to the applicant by the Council within 90 days of the receipt of it by the Council, or within such further time as agreed in writing between the applicant and the Council.
- 5.4.3 Notwithstanding that the application for planning approval may be deemed to have been refused, the Council may issue a decision in respect of the application at any time after the expiry of the period specified in clause 5.4.1 or 5.4.2 respectively, and that decision shall be valid and effective as from the date of determination.

5.5 TERM OF PLANNING APPROVAL

AMD 49 GG 9/7/02

- 5.5.1 Where the Council grants planning approval, that approval:
- a) shall be substantially commenced within two years, or such other period as specified in the approval, after the date of determination; and
 - b) lapses if the development has not substantially commenced before the expiration of that period.
- 5.5.2 A written request may be made to the Council for an extension of the term of planning approval at any time prior to the expiry of the approval period in sub-clause 5.5.1 a).

PART VI - NON-CONFORMING USES

6.1 EXISTING USE RIGHTS

No provision of the Scheme shall prevent:

- (a) the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or
- (b) the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

6.2 EXTENSION OF A NON-CONFORMING USE OR BUILDING

- 6.2.1 A person shall not erect, alter or extend a building or buildings used in conjunction with a non-conforming use without first having applied for and obtained the Planning Consent of the Council under this Scheme and unless in conformity with the other provisions and requirements of the Scheme.
- 6.2.2 The Council shall not grant Planning Consent to erect, alter or extend a building or buildings used in conjunction with a non-conforming use where the floor area of such building or buildings would be increased by a factor of more than 10%.

6.3 CHANGE OF NON-CONFORMING USE

The Council may grant its Planning Consent to the change of use of any land from one non-conforming use to another non-conforming use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the existing use and is, in the opinion of the Council, closer to the intended uses of the zone.

6.4 DISCONTINUANCE OF NON-CONFORMING USE

- 6.4.1 Except where a change of non-conforming use has been permitted by the Council under Clause 6.3, when a non-conforming use of any land or building has been discontinued for a period exceeding six months, such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.
- 6.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

6.5 DESTRUCTION OF BUILDINGS

If any building is, at the gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of more than 75% of its value, no such land use may be altered except to conform with the Scheme, and the building shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

6.6 SUBDIVISION OF LAND

If a non-conforming use exists on any land or in any building thereon, no person shall, without the Planning Consent of the Council, carry on such non-conforming use after the subdivision of such land.

6.7 REGISTER OF NON-CONFORMING USES

- 6.7.1 The Council shall keep and maintain a register of non-conforming uses.
- 6.7.2 A person carrying on a non-conforming use shall within six calendar months of the gazettal date or, within twenty-one days after demand in writing by the Council, give to the Council in writing full information of the nature and extent of the non-conforming use.
- 6.7.3 The Council shall note in the register any change to or discontinuance of a non-conforming use.
- 6.7.4 For the purpose of the registration of a non-conforming use in the register, the Council shall determine the nature of the use and the appropriate use class based upon the Council's assessment of the evidence before it at the time of making the determination.

PART VII - ADMINISTRATION

7.1 POWERS OF THE COUNCIL

- (a) The Council in implementing the Scheme has, in addition to all other powers vested in it, the following powers:
 - a) the Council may enter into an agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme;
 - b) the Council may acquire any land or buildings within the Scheme Area pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit;
 - c) an officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

7.2 OFFENCES

- (a) A person shall not erect, alter or add to or commence to erect, alter or add to a building or use or change the use of any land, building or part of a building for any purpose:
 - a) otherwise than in accordance with the provisions of the Scheme;
 - b) unless all approvals and consents required by the Scheme have been granted and issued;
 - c) unless all conditions imposed upon the grant or issue of any approval and consent required by the Scheme have been and continue to be complied with;
 - d) unless all standards laid down and all requirements prescribed by the Scheme or determined by the Council pursuant to the Scheme with respect to that building or that use of that land or building or that part have been and continue to be complied with.
- (b) A person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to the penalties prescribed by the Act.

7.3 NOTICES

- 7.3.1 Thirty days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of that Act.
- 7.3.2 The Council may recover expenses under Section 10(2) of the Act in a court of competent jurisdiction.

7.4 CLAIMS FOR COMPENSATION

Except where otherwise provided in the Scheme, the time limited for the making of claims for compensation pursuant to Section 11(1) of the Act is six (6) months after the date when notice of the approval of the Scheme is published in the Government Gazette.

7.5 APPEALS

An applicant aggrieved by a decision of the Council in respect of the exercise of a discretionary power under this Scheme may appeal in accordance with Part V of the Act and the rules and regulations made pursuant to the Act.

- 7.6**
- 7.6.1 In order to assist in the implementation of the Scheme, the Council may make Town Planning Scheme Policies relating to one or more of the aspects of the control of development and land use.
- 7.6.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:
- a) The formal adoption of the Policy by a resolution of Council.
 - b) Publication in a newspaper circulating in the area once a week for two consecutive weeks of a notice providing a summary of the policy, giving details of where the draft policy may be inspected and when and in what form, and during what period (being not less than 21 days) representation may be made to the Council.
 - c) The Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy.
 - d) Following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours.
- 7.6.3 A Town Planning Scheme Policy may only be altered or rescinded by:
- a) preparation and final adoption of a new Policy pursuant to this clause, specifically worded to supersede an existing policy; and
 - b) publication of a formal notice of the alteration or rescission by the Council in a newspaper circulating in the area
- 7.6.4 A Town Planning Scheme Policy shall not bind the Council in respect of any application for Planning Approval but the Council shall take into account the provisions of the policy and objectives which the policy was designed to achieve before making its decision.
- 7.6.5 In determining an application for Planning Approval, Council shall have regard to any Town Planning Policy adopted under the powers of this Scheme, and may impose conditions of approval in conformity with the requirements of that policy.

7.7 DELEGATION

For the purposes of carrying out and completing the Scheme and to ensure its observance, the Council may delegate to a Committee of Council, an officer or officers any of the powers which it is entitled to exercise by virtue of the Scheme.

PART VIII - CONTROL OF ADVERTISEMENTS

8.1 POWER TO CONTROL ADVERTISEMENT

- 8.1.1 For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land or buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such planning consent is required in addition to any licence pursuant to Council's signs and Hoarding and Bill Posting By-laws.
- 8.1.2 Application for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Clause 5.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out in Appendix 1 giving details of the advertisement(s) to be erected, placed or displayed on the land.

8.2 EXISTING ADVERTISEMENTS

Advertisements which:

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme, hereinafter in this part referred to as 'existing advertisements', may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate.

8.3 CONSIDERATION OF APPLICATIONS

Without limiting the generality of the matters which may be taken into account when making a decision upon an application for consent to erect, place or display an advertisement, Council shall examine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed, including its historic or landscape significance and traffic safety, and the amenity of adjacent area which may be affected.

8.4 EXEMPTIONS FROM THE REQUIREMENT TO OBTAIN CONSENT

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 7.1.1, the Council's prior consent is not required in respect of those advertisements listed in Schedule 5 which for the purpose of this Part are referred to as 'exempted advertisements'. The exemptions listed in Schedule 5 do not apply to places, buildings, conservation areas or landscape protection zoned which are either:

- (a) listed by the National Trust;
- (b) listed on the register of the National Estate; or
- (c) included in local authority town planning schemes because of their heritage or landscape value.

8.5 DISCONTINUANCE

Notwithstanding the scheme objectives and clause 7.4, where the Council can demonstrate exceptional circumstances which can cause an exempted or existing advertisement to seriously conflict with the objectives of this part, it may by notice in writing require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

8.6 DERELICT OR POORLY MAINTAINED SIGNS

Where, in the opinion of the Council, an advertisement has been permitted to deteriorate to a point where it conflicts with the objectives of the Scheme or it ceases to be effective for the purpose for which it was erected or displayed, Council may by notice in writing require the advertiser to:

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

8.7 NOTICES

8.7.1 'The advertiser' shall be interpreted as any one or any group comprised of the land owner, occupier or licensee.

8.7.2 Any notice served in exceptional circumstances pursuant to Clause 8.5 or pursuant to Clause 8.6 shall be served upon the advertiser and shall specify:

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

8.7.3 Any person upon whom a notice is served pursuant to this Part may within a period of 60 days from the date of the notice appeal to the Hon Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged, the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

8.8 SCHEME TO PREVAIL

Where the provisions of this Part are found to be at variance with the provisions of the Council's Signs, Hoarding and Bill Posting By-laws, the provisions of the Scheme shall prevail.

8.9 ENFORCEMENT AND PENALTIES

The offences and penalties provisions specified in Clause 6.3 and 6.6 of the scheme apply to the advertiser in this part.

SCHEDULE 1 - INTERPRETATIONS

Abattoir - means land and buildings used for the slaughter of animals for human consumption and the treatment of carcasses, offal and by-products.

Absolute Majority - shall have the same meaning as is given to it in and for the purposes of the *Local Government Act 1960* (as amended).

Act - means the *Town Planning and Development Act, 1928* (as amended).

Afforestation - means the planting and husbanding of commercial value trees - other than fruit and nut trees, vines and nursery trees up to two years old - and occupying an area greater than 400 square metres on any one lot.

Aquaculture - shall have the same meaning as given to the term and for the purposes of the *Fish Resources Management Act 1994* (as amended).

Arboretum - means a garden of shrubbery and trees, especially of rare trees, planted and maintained for their aesthetic and scientific value.

Art & Craft Showroom and Sales - means a building or portion of a building used for the manufacture, display and selling of works of art or craft. AMD 40 GG 9/7/02

Bed & Breakfast - means any dwelling in which the resident of the dwelling provides accommodation on a short term basis and includes the provision of breakfast.

Board - means the Town Planning Board constituted under the Act.

Boarding House - means a building in which provision is made for lodging or boarding more than four persons, exclusive of the family of the keeper, for hire or reward, but does not include:

- (a) premises the subject of an Hotel, Limited Hotel or Tavern Licence granted under the provisions of the *Liquor Act 1970* (as amended);
- (b) premises used as a boarding school approved under the *Education Act, 1928* (as amended);
- (c) a single dwelling, attached, group or multiple dwelling unit; or
- (d) any building that is the subject of a strata title issued under the provisions of the *Strata Titles Act, 1966* (as amended).

Builder's Storage Yard - means land and buildings used for the storage of building material, pipes, or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.

Building - shall have the same meaning as is given to it in and for the purposes of the Residential Planning Codes.

Building Envelope - means an area of land within a lot marked on a plan forming part of the Scheme outside which building development is not permitted.

Building Line - means the line between which and any public place or public reserve a building may not be erected except by or under the authority of an Act.

Building Setback - means the shortest horizontal distance between a boundary or other specified point and the position at which a building may be erected.

Cabinet Making - means an activity where timber and timber by-products are sawn and joined for the production of fine furniture, cabinets, windows and other timber based products. AMD 49 GG 9/7/02

Camping Area - means land used for the lodging of persons in tents or other temporary shelter.

Caravan Park - means land and buildings used for the parking of caravans under the By-Laws of the Council or the *Caravan Parks and Camping Grounds Regulations, 1974* (as amended) made pursuant to the provisions of the *Health Act, 1977-1979* (as amended).

Caretaker's Dwelling - means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.

Car Park - means land and buildings used primarily for parking private cars or taxis whether open to the public or not but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings or in which cars are displayed for sale.

Cattery - means the use of an approved outbuilding constructed in accordance with the Health Act Model By-Laws Series 'A' Part One - General Sanitary Provisions (as amended) for the purpose of keeping more than three (3) cats over the age of three (3) months.

Civic Building - means a building designed, used or intended to be used by a Government Department, an instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.

Club Premises - means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the *Liquor Act, 1970* (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

Community Home - means a building used primarily for living purposes by a group of physically or intellectually handicapped or socially disadvantaged persons living together with or without paid supervision or care and managed by a constituted community based organisation, a recognised voluntary charitable or religious organisation, a government department or instrumentality of the Crown.

Consulting Rooms - means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.

Convenience Store - means land and buildings used for the retail sale of convenience goods being those goods commonly sold in supermarkets, delicatessens and newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a convenience store shall not exceed 200m² gross leasable area.

Day Care Centre - means land and buildings used for the daily or occasional care of children in accordance with the *Child Welfare (Care Centres) Regulations, 1968* (as amended).

Development - shall have the same meaning given it in and for the purposes of the Act.

District - means the Municipal District of the Shire of Bridgetown-Greenbushes.

Dog Kennels - means land and buildings used for the boarding and breeding of dogs where such premises are registered or required to be registered by the Council; and may include the sale of dogs where such use is incidental to the predominant use.

Educational Establishment - means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory or institutional home.

Effective Frontage - means the width of a lot at the minimum distance from the street alignment at which buildings may be constructed, and shall be calculated as follows:

- (a) where the site boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;
- (b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed;
- (c) where a lot is of such irregular proportions or on such steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.

Equestrian Centre - means land and buildings used for the stabling and exercising of horses and includes facilities for events of a competitive nature.

Factory Unit Building - means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.

Fast Food Outlet - means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises, but does not include a fish shop.

Floor Area - shall have the same meaning given to it for the purposes of the *Building Code of Australia, 1988* (as amended).

Frontage - means the boundary line or lines between a site and the street or streets upon which the site abuts.

Fuel Depot - means land and buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station.

Garden Centre - means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of pre-fabricated garden buildings.

Gazettal Date - means the date of which this Scheme is published in the Government Gazette.

Guesthouse - means a building utilised for the purpose of providing holiday accommodation and typically offering full board for guests. The building would be characterised by individual suites which are serviced by centralised dining (not being a public restaurant) and other facilities. Suites would not be self contained and occupation would generally be reliant on services provided by management.

Health Studio - means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.

Holiday Accommodation - means buildings constructed in accordance with Council Policy and used for the short term accommodation of tourists and holiday makers and includes convention centres, halls and other buildings for the amenity of residents but does not include a hotel or motel.

AMD 54 GG 11/2/03

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 -

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- (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 - AMD 70 GG 20/03/18

- (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 0.2m²; 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 a resident occupier of the dwelling to carry out a home occupation if the carrying out of the occupation - AMD 70 GG 20/03/18

- (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.

Hostel - means a lodging house which is not open to the public generally but is reserved for use solely by students and staff of educational establishments, members of societies, institutes or associations.

Hotel - means land and buildings providing accommodation for the public the subject of an Hotel Licence granted under the provisions of the *Liquor Act, 1970* (as amended).

Industry - means the carrying out of any process in the course of trade or business for gain, for and incidental to one or more of the following:

- (a) the winning, processing or treatment of minerals;
- (b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;
- (c) the generation of electricity or the production of gas;
- (d) the manufacture of edible goods;

and includes, when carried out on land upon which the process is carried out and in connection with that process, the storage of goods, any work of administration or accounting, or the wholesaling of goods resulting from the process, and the use of land for the amenity of persons engaged in the process; but does not include:

- (i) the carrying out of agriculture;
- (ii) site work on buildings, work on land;
- (iii) in the case of edible goods the preparation of food for sale from the premises;
- (iv) panel beating, spray painting or motor vehicle wrecking.

Industry - Cottage - means an industry which produces arts and craft goods which cannot be carried out under the provisions relating to a "home occupation" and that:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;
- (b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land;
- (c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m²;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
- (e) does not display a sign exceeding 0.2m² in area.

Industry Extractive - means an industry which involves:

- (a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment or manufacture of products from those materials is extracted or on land adjacent thereto; or
- (b) the production of salt by the evaporation of sea water.

Industry General - means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.

Industry Hazardous - means an industry which by reason of the processes involved or the method of manufacture or the nature of the materials used or produced requires isolation from other buildings.

Industry Light - means an industry:

- (a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and
- (b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any other like services.

Industry Noxious - means an industry in which the processes involved constitute an offensive trade within the meaning of the *Health Act, 1911-1979* (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.

Industry Rural - means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.

Industry Service - means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.

Kindergarten - means land and buildings used as a school for developing the intelligence of young children by object-lessons, toys, games, singing and similar methods.

Land - shall have the same meaning given to it in and for the purposes of the Act.

Laundromat - means a building, open to the public, in which coin-operated or other washing machines, with or without provision for drying clothes, are available for use.

Liquor Store - means a building the subject of a Store Licence granted under the provisions of the *Liquor*

Act, 1970 (as amended).

Licensed Premises - shall have the same meaning as is given to it and for the purposes of the *Liquor Licensing Act 1988*. *AMD 40 GG 9/7/02*

Local Shop - means any land or buildings used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens and newsagents. *AMD 40 GG 9/7/02*

Lodging House - shall have the same meaning as is given to it in and for the purposes of the *Health Act, 1911-1979 (as amended)*.

Lot - shall have the same meaning given to it in and for the purposes of, the Act and "allotment" has the same meaning.

Marine Collector's Yard - means land and buildings used for the storage of marine stores under the provisions of the *Marine Stores Act, 1902 (as amended)* and land Marine Dealer's Yard and Marine Store have the same meaning.

Market - means land and buildings used for a fair, a farmers' or producers' market, or a swap meet in which the business or selling carried on or the entertainment provided is by independent operators or stall holders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.

Milk Depot - means land and buildings to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

Mobile Home - means any vehicle or similar relocatable structure having been manufactured with wheels (whether or not such wheels have been removed) and having no footings other than wheels, jacks or skirtings, and so designed or constructed as to permit independent occupancy for continuous dwelling purposes incorporating its own facilities including bathroom and toilet facilities.

Motel - means land and buildings used or intended to be used to accommodate patrons in a manner similar to an Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles.

Motor Vehicle Sales Premises - means land and building used for the display and sale of new or second hand motor cycles, cars, trucks, caravans and boats or any one or more of them and may include, the servicing of motor vehicles sold from the site.

Motor Vehicle Repair Station - means land and building used for the mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

Motor Vehicle Wrecking Premises - means land and buildings used for the storage, breaking up or dismantling of motor vehicles and includes the sale of second-hand motor vehicle accessories and spare parts.

Museum - means land and buildings used for storing and exhibiting objects illustrative of antiquities, natural history, art, nature and curiosities.

Non-Conforming Use - means a use of land which, though lawful immediately prior to the coming into operation of this Scheme, is not in conformity with the Scheme.

Nursery - means land and buildings used for the propagation, rearing and sale of products associated with horticultural and garden decor.

Office - means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.

Owner - in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity:

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

Petrol Filling Station - means land and buildings used for the supply of petroleum products and motor vehicle accessories.

Piggery - shall have the same meaning given to it in and for the purposes of the *Health Act, 1911-1979* (as amended).

Potable Water - means water in which levels of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water - Third Edition, World Health Organisation - 1971'.

Poultry Farm - means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the *Health Act, 1911-1979* (as amended).

Produce Store - means land and buildings wherein fertilisers and grain are displayed and offered for sale.

Private Hotel - means land and buildings used for residential purposes the subject of a Limited Hotel Licence granted under the provisions of the *Liquor Act 1970* (as amended).

Private Recreation - means land used for parks, gardens, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.

Professional Office - means a building used for the purpose of his profession by an accountant, architect, artist, author, barrister, chiropodist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), town planner, or valuer, or a person having an occupation of a similar nature, and Professional Person has a corresponding interpretation.

Public Amusement - means land and buildings used for the amusement or entertainment of the public, with or without charge.

Public Authority - shall have the same meaning given to it in and for the purposes of the Act.

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

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

Public Worship - Place of - means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education or a residential training institution.

Reception Centre - means land and buildings used by parties for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.

Residence - Resited or Transportable - means a building intended for residential use which has been

constructed in a wholly or substantially completed form prior to establishment on a lot.

Residential Planning Codes - means the Residential Planning Codes adopted as a policy of the Board on July 26, 1982 together with all amendments or additions thereto or any code-by-laws or regulations replacing them and applying or being applicable within the District.

Restaurant - means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business.

Restricted Rural Use - means land and/or buildings used for piggeries, intensive lot feeding or commercial poultry farming.

Retail Nursery - means land and buildings used for the propagation, rearing and sale of trees, plants, shrubs or flowers, and the storage and sale of products associated with horticulture and garden decor.

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 -

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- (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 - means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:

- (a) the growing of vegetables, fruit, cereals or food crops;
- (b) the rearing or agistment of goats, sheep, cattle or beasts of burden;
- (c) the stabling, agistment or training of horses;
- (d) the growing and/or selling for wholesale purposes only of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens, but does not include a retail nursery;
- (e) the sale of produce grown solely on the lot;

but does not include the following except as approved by the Council:

- (i) the processing, treatment or packing of produce;
- (ii) the breeding, rearing or boarding of domestic pets.

Rural Production - means land or building used or intended to be used for the purposes of a Rural Pursuit but does not include market gardens, piggeries, poultry farms, intensive agistment, dog kennels or catteries or such other use which in the opinion of the Council would be prejudicial to the amenity of adjoining rural residential occupants by reason of noise, smell, emissions or public health or safety.

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

Sawmill - means land and buildings where logs or large pieces of timber are sawn but does not include a joinery works unless logs or large pieces of timber are sawn therein.

Schedule - means a schedule to the Scheme.

Service Station - means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use, but does not include transport depot, panel beating, spray painting, major repairs or wrecking.

Shop - means a building wherein goods are kept, exposed or offered for sale by retail, but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles or for any purpose falling within the definition of industry.

Showroom - means a building wherein goods are displayed and may be offered for sale by wholesale and/or by retail, excluding the sale by retail of foodstuffs, liquor or beverages; items of clothing or apparel, magazines, books or paper products; medical or pharmaceutical products; china, glassware or domestic hardware; and items of personal adornment.

Souvenir Shop - means a building or portion of a building used for the retail sale of souvenir items and manufactured in, or depicting, the local and regional area. AMD 40 GG 9/7/02

Tavern - means land and buildings the subject of a Tavern Licence granted under the provisions of the *Liquor Act, 1970* (as amended).

Telecommunications Infrastructure - means any part of infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, put or other structure used, or for use, in or in connection with a telecommunications network;

Trade Display - means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.

Transport Depot - means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.

Veterinary Consulting Rooms - means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight.

Warehouse - means a building wherein goods are stored and may be offered for sale by wholesale.

Wayside Stall - means a building situated on private land which offers for sale to the general public produce or any commodity which is produced on the land upon which the buildings are located.

Wholesale - means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the *Sales Tax Assessment Act No 1, 1930* (as amended).

Winery - means any land or buildings used for the production and/or sale to the public of viticultural produce.

Zone - means a portion of the Scheme area shown on the map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include reserved land.

Zoological Gardens - means land and buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

SCHEDULE 2 - SUBMISSION REQUIREMENTS FOR SPECIAL RURAL ZONES

Application for rezoning to Special Rural, or for subdivision and development within a Special Rural Zone must include the following or any variations thereof which in the opinion of Council are reasonably satisfactory.

- (i) Base Plan showing:
 - (a) contours of the land at intervals not exceeding 5 metres;
 - (b) assessment of soil types and other physical ground conditions;
 - (c) location, type and approximate density of trees and other significant vegetation;
 - (d) creeks, watercourses, significant drainage lines and major rock outcrops (if any);
 - (e) building, fences and other improvements.
- (ii) Submissions must identify and show how the following have been dealt with or taken into account in the subdivisions:
 - (a) present use of the land (eg. crop, improved pasture, orchard);
 - (b) skylines and landscape faces which are important in retention of the rural character or the environmental amenity of the area;
 - (c) adjoining reserves, special treatment of areas adjacent to them and access thereto;
 - (d) proposed reserves, and a detailed analysis of the conditions affecting the location of the boundaries thereof;
 - (e) methods of providing access to adjoining lands within the zone.
- (iii) Submissions must identify and show on the subdivisional proposal or on supplementary plans or documents:
 - (a) areas intended for tree preservation including road frontage areas and other timbered areas of environmental significance;
 - (b) the location, nature and existing degree of preservation of any building or historic or architectural significance, any aboriginal site, any area of botanical or scientific interest, and any unique wildlife habitats together with the means by which such features if any are to be treated or disposed of;
 - (c) any other unique features or qualities of the subdivisional proposal;
 - (d) the means of treating any areas of specific problems (eg. areas of actual or potential erosion);
 - (e) the means by which the scenic quality of the landscape is to be preserved and/or enhanced;
 - (f) the method proposed to ensure that each lot can obtain adequate and satisfactory supply of water, together with proof that the nominated supply is of sufficient volume and quality;
 - (g) demonstrate, if applicable, that the obtaining of water will not affect the supply to nearby agricultural, forest and ecological areas;

- (h) indicate the proposed means of disposal of liquid wastes from each lot, and demonstrate that such disposal method will not affect other lands either adjoining lots within the subdivision or lands external to the subdivision nor will cause pollution of any natural watercourse;
- (i) assessment of the natural drainage conditions of the land and the means of overcoming any drainage problems either existing or caused by the proposed development;
- (j) the method of road construction proposed including any specific areas such as watercourse crossing and excessive grades;
- (k) the measures proposed within the subdivision to control bush fires, such measures to include but not be necessarily limited to the provision and location of strategic firebreaks and the methods of treating open space areas where these may, by appropriate treatment, form effective fire management control.

SCHEDULE 3 - SPECIAL RURAL ZONES

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR1	<p>Lot 1 and Part of Lot 2, North Greenbushes Location 354, Part of Lot 138 and Part of Lot 63</p> <p><i>AMD 4 GG 20/7/90</i></p>	<p>(i) Subdivision to be in accordance with the Subdivision Guide Plan adopted by Council on the 15th day of December 1989.</p> <p>(ii) The following uses are permitted within the Zone:</p> <p style="padding-left: 40px;">Dwelling House Rural Pursuit Home Occupation Public Utility</p> <p>(iii) All other uses are not permitted.</p>
SR2	<p>Special Rural Zone No 2</p> <p>Nelson Locations 439 and 1020</p> <p><i>AMD 3 GG 14/9/90</i></p>	<p>(a) Subdivision to be generally in accordance with the Subdivision Guide Plan marked No 2A and adopted by Council on February 16, 1990.</p> <p>(b) The following uses are permitted within the zone:</p> <p style="padding-left: 40px;">Single House Rural Pursuit Home Occupation Public Utility</p> <p>All other uses are not permitted.</p> <p>(c) With the intention of preventing land degradation, Council may with the advice of the Department of Agriculture, require removal of or reduction in the numbers of, stock on any lot within the Zone.</p> <p>(d) Any installation for the disposal of waste water or septic tank effluent shall not be located closer to the centre line of any definable watercourse than a distance of fifty metres.</p> <p>(e) Stream Protection Area The approved subdivision guideline plan shows a Stream Protection Area. Within this area, the following conditions will apply:</p> <p>(i) Dams may not be constructed, nor the flow of water artificially retarded unless with the prior approval of the Western Australian Water Authority (WAWA) and the Council. Dams existing prior to the gazettal of this amendment are to be maintained in a safe condition to the satisfaction of the WAWA and the Council and their use is to remain consistent with that existing prior to the amendment gazettal.</p> <p>(ii) Pumping or diversion of water from the Stream Protection Area is not permitted unless with the prior approval of the WAWA and the Council.</p> <p>(iii) Modification to a stream course, bed or banks is not permitted unless with the prior approval of the WAWA and Council.</p> <p>(iv) If, in the opinion of the WAWA and the Council, the activities of livestock within the Stream Protection Area are contributing to erosion, pollution of the stream or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR2	Special Rural Zone No 2 Nelson Locations 439 and 1020 (Continued) AMD 3 GG 14/9/90	(v) Cultivation of land or spraying of pesticides or herbicides, or the application of non-nitrogenous fertiliser is not permitted within 80 metres of any stream unless with the prior approval of the WAWA and the Council, but the provision does not preclude the carrying out of control for weeds or pests in accordance with the requirements of the Agriculture Protection Board.
SR2(a)	Special Rural Zone No 2(a) Lots 7, 8, 9, 10 and 11, portion of Nelson Location 1020 Henderson Road, Bridgetown AMD 32 GG 25/11/97	<p>Subdivision</p> <p>(1) Resubdivision of the lots shall generally be in accordance with the Subdivision Guide Plan dated 14/3/97 attached to the Scheme Amendment Report (Amendment 32).</p> <p>Land Use</p> <p>(2)(a) The following uses are permitted within the zone on the lots referred to above:</p> <p style="padding-left: 40px;">Single House Rural Pursuit Public Utility</p> <p>(b) The following uses are permitted with Council approval (AA uses) within the zone on the lots referred to above:</p> <p style="padding-left: 40px;">Home Occupation Cottage Industry</p> <p style="padding-left: 40px;">All other uses are not permitted:</p> <p>(3) With the intention of preventing land degradation, Council may with the advice of Agriculture Western Australia require removal of or reduction in the numbers of, stock on any lot within the Zone.</p> <p>Services</p> <p>(4) Landowners are required to provide their own liquid and solid waste disposal system to Council's specification and satisfaction.</p> <p>(5) Where required, specifications of potable water supply and waste disposal systems are to be submitted to Council with building plans and no building shall be considered fit for human habitation until the systems are installed and operating to Council's satisfaction.</p> <p>(6) Any installation for the disposal of waste water or septic tank effluent shall not be located closer to the centre line of any definable watercourse than a distance of fifty metres.</p> <p>Bush Fire Protection</p> <p>(7) The subdivider to ensure that there is adequate bush fire protection at the time of subdivision.</p> <p>Building Envelopes</p> <p>(8) No dwelling, house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.</p> <p>(9) Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an alternative building envelope.</p> <p>Existing Trees</p> <p>(10) Existing trees shall be retained on-site except for the provision of building envelopes, driveway or necessary fire breaks.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR2(a)	<p>Special Rural Zone No 2(a)</p> <p>Lots 7, 8, 9, 10 and 11, portion of Nelson Location 1020 Henderson Road, Bridgetown (Cont'd)</p> <p><i>AMD 32 GG 25/11/97</i></p>	<p>Tree Planting (11) At the time of development approval Council shall require the planting and maintenance for a period of 2 years, 50 trees of a species native to the area and capable of growing to at least 3 metres in height. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless otherwise stipulated by Council.</p> <p>Stream Protection (12) The approved subdivision guide plan shows a Stream Protection Area. Within this area the following conditions will apply:</p> <ul style="list-style-type: none"> (i) dams may not be constructed, nor the flow of water artificially retarded unless with the prior approval of the Waters and Rivers Commission and the Council. Dams existing prior to the gazettal of this amendment are to be maintained in a safe condition to the satisfaction of the Waters and Rivers Commission and the Council and their use is to remain consistent with that existing prior to the amendment gazettal; (ii) pumping or diversion of water from the Stream Protection Area is not permitted unless with the prior approval of the Waters and Rivers Commission and the Council. (iii) modification to a stream course, bed or banks is not permitted unless with the prior approval of the Waters and Rivers Commission and the Council; (iii) If, in the opinion of the Waters and Rivers Commission and the Council the activities of livestock within the Stream Protection Area are contributing to erosion, pollution of the stream or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom: (v) cultivation of land or spraying of pesticides or herbicides, or the application of non- nitrogenous fertiliser is not permitted within 80 metres of any stream unless with the prior approval of the Waters and Rivers Commission and the Council, but the provision does not preclude the carrying out of control for weeds or pests in accordance with the requirements of the Agriculture Protection Board. <p>Intending Purchasers (13) The owner of subdivider of the land shall inform prospective purchasers of those provisions relating to the land and such other provisions of the Scheme that may affect it.</p>
SR2(b)	<p>Special Rural Zone No. 2(b)</p> <p>Nelson Location 439 and</p> <p><i>AMD 23 GG 28/11/95</i> <i>AMD 32 GG 25/11/97</i></p>	<p>As for Amendment No 3</p> <p>Subdivision</p> <ol style="list-style-type: none"> 1. Subdivision to be generally in with the attached Subdivision guide Plan (BY93-19-3) endorsed by the Shire Clerk. 2. The minimum lot size shall be 2 hectares. 3. No further subdivision of lots shall be permitted. <p>Land Use</p> <ol style="list-style-type: none"> 4. The following uses are permitted within the zone - <ul style="list-style-type: none"> ▪ Single House ▪ Rural Pursuit ▪ Home Occupation ▪ Public Utility <p>All other uses are not permitted.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR2(b)	<p>Special Rural Zone No. 2(b)</p> <p>Nelson Location 439 and (Continued)</p> <p>AMD 23 GG 28/11/95 AMD 32 GG 25/11/97</p>	<p>5. With the intention of preventing land degradation, Council may, with the advice of the Department of Agriculture, require removal of, or reduction in the number of, stock on any lot within the zone.</p> <p>Services</p> <p>6. Landowners are required to provide their own liquid and solid waste disposal systems to Council's specification and satisfaction.</p> <p>7. Where required, specifications of potable water supply and waste disposal systems are to be submitted to Council with building plans and no building shall be considered fit for human habitation until the systems are installed and operating to Council's satisfaction.</p> <p>8. No installation for the disposal of waste water or septic tank effluent shall be located closer than 100 metres to the centreline of a definable water course or creek.</p> <p>Bush Fire Protection</p> <p>9. The subdivider to ensure that there is adequate bush fire protection at the time of subdivision.</p> <p>10. No proposed lot which comprises portion of an existing plantation shall be permitted to be created until such time as the plantation is harvested.</p> <p>Building Envelopes</p> <p>11. No dwelling house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.</p> <p>12. Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an alternative building envelope.</p> <p>Existing Trees</p> <p>13. Existing trees shall be retained on-site except for the provision of building envelopes, driveways or necessary fire breaks.</p> <p>14. No person shall remove any trees or shrubs within the "Tree Preservation Area" identified on the Sub-division Guide Plan without first having obtained the written approval of the Council.</p> <p>Tree Planting</p> <p>15. At the time of development approval Council shall require the planting and maintenance for a period of 2 years 50 trees of a species native to the area and capable of growing to at least 3 metres in height. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless otherwise stipulated by Council.</p> <p>Stream Protection</p> <p>16. The approved Subdivision Guide Plan shows a Stream Protection Area. Within this area the following conditions will apply -</p> <p>(i) Dams may not be constructed, nor the flow of water artificially retarded unless with the prior approval of the Water Authority of Western Australia (WAWA) and Council. Dams existing prior to the gazettal of this amendment are to be maintained in a safe condition to the satisfaction of the WAWA and the Council and their use is to remain consistent with that existing prior to gazettal of this Amendment.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR2(b)	Special Rural Zone No. 2(b) Nelson Location 439 and (Continued) AMD 23 GG 28/11/95 AMD 32 GG 25/11/97	<div style="display: flex; flex-direction: column; align-items: flex-start;"> <div style="margin-bottom: 10px;">(ii) Pumping or diversion of water from the Stream Protection Area is not permitted unless with the prior approval of the WAWA and the Council.</div> <div style="margin-bottom: 10px;">(iii) Modification to a stream course, bed or banks is not permitted unless with the prior approval of the WAWA and the Council.</div> <div style="margin-bottom: 10px;">(iv) If, in the opinion of WAWA and the Council, the activities of livestock within the Stream Protection Area are contributing to erosion, pollution of the stream or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom.</div> <div style="margin-bottom: 10px;">(v) Cultivation of land or spraying of pesticides or herbicides, or the application of non-nitrogenous fertiliser is not permitted unless with the prior approval of the WAWA and the Council, but the provision does not preclude the carrying out of control for weeds or pests in accordance with the requirements of the Agriculture Protection Board.</div> </div> <p>Intending Purchasers</p> <p>17. The owner or subdivider of the land shall inform prospective purchasers of those provisions relating to the land and such other provisions of the Scheme that may affect it.</p> <p>18. The owner or subdivider of the land shall inform prospective purchasers of that lot containing the old stone dairy and two-storey shed that Council shall require such persons to provide a written undertaking (to the satisfaction of the Council) ensuring the preservation of those buildings which Council considers to be of historical significance.</p>
SR3	Special Rural Zone No 3 Lots 3 & 4 Nelson Loc 199 AMD 8 GG 21/2/92	<p>Subdivision</p> <ol style="list-style-type: none"> 1. Subdivision to be generally in accordance with the Subdivision Guide Plan marked No 3 and endorsed by the Shire Clerk. 2. The minimum lot size shall be 1ha. 3. No further subdivision of lots shall occur. <p>Landuse</p> <ol style="list-style-type: none"> 4. The following uses are permitted within the zone: <div style="margin-left: 40px;"> Single House Rural Pursuit Home Occupation Public Utility </div> <p style="margin-left: 40px;">All other uses are not permitted.</p> 5. With the intention of preventing land degradation, Council may, with the advice of the Department of Agriculture, require removal of or reduction in the number of stock on any lot within the zone. <p>Services</p> <ol style="list-style-type: none"> 6. On lots over 2ha in area, landowners are required to provide their own potable water supply to Council's specification and satisfaction, from groundwater sources, rainwater catchment or a combination of both.

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR3	Special Rural Zone No 3 Lots 3 & 4 Nelson Loc 199 (Continued) AMD 8 GG 21/2/92	<p>7. Lots under 2ha in area are to be connected to a reticulated water supply.</p> <p>8. Landowners are required to provide their own liquid and solid waste disposal system to Council's specification and satisfaction.</p> <p>9. Where required, specifications of potable water supply and waste disposal systems are to be submitted to Council with building plans and no building shall be considered fit for human habitation until the systems are installed and operating to Council's specification.</p> <p>10. No installation for the disposal of waste water or septic tank effluent shall be located closer than 50 metres to the centreline of a definable water course or creek.</p> <p>Building Envelopes</p> <p>11. No dwelling house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.</p> <p>12. Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an alternative building envelope.</p> <p>Tree Planting</p> <p>13. At the time of development approval, each lot owner will be required to plant and maintain for a period of 2 years, 30 trees of a species native to the area and capable of growing to at least 3 metres in height.</p> <p>Stream Protection Area</p> <p>14. The approved subdivision guideline plan shows a Stream Protection Area. Within this area, the following conditions will apply:</p> <ul style="list-style-type: none"> (i) Dams may not be constructed, nor the flow of water artificially retarded unless with the prior approval of the Water Authority of Western Australia (WAWA) and Council. Dams existing prior to the gazettal of this amendment are to be maintained in a safe condition to the satisfaction of the WAWA and the Council and their use is to remain consistent with that existing prior to the amendments gazettal. (ii) Pumping or diversion of water from the Stream Protection Area is not permitted unless with the prior approval of the WAWA and the Council. (iii) Modification to a stream course, bed or banks is not permitted unless with the prior approval of the WAWA and the Council. (iv) If, in the opinion of the WAWA and the Council the activities of livestock within the Stream Protection Area are contributing to erosion, pollution of the stream or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom.
SR3	Special Rural Zone No 3 Lots 3 & 4 Nelson Loc 199 (Cont'd) AMD 8 GG 21/2/92	<p>(v) Cultivation of land or spraying of pesticides or herbicides, or the application of non-nitrogenous fertiliser is not permitted unless with the prior approval of the WAWA and the Council, but the provision does not preclude the carrying out of control for weeds or pests in accordance with the requirement of the Agriculture Protection Board.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR4	Nelson Location 151 and 285 Bridgetown AMD 10 GG 7/6/91	<div>1. Subdivision and development to be in accordance with the Plan of Subdivision adopted by Council as part of this Scheme.</div> <div>2. The following uses may be permitted within this Zone:<div><div>Single HouseP</div><div>Home OccupationAA</div><div>Public UtilityAA</div><div>Rural PursuitP</div><div>Cottage IndustryAA</div></div><div>All other uses are not permitted</div></div> <div>3. The keeping of livestock and poultry for commercial gain is prohibited.</div>
SR5	Pt Lot 2 Nelson Loc 199 May Street, Bridgetown AMD 42 GG 31/8/99	<div>Subdivision<div>1. Subdivision is to be generally in accordance with the Subdivision Guide Plan dated December 1998 attached to the Scheme Amendment Report (Am.No.42.)</div><div>2. The minimum lot size shall be 1 Ha, except where shown otherwise on the guideplan.</div><div>3. No further subdivision of lots shall be permitted.</div></div> <div>Landuse<div>4. The following uses are permitted within the zone:<div><div>- Single House</div><div>- Rural Pursuit</div><div>- Home Occupation</div><div>- Public Utility</div></div><div>All other uses are prohibited.</div></div></div> <div>Building Envelopes<div>5. Unless otherwise approved by Council all buildings shall be located within the building envelope as defined on the Subdivision Guide Plan.</div></div> <div>Servicing<div>6. Conventional onsite effluent disposal systems shall have a minimum separation of 2 metres from the base of the septic tank/leach drain and the highest known ground water table or bedrock and be setback a minimum of 30 metres to any water course.<div>Notwithstanding, onsite effluent disposal systems shall be provided to the satisfaction of the Local Authority and the Health Department of Western Australia.</div></div><div>7. No dwelling house shall be occupied unless it is connected to either a water storage tank of a minimum capacity of 92,000 litres or to the reticulated town water supply.</div><div>8. Overhead powerlines traversing the land are to be relocated and placed underground, at the time of subdivision, to the satisfaction of Western Power.</div></div>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR5	<p>Pt Lot 2 Nelson Loc 199 May Street, Bridgetown (Continued)</p> <p>AMD 42 GG 31/8/99</p>	<p>9. A reticulated public water supply shall be provided to all lots having an area less than 2ha as a condition of subdivision approval.</p> <p>Stocking Rates</p> <p>10. With the intention of preventing land degradation, Council may with the advice of Agriculture WA, and by the serving of a notice on the owner and/or occupier of any lot, require removal of, or reduction in, the number of stock on any lot.</p> <p>Vegetation Protection and Tree Planting</p> <p>11. No trees or substantial vegetation shall be felled or removed from the site except where:-</p> <ul style="list-style-type: none"> • required for approved development works; • the establishment of a firebreak is required by regulation or by-law; or • trees are dead, diseased or dangerous. <p>12. Council may request the Western Australian Planning Commission to impose a condition requiring the revegetation of the Stream Protection Area to the satisfaction and specification of Council at the time of subdivision.</p> <p>13. There shall be no clearing within 15 metres of the centreline of the seasonal water course.</p> <p>14. On lots substantially denuded or natural vegetation, Council may require as a condition of building approval, the planting and maintenance of 30 native trees and shrubs capable of growing to not less than three metres in height and located so as to screen the proposed development from surrounding properties.</p> <p>Stream Protection</p> <p>15. Within the Stream Protection Area shown on the Subdivision Guide Plan the following conditions will apply:</p> <ul style="list-style-type: none"> (i) Dams may not be constructed, nor the flow of water artificially retarded without the prior approval of the Waters and Rivers Commission and the Council. (ii) Modifications to a stream course, bed or banks is not permitted unless without the prior approval of the Waters and Rivers Commission and Council. <p>Fire Protection</p> <p>16. The Council may request the Western Australian Planning Commission to impose a condition, at the time of subdivision, requiring the subdivider to prepare and implement a Fire Management Plan to ensure adequate fire protection.</p> <p>Notification</p> <p>17. Council shall require the owner or subdivider of the land to inform prospective purchasers of those provisions relating to the land and such other provisions of the Scheme that may affect it.</p>
SR6	<p>Portion of Nelson Locations 1046, 1047 and Lots 4, 5, 6, 7, 8, 9, 10 and 11 South Western Highway, including Lot 150 Sunridge Drive, Bridgetown</p> <p>AMD 35 GG 14/9/99 AMD 69 GG 4/11/16</p>	<p>a) Subdivision to be generally in accordance with the Subdivision Guide Plan (92-063-06) adopted by Council attached to the Scheme Amendment Report (Amendment No. 35).</p> <p>Subdivision</p> <p>(b) At the time of subdivision Council will request the Western Australian Planning Commission that no further subdivision of the lots shown on the Subdivision Guide Plan be permitted.</p> <p>(c) Council will request the Western Australian Planning Commission to impose a road construction condition for the portion of Whittells Road between Woodlands View and Stephens Street at the time of subdivision.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR6	<p>Portion of Nelson Locations 1046, 1047 and Lots 4, 5, 6, 7, 8, 9, 10 and 11 South Western Highway, Bridgetown (Continued)</p> <p>AMD 35 GG 14/9/99 AMD 69 GG 4/11/16</p>	<p>Landuse</p> <p>(d) The following uses are permitted within the zone:</p> <p style="padding-left: 40px;">Single House Rural Pursuit Public Utility</p> <p>The following uses are 'AA' uses in the zone:</p> <p style="padding-left: 40px;">Home Occupation Cottage Industry Aged Persons Dwellings</p> <p>(e) In addition to normal setbacks under the Town Planning Scheme all buildings on the lots along the eastern boundary of the subject land must be setback up to 200 100 metres from the eastern boundary as illustrated on the Subdivision Guide Plan. AMD 69 GG 4/11/16</p> <p>Protection of Water Course</p> <p>(f) The approved subdivision Guide Plan shows a Stream Protection Area, the following conditions will apply:</p> <p style="padding-left: 40px;">(i) Dams may not be constructed, nor the flow of water artificially retarded unless with the prior approval of the Water and Rivers Commission and the Council.</p> <p style="padding-left: 80px;">Dams existing prior to the gazettal of this amendment are to be maintained in a safe condition to the satisfaction of the Waters and Rivers Commission and the Council and their use is to remain consistent with that existing prior to the amendment gazettal.</p> <p style="padding-left: 40px;">(ii) Pumping or diversion of water from the Stream Protection Area is not permitted unless with the prior approval of the Waters and Rivers Commission and the Council.</p> <p style="padding-left: 40px;">(iii) Modifications to a stream course, bed or banks is not permitted unless with the prior approval of the Waters and Rivers Commission and Council.</p> <p>Servicing</p> <p>(g) On site effluent disposal systems to be provide to the satisfaction of the Local Authority and the Health Department of Western Australia.</p> <p>(h) Council will request the Western Australian Planning Commission to impose a condition requiring the subdivider to construct dams and drainage lines for control, disposal and storage of stormwater. The construction of these dams shall be at the time of subdivision and arrangements shall be made for the placement of easements or other mechanisms to ensure the long term retention and preservation of these stormwater catchment facilities.</p> <p>(i) Prior to the occupation of any dwelling house it shall be connected to an adequate supply of underground potable water, being water in which the levels of the physical, chemical or bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards of Drinking Water, Third Edition, World Health Organisation, 1971' or which has been approved by the Council subject to any conditions which may have been laid down by the Commissioner of Public Health and Medical Services; or in the absence of such a supply of underground potable water, to provide in lieu thereof, a rainwater tank of not less than 92,000 litre capacity.</p> <p>Stocking Rates</p> <p>(j) With the intention of preventing land degradation, Council may with the advice of the Department of Agriculture, and by the serving of a notice on the owner and/or occupier of any lot, require removal of, or reduction in, the number of stock on any lot.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT											
SR6	Portion of Nelson Locations 1046, 1047 and Lots 4, 5, 6, 7, 8, 9, 10 and 11 South Western Highway, Bridgetown (Cont'd) AMD 35 GG 14/9/99 AMD 69 GG 4/11/16	<p>Vegetation Protection and Tree Planting</p> <p>(k) No trees or substantial vegetation shall be felled or removed from the site except where:</p> <ul style="list-style-type: none">• required for approved development works;• the establishment of a firebreak is required by regulation or by-law; or• trees are dead, diseased or dangerous. <p>(l) Council will request the Western Australian Planning Commission to impose a condition requiring the revegetation of the Stream Protection Area. Additionally a building envelope for proposed Lot 7 is to be appropriately identified and located to avoid any potential for habitat loss or biodiversity impacts within the stream protection area from building, construction or bushfire protection works. AMD 69 GG 4/11/16</p> <p>(m) There shall be no clearing within 15 metres of the centreline of the seasonal water course.</p> <p>(n) On lots substantially denuded or natural vegetation, Council will require as a condition of building approval, the planting and maintenance of 30 native trees and shrubs capable of growing to not less than three metres in height.</p> <p>Fire Protection</p> <p>(o) Council will request the Western Australian Planning Commission to impose a condition requiring satisfactory arrangements to be made to ensure adequate ongoing long term fire protection at the time of subdivision.</p> <p>(p) Council shall require the owner or subdivider of the land to inform prospective purchasers of those provisions relating to the land and such other provisions of the Scheme that may affect it.</p> <p>(q) At the time of subdivision building envelopes are to be identified for all lots. There is to be a minimum setback for building envelopes of 75 metres for all lots adjoining the boundary of the railway reserve.</p> <p>(r) Council will request the Western Australian Planning Commission to impose a condition that suitable arrangements are made to ensure that prospective purchasers and/or successors in title of the lots created will be advised of the existence of the adjoining railway line and the potential need to consider residential building design to minimise noise impacts associated with the railway line.</p>											
SR7	Part Nelson Locations 227 and 295 Bridgetown AMD 10 GG 7/6/91	<p>1. Subdivision and development to be generally in accordance with the Plan of Subdivision adopted by Council as part of this Scheme.</p> <p>2. The following uses may be permitted in this Zone:</p> <table><tr><td>Single House</td><td>P</td></tr><tr><td>Home Occupation</td><td>AA</td></tr><tr><td>Public Utility</td><td>P</td></tr><tr><td>Rural Pursuit</td><td>P</td></tr><tr><td>Cottage Industry</td><td>AA</td></tr></table> <p>3. The keeping of livestock and poultry for commercial gain is prohibited.</p>		Single House	P	Home Occupation	AA	Public Utility	P	Rural Pursuit	P	Cottage Industry	AA
Single House	P												
Home Occupation	AA												
Public Utility	P												
Rural Pursuit	P												
Cottage Industry	AA												

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT	
SR8	Tweed Location 902 AMD 10 GG 7/6/91	1.	Subdivision to be in accordance with the Plan of Subdivision adopted by Council.
		2.	The following uses may be permitted within this Zone: Single House P Home Occupation AA Public Utility AA Rural Pursuit P Cottage Industry AA All other uses are not permitted.
		3.	The keeping of livestock and poultry for commercial gain is prohibited.
SR9	Nelson Location 152, 4ha northern portion Part Lot 1 AMD 13 GG 20/9/91	(a)	Subdivision to be in general accordance with the Subdivision Guide Plan marked No 1 and adopted on September 28, 1990.
		(b)	The following uses are permitted within the zone: Dwelling (Single House) Rural Occupation Home Occupation Stables Public Utility All other uses are not permitted.
		(c)	With the intention of preventing land degradation, Council may, with the advice of the Department of Agriculture, require removal of, or reduction in the numbers of, stock on any lot within the zone.
		(d)	Stream Protection Area The subdivision guide plan shows a Stream Protection Area. Within this area the following conditions will apply: (i) Dams may not be constructed, nor the flow of water artificially retarded unless with the prior approval of the Western Australian Water Authority (WAWA) and the Council. Dams existing prior to the gazettal of this amendment are to be maintained in a safe condition to the satisfaction of the WAWA and the Council and their use is to remain consistent with that existing prior to the amendment gazettal. (ii) Pumping or diversion of water from the Stream Protection Area is not permitted unless with the prior approval of the WAWA and the Council. (iii) Modification to a stream course, bed or banks is not permitted unless with prior approval of the WAWA and the Council. (iv) If, in the opinion of the WAWA and the Council, the activities of livestock within the Stream Protection Area are contributing to erosion, pollution of the stream or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. (v) Cultivation of land or spraying of pesticides or herbicides, or the application of non-nitrogenous fertiliser is not permitted within 80 metres of any stream unless with the prior approval of the WAWA and the council, but the provision does not preclude the carrying out of control for weeds or pests in accordance with the requirements of the Agriculture Protection Board.

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT	
SR10	Part Nelson Locations 295 and 227	(i)	Submission shall be generally in accordance with the subdivision guide plan adopted for the zone by the Council.
	Lot 1 of Nelson Location 296	(ii)	Uses permitted within the zone are:
			Dwelling (Single House) (P)
	Rural Pursuit (P)		
	Home Occupation (AA)		
	Cottage Industry (AA)		
	Other uses not listed above are not permitted.		
	(iii)	Notwithstanding the provisions of Clause 4.5.7 of the Scheme, felling or destruction of trees, except for those which are dead, diseased or dangerous, is, with the approval of Council, restricted to an area necessary for the erection of a dwelling and a distance of twenty metres surrounding the dwelling for the purpose of fire protection.	
	(iv)	Council may grant approval to variation of the position of any firebreak required by a regulation or bylaw in order to avoid destruction of trees.	
	(v)	A strategic firebreak in the position shown on the approved subdivision guide plan shall be constructed and maintained by the owner of a lot within which it is shown in addition to, or in replacement of, firebreaks required by regulation or bylaw, and where the strategic firebreak crosses a fence, a gate shall be provided to the satisfaction of Council in order to permit access along the firebreak for the movement of fire fighting vehicles.	
(vi)	Any installation for the disposal of waste water or septic tank effluent shall not be located closer to the centre line of any definable watercourse than a distance of fifty metres.		
AMD 7 GG 10/1/92	(vii)	Stream Protection Area	
	(a)	Dams may not be constructed, nor the flow of water artificially retarded unless with the prior approval of the Western Australian Water Authority (WAWA) and the Council. Dams existing prior to the gazettal of this amendment are to be maintained in a safe condition to the satisfaction of the WAWA and the Council and their use is to remain consistent with that existing prior to the amendment gazettal.	
	(b)	Pumping or diversion of water from the Stream Protection Area is not permitted unless with the prior approval of the WAWA and the Council.	
	(c)	Modification to a stream course, bed or banks is not permitted unless with the prior approval of the WAWA and the Council.	
	(d)	If, in the opinion of the WAWA and the Council, the activities of livestock within the Stream Protection Area are contributing to erosion, pollution of the stream or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom.	

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR10	<p>Part Nelson Locations 295 and 227 Lot 1 of Nelson Location 296 (Continued)</p> <p>AMD 7 GG 10/1/92</p>	<p>(e) Cultivation of land or spraying of pesticides or herbicides, or the application of non-nitrogenous fertiliser is not permitted within 80 metres of any stream unless with the prior approval of the WAWA and the Council, but the provision does not preclude the carrying out of control for weeds or pests in accordance with the requirements of the Agriculture Protection Board.</p> <p>(viii) Landowners are required to provide their own potable water supply to Council's specification and satisfaction, from rain water catchment or alternative sources acceptable to Council.</p>
SR11	<p>Nelson Locations 273, 1102 and 1102</p> <p>AMD 11 GG 17/1/92</p>	<p>Subdivision</p> <ol style="list-style-type: none"> Subdivision is to be generally in accordance with the attached Subdivision Guide Plan endorsed by the Shire Clerk. The minimum lot size shall be 1ha. No further subdivision of lots shall occur. <p>Land Use</p> <ol style="list-style-type: none"> The following uses are permitted within the zone: <ul style="list-style-type: none"> Single House Rural Pursuit Home Occupation Public Utility <p>All other uses are not permitted.</p> With the intention of preventing land degradation, Council may, with the advice of the Department of Agriculture, require removal of, or reduction in the number of, stock on any lot within the zone. Application of fertiliser rates should be in accordance with on-site soil testing with reference to the West Australian Department of Agriculture. All native vegetation to be retained except where services and buildings are to be located. <p>Services</p> <ol style="list-style-type: none"> On lots over 2ha in area, landowners are required to provide their own potable water supply to Council's specification and satisfaction, from groundwater sources, rainwater catchment or a combination of both. Lots under 2ha in area are to be connected to a reticulated water supply. Landowners are required to provide their own liquid and solid waste disposal system to Council's specification and satisfaction. Where required, specifications of potable water supply and waste disposal systems are to be submitted to Council with building plans and no building shall be considered fit for human habitation until the systems are installed and operating to Council's specification. No installation for the disposal of waste water or septic tank effluent shall be located closer than 100 metres to the centreline of a definable water course or creek.

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR11	<p>Nelson Locations 273, 1102 and 1102 (Continued)</p> <p>AMD 11 GG 17/1/92</p>	<p>13. A minimum clearance of two metres between the base of the septic leach drain and the highest known ground water table or bedrock must be achieved.</p> <p>14. Drainage services, buildings and developments on each lot must be maintained separate from the septic tank system and be contained on-site.</p> <p>15. (i) The subdivider shall pay all costs necessary to reticulate the Subdivision with mains power supply. (ii) The existing circuits shall be relocated into road reserves at the subdivider's cost. (iv) Electrical reticulation will utilise the road reserve. The subdivider shall provide vegetation clearing to SECWA's specification, at his cost.</p> <p>Bush Fire Protection</p> <p>16. The subdivider shall provide a hardstand and bushfire appliance filling facility to the specification and satisfaction of the Bush Fires Board and Council at the site indicated on the Subdivision Guide Plan or suitable alternative site.</p> <p>Building Envelopes</p> <p>17. No dwelling house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.</p> <p>18. Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an alternative building envelope.</p> <p>Tree Planting</p> <p>19. At the time of development approval, each lot owner will be required to plant and maintain for a period of 2 years, 50 trees of a species native to the area and capable of growing to at least 3 metres in height.</p> <p>20. Lots 5, 10, 11 and 12 on the subdivision concept plan must concentrate revegetation on the steep slopes and ridge lines.</p> <p>21. The approved subdivision guide plan shows a Stream Protection Area. Within this area, the following conditions will apply:</p> <p>(i) Dams may not be constructed, nor the flow of water artificially retarded unless with the prior approval of the Water Authority of Western Australia (WAWA) and Council. Dams existing prior to the gazettal of this amendment are to be maintained in a safe condition to the satisfaction of the WAWA and the Council and their use is to remain consistent with that existing prior to the amendments gazettal.</p> <p>(ii) Pumping or diversion of water from the Stream Protection Area is not permitted unless with the prior approval of the WAWA and the Council.</p> <p>(iii) Modification to a stream course, bed or banks is not permitted unless with the prior approval of the WAWA and the Council.</p> <p>(iv) If, in the opinion of the WAWA and the Council the activities of livestock within the Stream Protection Area are contributing to erosion, pollution of the stream or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR11	<p>Nelson Locations 273, 1102 and 1102 (Continued)</p> <p>AMD 11 GG 17/1/92</p>	<p>(v) Cultivation of land or spraying of pesticides or herbicides, or the application of non-nitrogenous fertiliser is not permitted unless with the prior approval of the WAWA and the Council, but the provision does not preclude the carrying out of control for weeds or pests in accordance with the requirements of the Agriculture Protection Board.</p> <p>Boundary Fencing</p> <p>22. To prevent destabilising of the rock outcrop between Lots 10 and 11 any fencing must be to the satisfaction of the Local Authority and the West Australian Department of Agriculture.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR12	<p>Lot 20 Part Nelson Location 1961</p> <p>AMD 15 GG 8/1/93 AMD 67 GG 9/10/09</p>	<p>(a) Subdivision to be generally in accordance with the Subdivision Guide Plan endorsed by the Local Government and Western Australian Planning Commission.</p> <p>(c) The following uses are permitted within the zone:</p> <p style="padding-left: 40px;">Single House Rural Pursuit Home Occupation Public Utility</p> <p>All other uses are not permitted.</p> <p>(d) With the intention of preventing land degradation, Council may, with the advice of the Department of Agriculture, require removal of, or reduction in the numbers of, stock on any lot within the zone.</p> <p>(e) Landowners are required to provide their own liquid and solid wastes disposal system to Council's specification and satisfaction.</p> <p>(f) Where required, specifications of potable water supply and waste disposal systems are to be submitted to Council with building plans and no building shall be considered fit for human habitation until the systems are installed and operating to Council's specification.</p> <p>(g) No dwelling house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.</p> <p>(h) Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an alternative building envelope.</p> <p>(i) The Local Government may at the subdivision stage request the Western Australian Planning commission to impose a condition requiring the subdivider to prepare and implement a Landscape Management Plan to the satisfaction of the Local Government. The Plan is to include the measures outlined in the Remnant Native Vegetation Management Plan which is appended to Scheme Amendment No. 67.</p> <p>(j) No vegetation shall be cleared within an allotment except for the purposes of:</p> <ul style="list-style-type: none"> • compliance with the requirements of the <i>Bush Fire Act 1954</i> (as amended); • compliance with an approved Fire Management Plan; • constructing vehicular access way(s), the location of which is to be approved by the Local Government; • clearing an approved building envelope; and • removing dead, diseased or dangerous trees.

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR12	<p>Lot 20 Part Nelson Location 1961 (Cont'd)</p> <p><i>AMD 15 GG 8/1/93</i> <i>AMD 67 GG 9/10/09</i></p>	<p>(k) The Local government may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to enter into a restrictive covenant for the purposes of restricting access onto Hester Road. The cost of preparing the restrictive covenant is to be borne by the subdivider.</p> <p>(l) The Local Government may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Fire Management Plan to the satisfaction of the Local Government and the Fire and Emergency Services Authority.</p> <p>(m) The Local Government may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to inform prospective purchasers of the provisions relating to the land and such other provisions of the Scheme that may affect it.</p> <p>(n) The Local Government may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to install uniform fencing along the western boundary of the subject lot to prevent direct vehicular access to the adjoining Public Open Space reserve and access to the South Western Highway, to the satisfaction of the Mains Roads Western Australia.</p> <p>(o) The Local Government may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to undertake a preliminary site investigation of the subject lot, prior to any ground disturbing activities, to determine the extent and severity of any contamination of the proposed lots and if the site is found to be contaminated as a result of this investigation, then a 'Site Remediation and Validation Report' should be prepared and implemented to the satisfaction of the Department of Environment and Conservation Contamination Sites Branch.</p>
SR13	<p>Nelson Location 612</p> <p><i>AMD 18 GG 21/5/93</i></p>	<p>Subdivision</p> <ol style="list-style-type: none"> Subdivision is to be generally in accordance with the attached Subdivision Guide Plan (BY91-11-2) endorsed by the Shire Clerk. The minimum lot size shall be 1ha. No further subdivision of lots shall occur. <p>Landuse</p> <ol style="list-style-type: none"> The following uses are permitted within the zone: <ul style="list-style-type: none"> Single House Rural Pursuit Home Occupation Public Utility <p>All other uses are not permitted.</p> <p>Services</p> <ol style="list-style-type: none"> On lots over 2ha in area, landowners are required to provide their own potable water supply to Council's specification and satisfaction, from groundwater sources, rainwater catchment or a combination of both.

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR13	<p>Nelson Location 612</p> <p>AMD 18 GG 21/5/93</p>	<p>7. Lots under 2ha in area are to be connected to a reticulated water supply.</p> <p>8. Landowners are required to provide their own liquid and solid waste disposal systems to Council's specification and satisfaction.</p> <p>9. Where required, specifications of potable water supply and waste disposal systems are to be submitted to Council with building plans and no building shall be considered for human habitation until the systems are installed and operating to Council's satisfaction.</p> <p>10. No installation for the disposal of waste water or septic tank effluent shall be located closer than 100 metres to the centreline of a definable water course or creek.</p> <p>Bush Fire Prevention</p> <p>11. The subdivider will contribute to the provision of bush fire fighting facilities to the specification and satisfaction of the Bush Fires Board and Council at the time of subdivision.</p> <p>Building Envelopes</p> <p>12. No dwelling house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.</p> <p>13. Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an alternative building envelope.</p> <p>Existing Trees</p> <p>14. Existing trees to be retained on-site except for the provision of building envelopes, driveways or necessary fire breaks.</p> <p>Tree Planting</p> <p>15. At the time of development approval each lot owner will be required to plant and maintain for a period of 2 years, 50 trees of a species native to the area and capable of growing to at least 3 metres in height.</p> <p>Stream Protection</p> <p>16. The approved subdivision guide plan shows a Stream Protection Area. Within this area, the following conditions will apply:</p> <p>(i) Dams may not be constructed, nor the flow of water artificially retarded unless with the prior approval of the Water Authority of Western Australia (WAWA) and Council. Dams existing prior to the gazettal of this amendment are to be maintained in a safe condition to the satisfaction of the WAWA and the Council and their use is to remain consistent with that existing prior to the amendments gazettal</p> <p>(ii) Pumping or diversion of water from the Stream Protection Area is not permitted unless with the prior approval of the WAWA and the Council.</p> <p>(iii) Modification to a stream course, bed or banks is not permitted unless with the prior approval of the WAWA and the Council.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR13	Nelson Location 612 (Cont'd) AMD 18 GG 21/5/93	<p>(iv) If, in the opinion of WAWA and the Council, the activities of livestock within the Stream Protection Area are contribution to erosion, pollution of the stream or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom.</p> <p>(v) Cultivation of land or spraying or pesticides or herbicides, or the application of non-nitrogenous fertiliser is not permitted unless with the prior approval of the WAWA and the Council, but the provision does not preclude the carrying out of control for weeds or pests in accordance with the requirements of the Agriculture Protection Board.</p>
SR14	Nelson Location 656 AMD 14 GG 8/3/94	<p>Subdivision</p> <ol style="list-style-type: none"> Subdivision is to be generally in accordance with the attached Subdivision Guide Plan endorsed by the Shire Clerk. The minimum lot size shall be 2ha. No further subdivision of lots shall occur. <p>Landuse</p> <ol style="list-style-type: none"> The following uses are permitted within the zone: <ul style="list-style-type: none"> Single House Rural Pursuit Home Occupation Public Utility <p>All other uses are not permitted.</p> With the intention of preventing land degradation, Council may, with the advice of the Department of Agriculture, require removal of, or reduction in the number of, stock on any lot within the zone. <p>Services</p> <ol style="list-style-type: none"> Unless connected to reticulated water, landowners are required to provide their own potable water supply to Council's specification and satisfaction, from groundwater sources, rainwater catchment or a combination of both. Landowners are required to provide their own liquid and solid waste disposal system to Council's specification and satisfaction. Where required, specifications of potable water supply and waste disposal systems are to be submitted to Council with building plans and no building shall be considered fit for human habitation until the systems are installed and operating to Council's specification. No installation for the disposal of waste water or septic tank effluent shall be located closer than 100 metres to the centreline of a definable water course or creek and shall have a minimum vertical clearance of 2 metres from the highest known groundwater table or bedrock. <p>Bush Fire Protection</p> <ol style="list-style-type: none"> The subdivider shall provide a hardstand and bushfire applicant filling facility to the specification and satisfaction of the Bushfires Board and Council at the site indicated on the Subdivision Guide Plan or suitable alternative site.

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR14	<p>Nelson Location 656 (Cont'd)</p> <p>AMD 14 GG 8/3/94</p>	<p>11. Council may specify the use of alternative firebreaks such as mown grass where it considers it necessary to reduce potential for erosion.</p> <p>Building Envelopes</p> <p>12. No dwelling house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.</p> <p>13. Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an alternative building envelope.</p> <p>Tree Planting</p> <p>14. At the time of development approval, each lot owner will be required to plant and maintain for a period of 2 years, 50 trees of a species native to the area and capable of growing to at least 3 metres in height.</p> <p>Cut and Fill</p> <p>15. Where in the opinion of Council, slopes are steep, developments which require cut and fill will be prohibited.</p> <p>Soil Testing</p> <p>16. At the time of subdivision the subdivider shall undertake soil testing for residual organochlorine pesticides and in the event that they are found present, make arrangements satisfactory to the Department of Agriculture to ensure prospective purchasers are advised and made aware of the resulting limitations on land use.</p>
SR15	<p>Portion of Nelson Location 1442</p> <p>AMD 29 GG 12/3/96</p>	<p>Subdivision</p> <p>1. Subdivision to be generally in accordance with the attached Subdivision Guide Plan (BY94-99-1) endorsed by the Shire clerk.</p> <p>2. The minimum lot size that Council shall recommend is 2 hectares.</p> <p>3. No further subdivision of lots shall be permitted.</p> <p>Land Use</p> <p>4. The following uses are permitted with the zone:</p> <ul style="list-style-type: none"> - Single House - Rural Pursuit - Home Occupation - Public Utility <p>All other uses are not permitted.</p> <p>5. With the intention of preventing land degradation, Council may, with the advice of the department of Agriculture, require removal of, or reduction, in the number of stock on any lot within the zone.</p> <p>6. Where existing earth banks for the control of surface runoff and erosion cross proposed new lot boundaries, a 3 metre section is to be removed to prevent runoff to adjoining properties.</p> <p>Development</p> <p>7. Where the physical constraints of a site dictate, Council shall require the use of alternative construction techniques (eg pole housing) which minimise the necessity of excavation works and the potential for erosion.</p> <p>Services</p> <p>8. Land owners are required to provide their own liquid and solid waste disposal systems to the specification and satisfaction of Council.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR15	<p>Portion of Nelson Location 1442</p> <p>AMD 29 GG 12/3/96</p>	<p>9. Where required, specifications of potable water supply and waste disposal systems are to be submitted to Council with building plans and no building shall be considered fit for human habitation until the systems are installed and operating to Council's satisfaction.</p> <p>10. No installation for the disposal of waste water or septic tank effluent shall be located closer than 100 metres to the centreline of a definable water course or creek. Where the physical constraints of a site dictate, Council may require the installation of alternative on-site effluent disposal units to the satisfaction of the Health Department.</p> <p>Building Envelopes</p> <p>11. No dwelling house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.</p> <p>12. Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an alternative building envelope.</p> <p>Existing Trees</p> <p>13. Existing trees shall be retained on-site except for the provision of building envelopes, driveways or necessary fire breaks.</p> <p>Tree Planting</p> <p>14. At the time of development approval Council shall require land owners to plant and maintain (for a period of 2 years) to trees of a species native to the area and capable of growing to at least 3 metres in height. The planting shall be concentrated around the proposed building and between the street alignment and the building setback line unless otherwise stipulated by Council.\</p> <p>Intending Purchasers</p> <p>15. The owner or subdivider of the land shall inform prospective purchasers:</p> <p style="padding-left: 40px;">(i) of those provisions relating to the land and such other provisions of the Scheme that may affect it.</p> <p style="padding-left: 40px;">(ii) of that lot containing the old stone farm shed that Council shall require such persons to provide a written undertaking (to the satisfaction of the Council) ensuring the preservation of the building which Council considers to be of historical significance</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR16	<p>Portion of Nelson Location 8757 and portion of Nelson Location 11949 Greenbushes - Grimwald Road, North Greenbushes.</p> <p>AMD 46 GG 3/8/01</p>	<p>Subdivision</p> <ol style="list-style-type: none"> Subdivision shall be generally in accordance with the Subdivision Guide Plan (titled BY94-96-2) endorsed by the Shire Clerk. The minimum lot size requested by Council at subdivision shall be 2 hectares. No further subdivision of lots shall be permitted. <p>Buildings and Structures</p> <ol style="list-style-type: none"> The maximum height of any building shall be 9 metres measured vertically from the natural ground level. Water tanks required by these provisions, which are visible from any location outside the allotment on which they are situated, shall be painted an appropriate shade of green and/or suitably screened by vegetation and/or treated in such a way to minimise visual impact to the satisfaction of the Council. <p>Building Envelope and Building Exclusion Areas</p> <ol style="list-style-type: none"> Unless otherwise approved by Council all buildings and structures are to be located within the Building Envelope indicated on the Subdivision Guide Plan and shall be contained in an area not greater than 4000m². Unless otherwise approved by Council no buildings, structures or effluent disposal systems may be constructed within the 'Building Exclusion Area' unless otherwise depicted on the Subdivision Guide Plan. The Building Exclusion Areas for each of the lots shall be in accordance with those areas identified on the Subdivision Guide Plan. <p>Services</p> <ol style="list-style-type: none"> Prior to occupation of any dwelling, landowners are required to provide their own liquid and solid waste disposal systems to Council's and the Department of Health's specification and satisfaction. The minimum vertical clearance between the underside of any leach drain and the highest known water table on any lot shall be 2.0 metres and shall not be constructed closer than 100 metres to the seasonal water course or 30 metres from any dam. Prior to the occupation of any dwelling house it shall be connected to an adequate supply of underground potable water, being water in which the levels of the physical, chemical or bacteriological constituents do not exceed the maximum permissible levels set out in '>International Standards for Drinking Water, Third Edition, World Health Organisation, 1971' or which has been approved by the Council subject to any conditions which may have been laid down by the Commissioner of Public Health and Medical Services; or in the absence of such supply of underground potable water, to provide in lieu thereof, a rainwater tank of not less than 92,000 litre capacity.

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR16	<p>Portion of Nelson Location 8757 and portion of Nelson Location 11949 Greenbushes - Grimwald Road, North Greenbushes. (Cont'd)</p> <p>AMD 46 GG 3/8/01</p>	<p>Bush Fire Protection</p> <p>11. Satisfactory arrangements with Council and the Bush Fires Board shall be required to ensure adequate long term fire protection.</p> <p>Fencing</p> <p>12. Boundary fencing shall be post and four strand wire, 1.0 metre to 1.3 metre high, or post and ring lock or similar as approved by Council. Solid fencing such as Super 6, metal sheeting or pickets shall not be permitted on boundaries and only permitted in proximity to buildings where Council determines that it will not adversely affect the rural amenity of the area.</p> <p>13. On those lots through which the seasonal water course passes, Council shall require land owners to erect and maintain a fence of that standard specified in provision 13 above in order to protect the water course and fringing areas and exclude livestock there from.</p> <p>Vegetation Protection and Tree Planting</p> <p>14. No trees or substantial vegetation shall be felled or removed from the site except where:</p> <ul style="list-style-type: none"> • required for approved development works; • the establishment of a firebreak is required by regulation or by-law; • trees are dead, diseased or dangerous. <p>15. There shall be no clearing within 15 metres of the centreline of the seasonal water course.</p> <p>16. On lots substantially denuded or natural vegetation, Council will require as a condition of building approval, the planting and maintenance of 50 native trees and shrubs capable of growing to not less than three metres in height.</p> <p>Stocking Rates</p> <p>17. With the intention of preventing land degradation, Council may with the advice of the Department of Agriculture, and by the serving of a notice on the owner and/or occupier of any lot, require removal of, or reduction in, the number of stock on any lot.</p> <p>Landuse</p> <p>18. The following uses are permitted 'P':</p> <ul style="list-style-type: none"> • Single House • Public Utility • Rural Pursuit <p>The following uses are 'AA' uses, which are not permitted unless Council grants planning consent:</p> <ul style="list-style-type: none"> • Home Occupation <p>All other uses are not permitted.</p> <p>Protection of the Watercourse</p> <p>19. No new dams may be constructed, nor the flow of water artificially retarded unless with the prior approval of the Water Authority of Western Australia (WAWA) and Council. Dams existing prior to the gazettal of this amendment are to be maintained in a safe condition to the satisfaction of the WAWA and the Council.</p> <p>20. Pumping or diversion of water from the watercourse is not permitted unless with the prior approval of the WAWA and the Council.</p> <p>21. Modification to a stream course, bed or banks is not permitted unless with the prior approval of the WAWA and the Council.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

(a) LOCATION OF ZONE		(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR16	<p>Portion of Nelson Location 8757 and portion of Nelson Location 11949 Greenbushes - Grimwald Road, North Greenbushes. (Cont'd)</p> <p>AMD 46 GG 3/8/01</p>	<p>22. Cultivation of land or spraying of pesticides or herbicides, or the application of non-nitrogenous fertiliser is not permitted unless with the prior approval of the WAWA and the Council, but the provision does not preclude the carrying out of control for weeds or pests in accordance with the requirements of the Agriculture Protection Board.</p> <p>23. Access to Lots, 1, 12 and 15 shall be sited, designed and constructed to the specification and satisfaction of the Local Authority.</p>
SR17	<p>Nelson Location 1242 Kangaroo Gully and Elwins Roads, Bridgetown</p> <p>AMD 37 GG 1/9/98</p>	<p>Subdivision (1) Subdivision of the Lots shall generally be in accordance with the Subdivision Guide Plan attached to the Scheme Amendment Report.</p> <p>Land Use (2)(a) The following uses are permitted:</p> <p style="padding-left: 40px;">Single House Rural Pursuit Public Utility</p> <p>(b) The following uses are permitted with Council approval (AA uses):</p> <p style="padding-left: 40px;">Home Occupation Cottage Industry</p> <p style="padding-left: 40px;">All other uses are not permitted</p> <p>Stocking Rates (3) With the intention of preventing land degradation, Council may with the advice of Agriculture Western Australia or other relevant agency, and by serving a notice on the owner and/or occupier of any lot, require removal of, or reduction in, the number of stock on any lot.</p> <p>Services (4) Landowners are required to provide their own liquid and solid waste disposal systems to Council's specification and satisfaction.</p> <p>(5) Where required, specifications of potable water supply and waste disposal systems are to be submitted to Council with building plans and no building shall be considered fit for human habitation until the systems are installed and operating to Council's satisfaction.</p> <p>(6) Any installation for the disposal of waste water or septic tank effluent shall not be closer than 50 metres from the centre line of any definable watercourse and must not be closer than 2 metres to the highest known groundwater level.</p> <p>Bush Fire Protection (7) Council and the Bush Fires Board may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Fire Management Plan.</p> <p>Building Envelopes (8) No dwelling, house, outbuilding, or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.</p> <p>(9) Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may set an alternative building envelope.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR17	<p>Nelson Location 1242 Kangaroo Gully and Elwins Roads, Bridgetown (Continued)</p> <p>AMD 37 GG 1/9/98</p>	<p>Existing Trees (10) Existing trees shall be retained on-site except for the provision of building envelopes, driveways or necessary fire breaks.</p> <p>Tree Planting (11) At the time of development approval Council shall require the planting and maintenance for a period of 2 years, 40 trees of a species native to the area and capable of growing to at least 3 metres in height. The planting shall be concentrated around effluent disposal systems and between the street alignment and the building setback lines unless otherwise stipulated by Council.</p> <p>Stream Protection (12) The approved subdivision guide plan shows a Stream Protection Area. Within this area the following conditions will apply:-</p> <ul style="list-style-type: none"> (i) dams may not be constructed, nor the flow of water artificially retarded unless with the prior approval of the Water and Rivers Commission and the Council. Dams existing prior to the gazettal of this amendment are to be maintained in a safe condition to the satisfaction of the Water and Rivers Commission and the Council, and their use is to remain consistent with that existing prior to the amendment gazettal; (ii) pumping or diversion of water from the Stream Protection Area is not permitted unless with the prior approval of the Water and Rivers Commission and the Council; (iii) modification to a stream course, bed or banks is not permitted unless with the prior approval of the Water and Rivers Commission and the Council; (iv) if, in the opinion of the Water and Rivers Commission and the Council, the activities of livestock within the Stream Protection Area are contributing to erosion, pollution of the stream or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom; (v) cultivation of land or spraying of pesticides or herbicides, or the application of non-nitrogenous fertiliser is not permitted within 80 metres of any stream unless with the prior approval of the Water and Rivers Commission and the Council, but the provision does not preclude the carrying out of control for weeds or pests in accordance with the requirements of the Agriculture Protection Board. <p>(13) Council will request the Western Australian Planning Commission to impose a condition requiring the revegetation of the stream protection area to the satisfaction and specification of Council at the time of subdivision.</p> <p>Prospective Purchasers (14) The owner or subdivider of the land shall inform prospective purchasers of those provisions relating to the land and such other provisions of the Scheme that may affect it.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

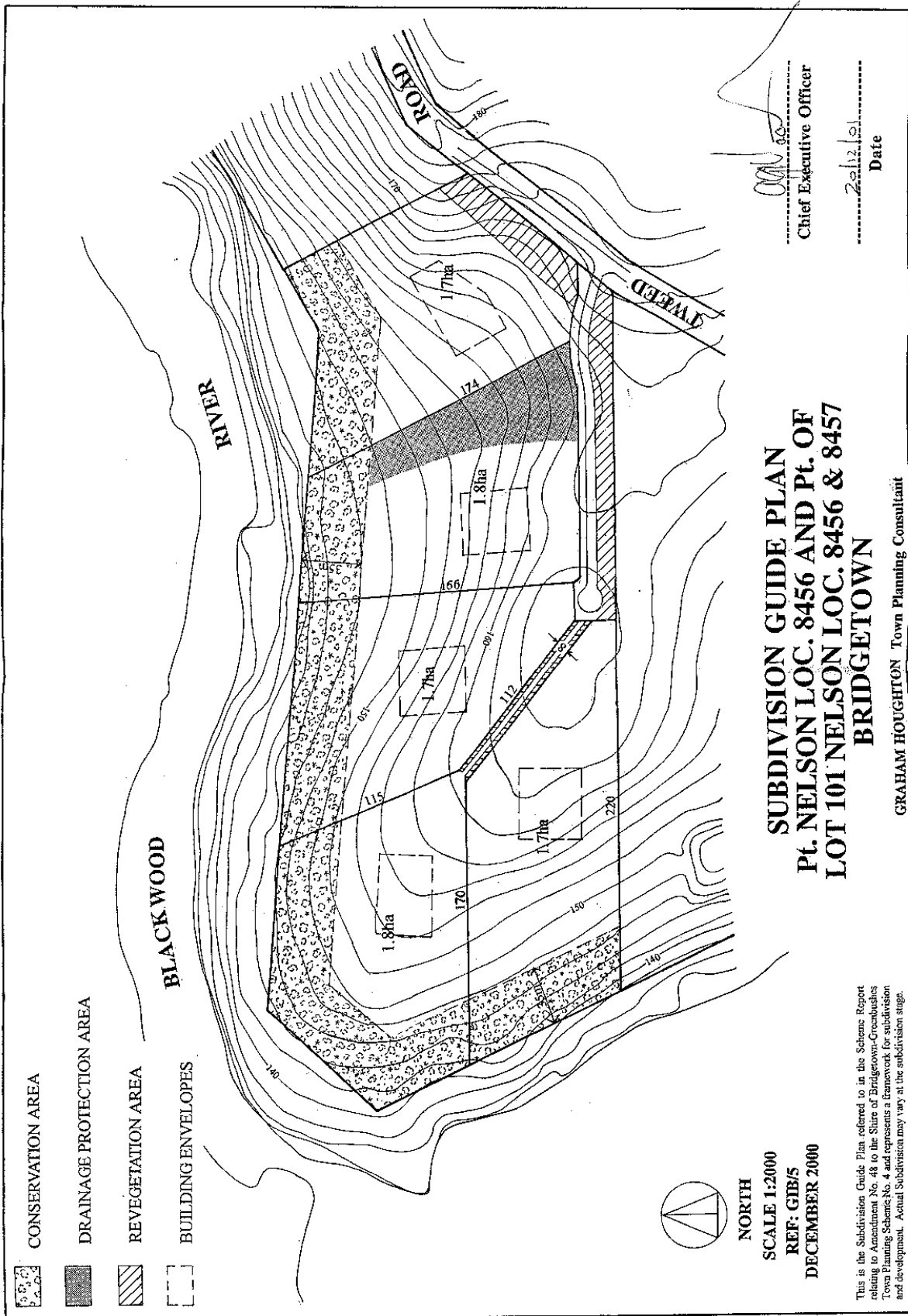
	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR18	<p>Part Nelson Loc. 8456 and part of Lot 101 Nelson Locs. 8456 and 8457</p> <p>AMD 48 GG 10/1/03</p>	<p>Subdivision</p> <ol style="list-style-type: none"> 1. Subdivision shall be generally in accordance with the Subdivision Guide Plan (Ref: Gib/5) dated December. 2000 attached to the Scheme Amendment No. 48 Report. <ol style="list-style-type: none"> a. No further subdivision to that shown on the Subdivision Guide Plan will be supported by Council. <p>Land Use</p> <ol style="list-style-type: none"> 2. Within this zone the following land use provisions shall apply: <ol style="list-style-type: none"> a. Uses which are permitted (with the notation "P") are: <p>Single House Rural Pursuit Public Utility</p> b. Uses which are not permitted unless with the approval of Council (with the notation "AA") are: <p>Aged/Dependent Person's Dwelling Bed & Breakfast Accommodation Industry - Cottage Home Occupation</p> c. All other uses are not permitted. d. The following uses have the respective meanings. <p><i>Single House</i> means <i>Single Dwelling</i> and has the same meaning given to that term in the Residential Planning Codes.</p> <p><i>Aged/Dependant Persons Accommodation</i> means self contained living accommodation on the same site as a single house and may be attached or detached from the single house existing on the lot for the purposes of providing accommodation for aged or disabled relatives or dependants of the person/s residing in the principal dwelling.</p> <p><i>Bed and Breakfast</i> means any dwelling in which the resident of the dwelling provides accommodation on a short term basis and includes the provision of breakfast.</p> <p>Land Degradation</p> <ol style="list-style-type: none"> 3. With the intention of preventing land degradation, Council may, with the advice of Agriculture Western Australia, require removal of, or reduction in the number of, stock on any lot within the zone. <p>Building Envelopes</p> <ol style="list-style-type: none"> 4. No dwellings, sheds or other out buildings shall be constructed outside of the approved building envelope, illustrated on the Subdivision Guide Plan or an alternative location which has been approved by Council. <ol style="list-style-type: none"> a. When determining an alternative location for a building envelope, Council shall allow for adequate setbacks from the Conservation Area, Revegetation Area, and Drainage Protection Area all of which are shown on the Subdivision Guide Plan.

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR18	<p>Part Nelson Loc. 8456 and part of Lot 101 Nelson Locs. 8456 and 8457 (Cont'd)</p> <p>AMD 48 GG 10/1/03</p>	<p>Services</p> <p>5. No dwelling house shall be occupied unless it is connected to a water storage tank of a minimum capacity of 92,000 litres.</p> <p>6. For the purposes of providing their own liquid and solid waste disposal systems, landowners are required to provide alternative treatment units to the specification and satisfaction of Council and the Health Department of WA.</p> <p>a. No part of an effluent disposal system is to be sited within 15 metres of the Conservation Area.</p> <p>Conservation Area</p> <p>7. Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to enter into a legal agreement with Council for the management of the Conservation Area as shown on the Subdivision Guide Plan. The agreement shall address, to the satisfaction of Council, the following matters:</p> <ul style="list-style-type: none"> - vegetation removal and damage - revegetation and species - control of weeds - stock - dwelling and leach drains - fire management - stormwater drainage - Other matters as required by Council which pertain to conservation and revegetation. <p>The agreement is to be recognised by a caveat on each certificate of title and shall be enforceable on future heirs and successors in title.</p> <p>a. All costs associated with the legal agreement and the caveat are the responsibility of the subdivider.</p> <p>Bush Fire Measures</p> <p>8. Council and the Fire and Emergency Services of Western Australia, may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Fire Management Plan to provide for adequate ongoing fire protection to their satisfaction.</p> <p>Stormwater Drainage</p> <p>9. Council may at the subdivision request the Western Australian Planning Commission to impose a condition requiring the subdivider to make arrangements, to the satisfaction of Council, for stormwater drainage including measures to maximise the detention and infiltration of water on the roadside and through the Drainage Protection Area shown on the Subdivision Guide Plan.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR18	<p>Part Nelson Loc. 8456 and part of Lot 101 Nelson Locs. 8456 and 8457 (Cont'd)</p> <p><i>AMD 48 GG 10/1/03</i></p>	<p>Vegetation Planting</p> <p>10. The following shall apply in addition to the provisions of the Conservation Area. Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Revegetation Plan. The Revegetation Plan is to include the planting and maintenance of vegetation within the following areas as shown on the Subdivision Guide Plan, to the satisfaction of Council:</p> <ul style="list-style-type: none"> ▪ conservation Area; ▪ drainage Protection Area; ▪ along the frontage of Tweed Road to a width of twenty metres; ▪ along the verge of the subdivision road; and ▪ along the verges of the battleaxe leg. <p>The Revegetation Plan is also required to achieve the following:</p> <ul style="list-style-type: none"> ▪ in the case of the road verge, battleaxe leg, and the drainage Protection Area trees, shrubs, and grasses are to be planted which will maximise water detention and infiltration; and ▪ incorporate Fire Management Plan requirements. <p>Vegetation Protection</p> <p>11. No vegetation shall be cleared within any allotment except for the purposes of:</p> <ul style="list-style-type: none"> ▪ compliance with the requirements of the Bush Fire Act 1954 (as amended); ▪ compliance with an approved Fire Management Plan; ▪ constructing vehicular access way(s), the location of which is to be approved by Council; ▪ clearing within an approved building envelope; ▪ removing dead, diseased or dangerous trees; and ▪ compliance with the endorsed Revegetation Plan and Conservation Area Requirements.
SR18	<p>Part Nelson Loc. 8456 and part of Lot 101 Nelson Locs. 8456 and 8457 (Cont'd)</p> <p><i>AMD 48 GG 10/1/03</i></p>	<p>Notification</p> <p>12. Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to advise prospective purchasers of the lots created of those provisions relating to the land and such other provisions of the Scheme that may affect it.</p>

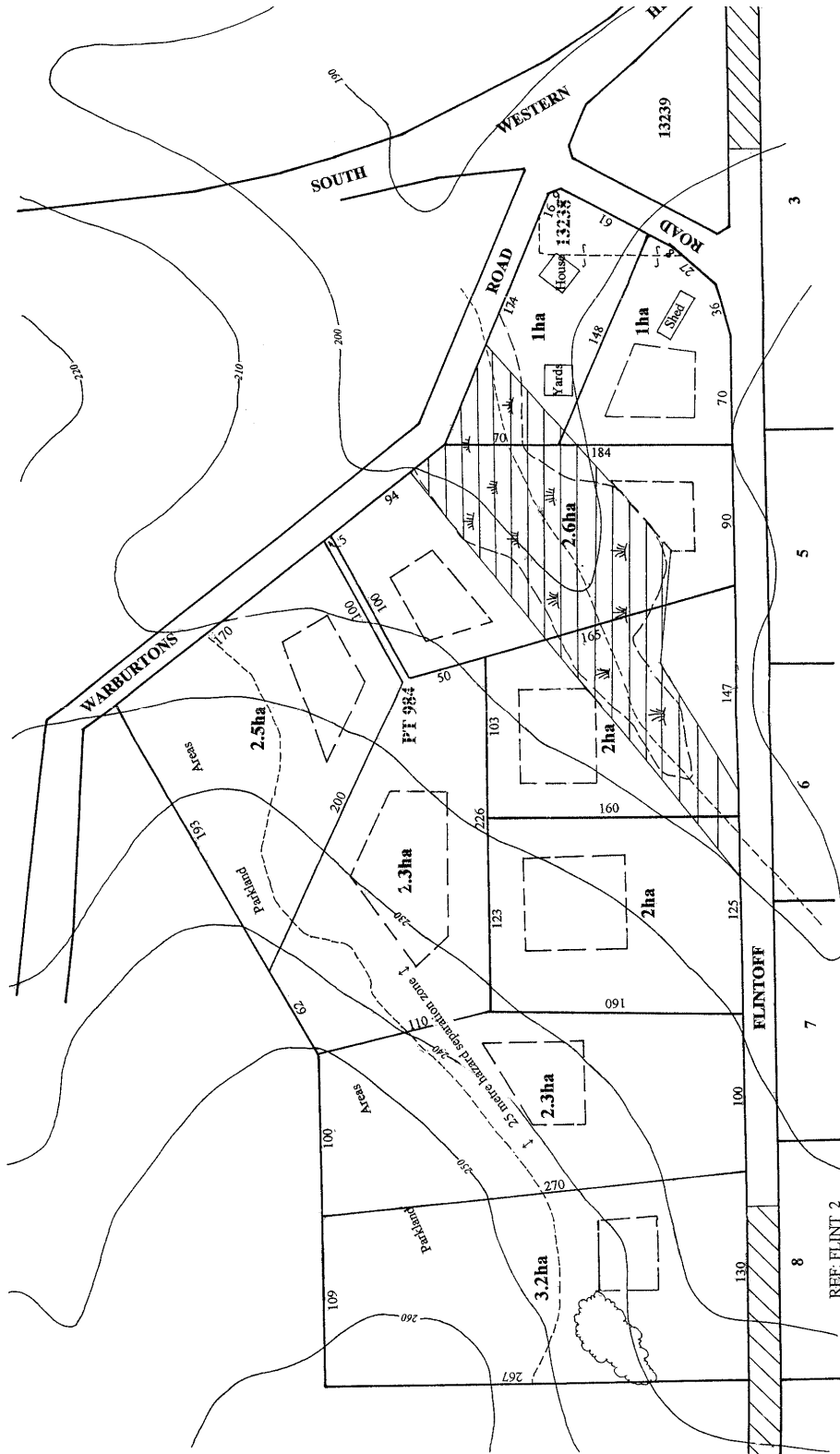


SCHEDULE 3 - SPECIAL RURAL ZONES (CONT'D)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR19	<p>Part Nelson Loc. 984 and Nelson Location 13238, Flintoff Road, Bridgetown</p> <p><i>AMD 52 GG 11/2/03</i> <i>AMD 58 GG 8/8/03</i> <i>AMD 61 GG 15/12/06</i></p>	<p>Subdivision Guide Plan</p> <p>1. Subdivision shall be generally in accordance with the Subdivision Guide Plan dated 11th May 2005 attached to Amendment No. 61 and signed by the Chief Executive Officer.</p> <p>No Further Subdivision</p> <p>2. No further subdivision to that shown on the Subdivision Guide Plan will be supported by Council.</p> <p>Land Use</p> <p>3. Within the zone the following land use provisions shall apply:</p> <p>a) Uses which are permitted (with the notation "P") are: Single House Rural Pursuit Public Utility</p> <p>b) Uses which are not permitted unless with the approval of Council (with Notation "AA") are: Aged/Dependent Person's Dwelling Bed & Breakfast Accommodation Cottage Industry Home Occupation</p> <p>c) All other uses are not permitted.</p> <p>Building Envelopes</p> <p>4. a) All buildings shall be located within the building envelopes as defined on the Subdivision Guide Plan.</p> <p>b) Where a lot owner requests a change of the building envelope, the lot owner shall demonstrate to the satisfaction of Council that the site will provide foundation soundness, pollution of any waterways will not occur, trees will not be destroyed, there will not be any encroachment into the Vegetation and Drainage Area and Revegetation Area as shown on the Subdivision Guide Plan and that the amenity and rural production of adjoining owners will not be adversely affected.</p> <p>Foundation Soundness</p> <p>5. Council may require as a condition of building approval, the lot owner to provide evidence of the foundation soundness of the site.</p> <p>Land Degradation</p> <p>6. With the intention of preventing land degradation, Council may, with the advice of Agriculture Western Australia, require removal of, or reduction in the number of stock on any lot within the zone.</p> <p>Servicing</p> <p>7. Each dwelling house on a lot of 2 hectares or more shall be provided with a supply of potable water, to be in the form of a water tank with a minimum capacity of 92,000 litres and shall be linked to a suitable rainfall catchment with a surface of not less than 150 sq metres.</p> <p>8. Landowners are required to provide their own liquid and solid waste disposal systems to specifications and satisfaction of Council and the Health Department of Western. Australia.</p> <p>9. A reticulated public water supply shall be provided to all lots having an area less than 2ha as a condition of subdivision approval.</p>

SCHEDULE 3 - SPECIAL RURAL ZONES (Continued)

	(a) LOCATION OF ZONE	(b) PERMITTED USES AND CONDITIONS OF DEVELOPMENT
SR19	<p>Part Nelson Loc. 984 and Nelson Location 13238, Flintoff Road, Bridgetown (Cont'd)</p> <p><i>AMD 52 GG 11/2/03</i> <i>AMD 58 GG 8/8/03</i> <i>AMD 61 GG 15/12/06</i></p>	<p>Fire Management</p> <p>10. (a) Council, and the Fire and Emergency Services of Western Australia, may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Fire Management Plan to provide for adequate ongoing fire protection.</p> <p>(b) Dwellings are to be constructed to the standard outlined in AS3959 - Construction of Buildings in Bushfire-prone Areas.</p> <p>Vegetation Planting</p> <p>11 (a) Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to plant and maintain vegetation in the Vegetation and Drainage Area and in the Revegetation Area defined on the Subdivision Guide Plan. The planting and maintenance shall be to the specification and satisfaction of Council.</p> <p>11 (b) Council may require as a condition of building approval, the planting and maintenance of 30 native trees and shrubs capable of growing to no less than three metres in height and located so as to screen the proposed development from the surrounding properties and road. The planting and maintenance is to be to the specification and satisfaction of Council.</p> <p>Protection of Vegetation</p> <p>12. No vegetation shall be cleared within any allotment except for the purposes of</p> <ul style="list-style-type: none"> • compliance with the requirements of the Bush Fire Act 1954 (as amended); • compliance with an approved Fire Management Plan; • approved development works; and • removing diseased or dangerous trees. <p>Notification</p> <p>13. At the subdivision stage, Council may request the Western Australian Planning Commission to impose a condition requiring notification under Section 70A of the Transfer of Land Act 1893 (as amended) be placed on all Rural Residential lot titles advising of the existence of the adjacent Rural Production lots and the intended use of these lots for rural production purposes, which may impinge upon the rural amenity of the general locality.</p> <p>14. At the subdivision stage, Council may request the Western Australian Planning Commission to impose a condition requiring the owner or subdivider of the land to inform prospective purchasers of those provisions relating to the land and such other provisions of the Scheme that may affect it.</p> <p>Fencing</p> <p>15. The use of asbestos, metal sheeting or wooden pickets for boundary fencing shall not be permitted.</p> <p>Creek Crossings</p> <p>16. At the time of subdivision Council will request the Commission to impose a condition stating that all creek crossings are to be constructed to the satisfaction of the Shire.</p>



NORTH
 SCALE 1:2500
 DATE: 19 9/2003
 A/ CHIEF EXECUTIVE OFFICER
 25/5/03
 DATE

SUBDIVISION GUIDE PLAN
PT. LOC 984 & LOC 13238
BRIDGETOWN
 Town Planning Scheme No. 4
 Amendment No.53

GRAHAM HOUGHTON Town Planning Consultant

- REF: FLINT 2
 SUBJECT TO SURVEY
 ALL AREAS AND DISTANCES
 ARE APPROXIMATE
- BUILDING ENVELOPE
 - VEGETATION AND DRAINAGE AREA
NB: Building Envelopes are not to encroach onto this area.
- Base Map prepared from information
 supplied by RAS Machin, Surveyor

This is the Subdivision Guide Plan referred to in the Scheme Report
 relating to Amendment No.53 to the Shire of Bridgetown-Greenbushes
 Town Planning Scheme No. 4 and represents a framework for subdivision
 and development. Actual Subdivision may vary at the subdivision stage.

SCHEDULE 4 - ADDITIONAL USES

	LOCATION OF ADDITIONAL USE	CONDITIONS APPLICABLE TO THE USE
A 1	<p>Part Lot 1 of Nelson Location 180 Lot 29 of Nelson Location 151 South Western Highway, Bridgetown</p> <p><i>AMD 19 GG 12/3/93</i></p>	<p>Additional Uses Permitted - Tearooms, Restaurant</p> <ul style="list-style-type: none"> (i) The proposed development shall be connected to a reticulated water supply. (ii) Landscaping to the satisfaction of Council may be a condition of development approval. (iii) Restaurant and tearooms to be restricted to existing northern inn section of Trotts Cottage.
A 2	<p>Part Nelson Location 761 South Western Highway, Bridgetown</p> <p><i>AMD 25 GG 14/3/95</i></p>	<p>Additional Use Permitted - Reception/Function Centre</p> <ul style="list-style-type: none"> (i) Internal dividing wall and door between Reception/Function Centre and dwelling to be fire rated to specification of Building Code of Australia. (ii) A separate effluent disposal system to satisfaction of Council is to be connected to proposed Reception/function Centre prior to commencement of operation. (iii) Water supply to be subject to testing by Shire at six monthly intervals to ensure quality of water is maintained. Testing costs to be the responsibility of operation of Reception/Function Centre (iv) Kitchen to be maintained in accordance with Health (Food Hygiene) Regulations 1993. (v) Use of Reception Function Centre to comply to requirements of Health Act (Public Buildings) Regulations.
A 3	<p>Lot 43 Moriarty Street, Bridgetown</p> <p><i>AMD 49 GG 9/7/02</i></p>	<p>Additional uses permitted - Cabinet Making</p> <ul style="list-style-type: none"> i) Council reserves the right to reduce the operating hours if legitimate claims of noise pollution are received. ii) Floor area is restricted to 175m² and no extensions will be permitted.
A 4	<p>Lot 4 of Nelson Locations 746, 747, 17688 and Portion of Locations 1191 and 1246 Maranup Ford Road, Greenbushes</p> <p><i>AMD 55 GG 5/3/04</i></p>	<p>Additional Use Permitted –</p> <ul style="list-style-type: none"> ▪ Caretakers Dwelling; ▪ Office; ▪ Private Recreation; ▪ Public Amusement; ▪ Reception Centre; ▪ Restaurant; and ▪ Shop (incidental to the predominant Tourist, Public Amusement and Private Recreation use of the site) <ul style="list-style-type: none"> (i) Development on the site shall be generally in accordance with the Development Guide Plan (Plan No. 02021-01 December 2002). (ii) The Council's Approval shall be required prior to any 'Additional Use' development occurring on the site. (iii) All public amusement activities shall require the approval of the Council prior to an event being held. (iv) The Council shall require that a bus service be offered for events catering for more than 500 persons.

SCHEDULE 4 - ADDITIONAL USES (CONT'D)

	LOCATION OF ADDITIONAL USE	CONDITIONS APPLICABLE TO THE USE
A 4	<p>Lot 4 of Nelson Locations 746, 747, 17688 and Portion of Locations 1191 and 1246 Maranup Ford Road, Greenbushes (Cont'd)</p> <p><i>AMD 55 GG 5/3/04</i></p>	<p>(v) In considering an application for Public Amusement the Council shall have regard to:-</p> <ul style="list-style-type: none"> - Frequency of events - Limiting the approval to the current land owner - Hours of operation - Landscaping - Car parking and alternative transportation options i.e. buses - The objectives of the Town Planning Scheme No. 4 for the 'Rural' zoned land/areas, so that all development proposals for Public Amusement and Private Recreation can be assessed against the objectives of the TPS with the main objective being to preserve the rural amenity and landscape of the area. - The requirements of the Health Act (Public Buildings) Regulations and the need for any future development or activity to comply with these, including health and safety controls and the provision of ablution facilities. - The requirements of the Health Department of WA's Operational Guidelines for Rave Parties, Concerts and Large Events and the need for any future development or activity to comply with these. <p>(vi) Any Public Amusement (i.e musical entertainment) or function shall not exceed the allowable decibel level, as established by the Noise Regulations.</p> <p>(vii) Any parking associated with the activities on Lot 4 to be contained on site.</p> <p>(viii) Any upgrading of the roads servicing the site, in order to cater for traffic generated by the additional uses proposed by way of this Amendment, shall be the responsibility of the proponent.</p> <p>(ix) In considering any application for a Shop the Council will have regard to:</p> <ul style="list-style-type: none"> - types of products to be for sale - hours of operation - location of sales outlet - proposed Gross Leasable Floor Space (not to exceed 200m²) - advertising <p>(x) A maximum number of 3 residential dwellings are permitted on the site.</p>
A 5	<p>Lot 7 on Plan 19633 of Nelson Location 612 Rokewood Heights, Bridgetown</p> <p><i>AMD 53 23/12/03</i></p>	<p>Additional Uses: Permitted</p> <ul style="list-style-type: none"> ▪ Public Amusement (Amphitheatre and associated uses) – AA ▪ Artist Accommodation – IP <p>i) Development to be in accordance with the Site Development (Plan No. 01198-01 December 2001) and the 'Studio Addition Plan' dated July 2001 and contained within Appendix 5 of Amendment No. 53 report, with the "Artists Accommodation" being restricted to the first floor (not to exceed 60m²), with the ground floor being limited to storage and artists workshop.</p> <p>ii) 'Artists Accommodation' means a building used as short stay accommodation for 'artists in residence' with accommodation of any individual being limited to three months in any twelve month period.</p>

SCHEDULE 4 - ADDITIONAL USES (CONT'D)

	LOCATION OF ADDITIONAL USE	CONDITIONS APPLICABLE TO THE USE
A 5	<p>Lot 7 on Plan 19633 of Nelson Location 612 Rokewood Heights, Bridgetown (Cont'd)</p> <p><i>AMD 53 23/12/03</i></p>	<p>iii) 'Artist Accommodation' is incidental to the predominant use of 'Public Amusement'. If the approval to operate a 'Public Amusement'. If the approval to operate a 'Public Amusement' ceases then the associated 'Artist Accommodation' use will also be deemed to cease and the building will revert to ancillary accommodation associated with the existing single house.</p> <p>iv) In considering an application for "Public Amusement (Amphitheatre and associated uses) the Council shall have read to:-</p> <ul style="list-style-type: none"> ▪ Frequency of events (being a maximum of 10 events per annum or as determined by council). ▪ Limit approval to the current landowner; ▪ Maximum number of patrons; ▪ Hours of operation; ▪ Landscaping; ▪ Car parking; ▪ The type of "public Amusement" proposed and its compatibility with surrounding landuses and consistency with promoting low key artistic pursuits and performances from the site. <p>v) In considering an application for 'Artists Accommodation' the Council shall have regard to: -</p> <ul style="list-style-type: none"> ▪ Clause (i) above ▪ the size of the building ▪ the design and location of the building; and the relationship of the building to the existing dwelling. <p>vi) Any musical entertainment or function is to only involve non amplified sound and sound levels are not to exceed the allowable decibel level, as established by the Noise Regulations.</p> <p>vii) Any parking associated with the activities on lot 7 are to be contained on site.</p> <p>viii) Planting of screening vegetation along the eastern and western boundaries is to be undertaken to Council's satisfaction.</p> <p>ix) Use of the amphitheatre is to comply with the requirements of Health Act (Public Buildings) Regulations.</p> <p>x) Prior to submitting an application for Development Approval, a Fire Management Plan is to be prepared for the subject property to the satisfaction of FESA and Council, to address the following issues:-</p> <ul style="list-style-type: none"> ▪ Fire Protection ▪ Water Supply
A 6	<p>Lot 2 of Nelson Location 9949 South Western Highway</p> <p><i>AMD 54 GG 11/2/03</i></p>	<p>Additional Use Permitted - General Industry</p> <p>(i) In the event of valid complaints being received in regard to excessive noise levels, Council may impose specified hours of operation.</p> <p>(ii) All vehicles entering and exiting the subject property are to utilise the existing access onto South Western Highway.</p> <p>(iii) Any signage visible from South Western Highway is to be approved by the Shire and Main Roads WA.</p> <p>(iv) The crossover accessing the subject property is to be upgraded to the satisfaction of Main Roads WA.</p>

SCHEDULE 5 - EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 8.4

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One Professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting By-laws.	Not Applicable
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building, whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5 metres in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15m².</p> <p>Maximum permissible total area shall not exceed 10m² and individual advertisement signs shall not exceed 6m².</p>
Showrooms, Race Courses, Major Racing Tracks, Sports Stadia, Major Sporting Grounds and Complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not Applicable
Public Places and Reserves	<p>(a) Advertisement signs (illuminated and non-illuminated relating to the functions of government a public authority or Council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body; and</p> <p>(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council of a municipality; and</p> <p>(c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	<p>Not Applicable</p> <p>Not Applicable</p> <p>Not Applicable</p>

SCHEDULE 5 - EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 8.4 (Cont'd)

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2m ² in area.
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	Not Applicable
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²

SCHEDULE 5 - EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 8.4 (Cont'd)

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (all non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows:</p> <p>(i) Dwellings</p> <p>(ii) Multiple Dwellings, shops, commercial and Industrial Projects</p> <p>(iii) Large Development or redevelopment projects involving Shopping Centres, office or other buildings exceeding 3 storeys in height</p>	<p>One advertisement per street frontage containing details of the project and the contractors undertaking the construction work.</p> <p>One sign as for (i) above.</p> <p>One sign as for (i) above.</p> <p>One additional sign showing the name of the project builder.</p>	<p>2m²</p> <p>5m²</p> <p>10m²</p> <p>5m²</p>
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
<p>Property Transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:</p> <p>(a) Dwellings</p> <p>(b) Multiple Dwellings, Shops, Commercial and Industrial Properties.</p> <p>(c) Large properties comprised of Shopping Centres, buildings in excess of four storeys and rural properties in excess of 5ha.</p>	<p>One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.</p> <p>One sign as for (a) above.</p> <p>One sign as for (a) above.</p>	<p>Each sign shall not exceed an area of 2m².</p> <p>Each sign shall not exceed an area of 5m².</p> <p>Each sign shall not exceed an area of 10m².</p>
<p>Display Homes Advertisement signs displayed for the period over which homes are on display for public inspection.</p>	<p>(i) One sign for each dwelling on display.</p> <p>(ii) In addition to (i) above, one sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.</p>	<p>2m²</p> <p>5m²</p>

SCHEDULE 6 - SPECIAL USE ZONES

	(a) Location of Zone	(b) Special Provisions
SU 1	<p>Lot 1 of Nelson Locations 973 and Part 819, Kangaroo Gully Road, Bridgetown.</p> <p>AMD 59 GG 8/8/03 AMD 47 GG 15/7/05 AMD 70 GG 20/03/18</p>	<p>a) Subdivision to be generally in accordance with the Subdivision Guide Plan.</p> <p>b) All strata lots shall be set back from the following boundaries of the site:</p> <ul style="list-style-type: none"> i) Kangaroo Gully Road – 50 metres ii) Lot 910 – 50 metres – see provision (u) iii) Lots 240, 8486, 8487, 819 & 1 – 50 metres or greater as determined by the Fire Management Plan iv) Rural Residential lots to the west – 40 metres <p>c) The following uses are permissible within the zone:</p> <p style="padding-left: 40px;">*“P” uses include:</p> <p style="padding-left: 80px;">Group Dwellings (maximum of one dwelling per strata lot) Public Utility Private Recreation Arboretum</p> <p style="padding-left: 40px;">*“AA” uses include:</p> <p style="padding-left: 80px;">Bed and Breakfast Accommodation Home Occupation Reception Centre Restaurant Shop (sale of locally manufactured goods & food stuffs plus convenience goods & serving of light refreshments) Industry – Cottage Rural Pursuit Home Business</p> <p style="padding-left: 40px;">All other uses are not permitted.</p> <p style="padding-left: 40px;">*For definition of “P” and “AA” uses, see Clause 3.2.2.</p> <p style="padding-left: 40px;">**For the purposes of this Schedule, the term “light refreshments” includes morning and afternoon teas, breakfast, lunches and meals served for consumption in the early evening in contrast to a-la-carte dining.</p> <p>d) At the time of subdivision Council shall request the subdivider to prepare Building Design Guidelines to the satisfaction of Council. Building development on the land shall generally conform with the Building Design Guidelines adopted by the Council.</p> <p>e) At the time of subdivision of the land into survey strata lots, building envelopes shall be established for each lot to Council's satisfaction. Building setbacks shall be as follows:</p> <ul style="list-style-type: none"> i) For the lots adjacent to Lot 910 to the east the setback to the adjacent boundary is not less than 10 metres; ii) For other lots set back to rear and front boundaries will be 10 metres and 5 metres for side boundaries. <p style="padding-left: 40px;">All buildings and structures shall be contained within these specified building envelopes. No relocation/extension of the building envelopes shall be permitted.</p>

SCHEDULE 6 - SPECIAL USE ZONES (Cont'd)

	(a) Location of Zone	(b) Special Provisions
	<p>Lot 1 of Nelson Locations 973 and Part 819, Kangaroo Gully Road, Bridgetown (Cont'd)</p> <p><i>AMD 59 GG 8/8/03</i> <i>AMD 47 GG 15/7/05</i> <i>AMD 70 GG 20/03/18</i></p>	<p>f) At the time of subdivision the subdivider shall make arrangements to the satisfaction of Council for storm water drainage, including nutrient stripping vegetation within detention basins.</p> <p>g) Prior to the occupation of any dwelling landowners are required to provide their own liquid and solid waste disposal systems to Council's and the Department of Health's specification and satisfaction. All leach drains will be required to be contained fully within the effluent disposal envelopes identified and approved by Council at the time of subdivision.</p> <p>h) At the time of subdivision the Council will require the subdivider to implement the Fire Management Plan to the satisfaction of Council and request for a financial contribution towards the purchase of any fire fighting equipment provided that it is in accordance with a policy adopted by Council addressing the criteria listed in Commission Policy DC 3.7 'Fire Planning'.</p> <p>i) Boundary fencing shall be maintained so as to prevent the escape of stock.</p> <p>j) Purchasers of strata lots shall be advised in writing by the subdivider that a farm operates on the neighbouring property to the east and require the purchasers to acknowledge the existence of the farm, and the "right to farm" the property by endorsing the written notice, a copy of which is to be lodged with Council.</p> <p>k) The subdivider shall develop a Management Statement in consultation with the Council addressing the following issues: -</p> <ul style="list-style-type: none"> • Building Design Guidelines; • Keeping of Animals; • Management of common land; • Maintenance of private roads; • Rubbish collection; • Management of community centre and shop; • Implementation of the Landscape Management Plan; • Fire Management Plan; • Management of Grazing Animals; and • Other issues as required by Council. <p>l) The application of fertilizers on the land by either an individual property owner or the Body Corporate shall only be done in accordance with the Landscape Management Plan.</p> <p>m) In addition to establishing and managing the arboretum, common areas on the property are to be managed as a farm as is currently the case with neighbouring properties. These activities entail the use of fertilisers, pesticides and herbicides which, subject to other statutory controls, are permitted activities. However the use of chemicals is to be minimised wherever possible and organic farming methods are the preferred solution.</p> <p>n) At the time of subdivision Council shall request the subdivider to prepare a Landscape Management Plan taking into account soil types, land profiles, drainage, nutrient retention and fire hazards to the satisfaction of Council.</p>

SCHEDULE 6 - SPECIAL USE ZONES (Cont'd)

	(a) Location of Zone	(b) Special Provisions
SU 1	<p>Lot 1 of Nelson Locations 973 and Part 819, Kangaroo Gully Road, Bridgetown (Cont'd)</p> <p>AMD 59 GG 8/8/03 AMD 47 GG 15/7/05 AMD 70 GG 20/03/18</p>	<p>o) No trees or shrubs shall be felled or removed from the site except where -</p> <ul style="list-style-type: none"> i) Required for approved development works; ii) Establishment of a fire break is required by regulation or by-law; iii) Trees are diseased or dangerous, or iv) Required by the approved Landscape Management Plan. <p>p) Tree planting in accordance with a Landscape Management Plan shall be undertaken on common property and strata lots by the developer prior to subdivision. The Landscape Management Plan shall thereafter be maintained and implemented by the Body Corporate.</p> <p>q) Large grazing animals such as cattle and horses, with a propensity to damage vegetation and fencing shall not be permitted unless approved by the Local Government.</p> <p>r) With the intention of preventing land degradation, Council may, with advice of Agriculture Western Australia, require reduction in stock numbers on the land.</p> <p>s) At the time of submitting an application for planning approval for the use of "Rural Pursuit" the applicant is to submit the following supporting information:</p> <ul style="list-style-type: none"> • An analysis of potential land use conflict between the proposed use and nearby residential uses and other approved uses for the common land; • land capability for the proposed use; • water availability for the proposed use; • access to and from the proposed site; • transport implications associated with transport of the product off the site; and • any other matter considered relevant by the local government. <p>t) It is encouraged that all lots install a minimum of a 20,000 litre rainwater tank to supplement the irrigation needs of the private gardens on the survey strata lots.</p> <p>u) The 50 metre setback between the proposed strata lots and the boundary with adjacent Lot 910 shall be revegetated by the subdivider, to create a landscape buffer, prior to the creation of the adjoining strata lots to the satisfaction of Council and in accordance with the following criteria.</p> <p>The landscape buffer shall:</p> <ul style="list-style-type: none"> • contain random plantings of a variety of tree and shrub species of differing growth habits, at spacings of 4-5 metres to create a continuous vegetation screen to the adjoining land and to effectively screen future residential development from Lot 910; • consist of foliage which is from the base to the crown; • include species which are fast growing and hardy.

SCHEDULE 6 - SPECIAL USE ZONES (Cont'd)

	(a) Location of Zone	(b) Special Provisions
SU 2	<p>Portion of Lot 2 Lavery Street, Bridgetown (Tourist Site)</p> <p>AMD 40 GG 9/7/02; AMD 65 GG 23/11/10</p>	<p><u>Permitted Uses</u></p> <ul style="list-style-type: none"> Restaurant Reception Centre Carpark Local Shop Holiday Accommodation Private Recreation Public Recreation Art & Craft showroom and sales Caretaker's Dwelling Office Public Utility Public Amusement Licensed Premises, to be limited to production, sales and tasting of locally produced wine, beer and spirits Souvenir Shop Single dwelling (per green title lot) <p><u>Conditions</u></p> <ol style="list-style-type: none"> 1. Subdivision shall be in accordance with the Development Guide Plan (Ref no. HB201.8) for the land adopted by council and endorsed by the Western Australian Planning Commission, forming part of the Shire of Bridgetown-Greenbushes Local Planning Scheme NO. 4 Scheme Amendment No. 65. 2. In the preparation of the Guided Development Scheme a separate Landscape Master Plan is to be provided identifying recommended species for planting, the Landscape Master Plan is to identify invasive vegetation species not appropriate for planting on land adjacent to the nature reserve. 3. No vegetation is to be planted other than in accordance with the endorsed Landscape Master Plan for the land. 4. Any modification to a watercourse or water body, the construction of a dam or other impediment which artificially regards the flow of water, or pumping or diversion of water is not permitted, unless with the prior approval of Council and the Water Corporation. 5. Council at the time of issuing development approval for the tourist site dam will require as a condition of approval the planting of nutrient stripping vegetation. 6. Council shall require, as a condition of subdivision approval, the erection of a stock proof fence along the common boundary with the adjoining nature reserve. The construction of the fence is to be to the satisfaction of the Department of Conservation and Land Management and Council to a standard that will prevent domestic animals accessing the reserve. 7. Prior to the preparation of the Development Guide Plan for the tourist site, the proponent shall consult with the Department of Conservation and Land Management for appropriate input. 8. No development of the tourist lot shall be approved if it has a negative impact on the adjoining nature reserve. 9. A trafficable fire break shall be provided along the western boundary of the site from the dam wall connecting to an internal road of the subdivision (in accordance with the Development Concept Plan, Plan No. 2002-7711-SG1). In addition, Council shall require the provision of gates along the required fire break where it passes through lot boundaries and/or fence lines. The land owner shall be required to maintain the firebreak to the satisfaction of Council.

SCHEDULE 6 - SPECIAL USE ZONES (Cont'd)

(a) Location of Zone		(b) Special Provisions
SU 2	<p>Portion of Lot 2 Lavery Street, Bridgetown (Tourist Site)</p> <p>(Cont'd)</p> <p>AMD 40 GG 9/7/02</p>	<p>10. Council shall require the Development Guide Plan to incorporate specifications in relation to the proposed fire control measures for the tourist site.</p> <p>11. The tourist site shall be serviced by Alternative Treatment Units for effluent disposal to the satisfaction of Council, the Water Corporation and the Health Department of Western Australia.</p> <p>12. The development of a local shop shall be limited to a maximum gross leasable floor space area of 100m².</p>
SU 3	<p>Nelson Location 11529 and portion of Nelson Location 1517 Henderson Road</p> <p>AMD 44 GG 23/8/02</p> <p>AMD 70 GG 20/03/18</p>	<p>1. a) Subdivision shall be generally in accordance with the Subdivision Guide Plan adopted by the Council and endorsed by the Western Australian Planning Commission;</p> <p>b) No further subdivision beyond that provided on the approved Subdivision Guide Plan shall be recommended by the Council.</p> <p>2. The following uses are permitted "P" uses within the Zone but shall require the Planning Consent of the Council:</p> <ul style="list-style-type: none"> ▪ Single House ▪ Public Utility <p>The following uses are "AA" uses within the zone:</p> <ul style="list-style-type: none"> ▪ Home Occupation. ▪ Rural Production - only on lots identified for such purpose on the Subdivision Guide Plan. ▪ Guesthouse - only on lots identified for Rural Production on the Subdivision Guide Plan. ▪ Holiday Accommodation - only on lots identified for Rural Production on the Subdivision Guide Plan. ▪ Industry - Cottage including the sale of arts and crafts produced on the lot or in the locality. ▪ Restaurant, Winery - only on lots identified for Rural Production on the Subdivision Guide Plan. ▪ Home Business <p>No person shall on a lot of less than 3 ha in area undertake any Rural Pursuit without the prior approval of the Council except for the private domestic consumption of the owners of the lot.</p> <p>3. A Building Management Plan shall be prepared and adopted by Council for each lot (except Lot 31) prior to clearance of Diagram of Survey for the lot. The Building Management Plan shall show in detail:</p> <ul style="list-style-type: none"> ▪ The location of the Building Envelope; ▪ The location for water tanks where outside the Building Envelope; ▪ Areas of remnant vegetation to be protected; ▪ Any restrictions on earthworks within the site or Building Envelope having regard for the slope of the land and areas of erosion; ▪ Fencing controls appropriate to the lot; ▪ Where necessary for reasons of traffic safety, the location of driveways and crossovers; ▪ Where applicable the location of firebreaks; and ▪ Such other matters as may be appropriate in the circumstances of a lot.

SCHEDULE 6 - SPECIAL USE ZONES (Cont'd)

	(a) Location of Zone	(b) Special Provisions
SU 3	<p>Nelson Location 11529 and portion of Nelson Location 1517 Henderson Road (Cont'd)</p> <p><i>AMD 44 GG 23/8/02</i> <i>AMD 70 GG 20/03/18</i></p>	<p>4. Not more than one dwelling house may be constructed on any lot, other than for Ancillary Accommodation as provided under the Residential Planning Codes, and all dwellings and other buildings so constructed shall comply with the following:</p> <ul style="list-style-type: none"> a) Except with the approval of the Council, all buildings shall be confined to the portion of the lot identified as the Building Envelope as delineated on the Building Management Plan for the lot approved by the Council. b) Where the dwelling is situated within bushland on Lots 1, 8, 9, 13, 14, 22, 23 and 24 on the Subdivision Guide Plan, the gross area cleared of bushland for buildings shall not exceed 1000m²; c) Except as otherwise provided for on the approved Building Management Plan, all buildings shall be setback a minimum of 20 metres from the street boundary and 10 metres from the rear and side boundaries; d) Dwellings and other structures shall not be constructed within 30 metres of any stream or creek; and e) The combined floor area of all buildings on a lot shall not exceed 10% of the area of that lot. <p>5. Design Guidelines specifying minimum building standards and acceptable materials shall be required to be prepared as a condition of subdivisional approval and approved by the Council prior to clearance of the conditions of subdivisional approval.</p> <p>6. Except with the approval of Council, all development shall be restricted to a maximum height of 7.5 metres measured vertically from natural ground level at any point within the boundary of the building.</p> <p>7. The development of Holiday Accommodation shall be in accordance with the following criteria :</p> <ul style="list-style-type: none"> a) The preparation and approval by Council of a Development Guide Plan to the satisfaction of the Council showing the ultimate development intentions for the land; b) The number of Holiday Accommodation units on any Rural Production lot shall not be less than two or more than five; c) Holiday Accommodation shall be incidental to the predominant use of the site for Rural Production; d) Holiday Accommodation development is to be screened from adjacent lots by existing vegetation or strategic planting of new vegetation; e) Holiday Accommodation shall be provided with an adequate supply of water for domestic and fire protection purposes to the satisfaction of Council; and

SCHEDULE 6 - SPECIAL USE ZONES (Cont'd)

	(a) Location of Zone	(b) Special Provisions
SU 3	<p>Nelson Location 11529 and portion of Nelson Location 1517 Henderson Road (Cont'd)</p> <p><i>AMD 44 GG 23/8/02</i> <i>AMD 70 GG 20/03/18</i></p>	<p>f) A Fire Management Plan shall be prepared and submitted for the approval of Council at the time of Application for Planning Approval for a Holiday Accommodation development. Such Plan is to address the methods of fire protection including fire retardant vegetation, fuel reduction, water vegetation, fuel reduction, water supply and fire protection equipment.</p> <p>9. a) A Landscape Master Plan specifying any landscaping and re-vegetation to be undertaken by the applicant, strategic re-planting areas, restrictions on planting of certain invasive species and identifying suitable species for planting and re-vegetation shall be required to be prepared as a condition of subdivisional approval and approved by the Council prior to clearance of the conditions of subdivisional approval.</p> <p>b) No person shall within a Stream Protection Area identified on the Subdivision Guide Plan :</p> <p>i) Construct a new dam except where provided on the Subdivision Guide Plan;</p> <p>ii) Pump or divert water except for lots identified on the Subdivision Guide Plan for the purposes of "Rural Production"; or</p> <p>iii) Modify the course, bed, banks or sedge vegetation of any watercourse;</p> <p>without the prior written consent of the Council.</p> <p>10. No clearing of vegetation shall occur except for the following:</p> <p>(a) Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);</p> <p>(b) Clearing required for siting of approved development within the Building Envelope;</p> <p>(c) Clearing to gain vehicular access to the curtilage of an approved dwelling or any other clearing which may be approved by the Council.</p> <p>On lots substantially denuded of vegetation, Council shall require as a condition of Planning Consent for a Single House, the planting and maintenance of 30 native trees and shrubs as approved by the Landscape Master Plan.</p> <p>11. Each dwelling house shall be connected to a water storage tank with a minimum capacity of 135 kilolitres and shall be linked to a suitable rainfall catchment with a surface area of not less than 150sqm. Water supply tanks are to be fitted with couplings compatible with Bush Fires Board requirements so that the tank capacity is available for fire fighting purposes at any given time.</p> <p>12. Water tanks required by these provisions which are visible from any location outside the allotment on which they are situated, shall be painted an appropriate shade of green in the first instance and shall be suitably screened by planted vegetation to the satisfaction of the Council.</p>

SCHEDULE 6 - SPECIAL USE ZONES (Cont'd)

	(a) Location of Zone	(b) Special Provisions
SU 3	<p>Nelson Location 11529 and portion of Nelson Location 1517 Henderson Road (Cont'd)</p> <p>AMD 44 GG 23/8/02 AMD 70 GG 20/03/18</p>	<p>13. Stock may be permitted on lots providing that this does not require removal of vegetation and that stock numbers are maintained at sustainable levels. Lots containing existing vegetation as shown on the Subdivision Guide Plan shall not be permitted to carry stock unless such vegetation is fenced off to the satisfaction of Council.</p> <p>14. Fencing on lots of less than 2ha in area, except as otherwise provided for on the Building Management Plan for the lot, or fencing within stands of existing vegetation as identified on the Subdivision Guide Plan will not be permitted. Any fencing on such lots required by the owners shall be located outside of stands of existing vegetation. Fencing that is permitted for the purposes of management of pasture areas other than a fence which may be required by Council to be erected around a swimming pool, shall comprise non-electrified stock-proof wire fencing to a maximum height of 1.2 metres above the natural surfaces of the land, with posts of steel or any plantation sourced timber. No fencing shall be constructed within 20 metres from the centre line of any creek or water course. The use of stock-proof fencing including electrified wire and ringlock shall be limited to lots identified on the Subdivision Guide Plan as "Rural Production".</p> <p>15. The disposal of liquid and/or solid wastes shall be carried out by the installation of an effluent disposal system approved by the Council. Effluent disposal areas may be located outside of the Building Envelope approved by Council and septic tank systems shall be set back a minimum of 50 metres from any water course or dam or as otherwise approved by Council. Alternative effluent disposal units may be set back a minimum of 30 metres from any water course or dam and shall be used where a 2 metre vertical separation from groundwater cannot be achieved. No new dwelling shall be occupied without the prior approval and installation of such a disposal system.</p> <p>16. No person shall on a lot identified for Rural Production on the Subdivision Guide Plan :</p> <ul style="list-style-type: none"> a) Undertake a Rural Production use without first preparing and having approved by the Council a Farm Management Plan for the lot. The Plan shall detail the nature of the proposed use and associated processes and activities involved in such use and shall identify the "best practice" measures to be used in the operation and maintenance of the use so as to limit the risk of nuisance to adjoining properties. b) Use fertilisers, herbicides, pesticides or such other materials or undertake any such process except in accordance with "best practice" and, where applicable, the relevant industry Code of Practice. c) Except for the purpose of harvesting, use or operate any external machinery except between the hours of 7am and 7pm on any day. <p>17. Lots abutting or across the road from a lot identified on the approved Subdivision Guide Plan for Rural Production purposes shall be subject of a Section 70A Notification on Title ensuring that prospective purchasers are aware that the Rural Production lot may be used for more intensive agricultural purposes which may periodically generate some nuisance to occupants of adjoining rural residential lots.</p>

SCHEDULE 6 - SPECIAL USE ZONES (Cont'd)

(a) Location of Zone		(b) Special Provisions
SU 3	<p>Nelson Location 11529 and portion of Nelson Location 1517 Henderson Road (Cont'd)</p> <p><i>AMD 44 GG 23/8/02</i> <i>AMD 70 GG 20/03/18</i></p>	<p>18. Radio masts, TV antenna, satellite dishes and wind turbines shall be located such that they do not detract from the local visual amenity.</p> <p>19. No new dams or lakes shall be created other than those shown on the Subdivision Guide Plan except with the approval of the Council. All new dams or lakes shall comply in their design and construction with the provisions of the Rights In Water and Irrigation Act and any Guidelines adopted pursuant to the Act.</p> <p>20. A Fire Management Plan shall be prepared for the land and approved by the Council prior to subdivision. The Plan shall provide for a Strategic Firebreak and 2WD emergency access to Campbells Road along the western boundary of Location 1517 and provided as a 6m easement in favour of the Council. Unless otherwise provided for by the Fire Management Plan, firebreaks shall not be required along boundaries of lots of less than 2ha in area.</p> <p>21. At the time of application for subdivision the Western Australian Planning Commission will require sufficient information on proposed methods of stormwater drainage, including the need for detention basins where required.</p>

SCHEDULE 7 - SPECIAL RESIDENTIAL ZONES

Site Description		Special Provisions
SRes1	Portion of Nelson Locations 1046 and 1047 South Western Highway, Bridgetown	<ol style="list-style-type: none"> 1. Council shall require the preparation of a Landscape Master Plan as a condition of subdivision approval. The Landscape Master Plan shall address the suitability of planting native vegetation corridors along drainage lines and elsewhere if appropriate. 2. The grazing of lots of a size in excess of 2,000m² may be permitted with the approval of Council to assist in managing ground vegetation however, Council may with the advice of the Department of Agriculture, require removal, or reduction in, the number of stock on any lot within the zone. 3. No trees or other substantial vegetation shall be felled or removed from the site except where: <ol style="list-style-type: none"> (a) required for approved development works; (b) required for the establishment of a fire break as required by regulation or By-law; (c) as otherwise approved by Council. 4. On-site effluent disposal systems to be provided to the satisfaction of Council and the Health Department of Western Australia. 5. Council shall require the owner or subdivider of the land to inform prospective purchasers of those provisions relating to the land and such other provisions of the Scheme that may affect it.

SCHEDULE 7 - SPECIAL RESIDENTIAL ZONE (CONT'D)

Site Description		Special Provisions
SRes 2	<p>Portion of Lot 2 Laverty Street, Bridgetown</p> <p>AMD 40 GG 9/7/02; AMD 65 GG 23/11/10</p>	<ol style="list-style-type: none"> 1. Subdivision and development shall be generally in accordance with the Development Guide Plan (ref No. HB201.8) for the land adopted by Council and endorsed by the Western Australian Planning Commission, forming part of the Shire of Bridgetown-Greenbushes Local Planning Scheme No. 4 Scheme Amendment No. 65. 2. Council, at the time of considering any Application for Subdivision of the subject land, will require the following to be undertaken: <ul style="list-style-type: none"> Engineering Studies <ul style="list-style-type: none"> a) Preparation of engineering studies of the drainage and soils of the land in the north-west corner of the site, to be conducted in the winter months to the requirements of the Department of Environment and Conservation and Health Department of Western Australia. Landscape Master Plan <ul style="list-style-type: none"> b) A Landscape Master Plan that addresses but not limited to: <ul style="list-style-type: none"> (i) the suitability of planting native vegetation corridors along drainage lines and elsewhere if appropriate; (ii) landscape buffers of 25m and 15m shall be provided on the eastern and northern boundaries of Lot 2 (or subdivided portion thereof), respectively where it abuts private land holdings; (iii) existing vegetation and means by protecting identified existing vegetation; (iv) means by which vegetation is planted in accordance with the recommended species and planting of the Landscape Master Plan; (v) means by which all existing and planted vegetation shall be retained and protected; and (vi) land owners obligations to replanting and maintenance. Fire Management Plan <ul style="list-style-type: none"> c) A Fire Management Plan that addresses but not limited to: <ul style="list-style-type: none"> (i) strategic firebreaks; (ii) 'Fuel Reduced Area'; (iii) means by which no buildings, outbuildings or any other structure shall be permitted within the 'Fuel Reduced Area'; (iv) the disposal of vegetation which has been cleared for fire fighting purposes; (v) water supply for fire fighting purposes (domestic/strategic); (vi) emergency fire access to a two wheel drive standard; and (vii) fire fighting equipment required to service the subdivision. Stock Management Plan <ul style="list-style-type: none"> d) A Stocking Management Plan that addresses but not limited to: <ul style="list-style-type: none"> (i) stocking rates (to be determined with the intention of preventing land degradation and the advice of the Department of Agriculture and Food); and (ii) where appropriate, fence the landscape buffer to Council's satisfaction to exclude the activity of livestock there from. 3. Prior to clearance of subdivisional conditions, Council will require the subdivider to undertake the following: <ul style="list-style-type: none"> a) Design Guidelines specifying minimum building standards and materials; b) Building envelopes on all lots abutting the southern boundary of Lot 2 (or subdivided portions thereof); c) Implementation of the endorsed Fire Management Plan; d) Provide an undertaking that prospective purchasers will be

SCHEDULE 7 - SPECIAL RESIDENTIAL ZONE (CONT'D)

Site Description		Special Provisions
SRes 2	<p>Portion of Lot 2 Lavery Street, Bridgetown</p> <p>AMD 40 GG 9/7/02; AMD 65 GG 23/11/10</p>	<p>Informed of:</p> <ul style="list-style-type: none"> • Those provision relation to the land and such other provisions of the Scheme that may affect it; and • The environmental importance of the adjoining nature reserve and its associated restrictions; <p>e) Fencing off and graze those portions of land not subdivided (i.e. the second and third stages) to aid in fire control of the site.</p> <p>4. No building or structures shall be permitted to be erected within the landscape buffers identified within the Landscape Management Plan.</p> <p>5. The grazing of any lot shall:</p> <ul style="list-style-type: none"> a) Require the written consent of Council; b) Reflect the direction and stocking numbers of the Stocking Management Plan; and c) Have a minimum combined area of 4, 000m² on any such lot not inclusive of any landscape buffer. <p>6. With the intention of preventing land degradation, Council may, with the advice of the Department of Agriculture and Food, require the removal of, or reduction in, the number of stock on any lot within the zone.</p> <p>7. No effluent disposal system for the Special Residential lots will be permitted within 50 metres of the dam within Special Use Zone No. 2.</p> <p>8. For proposed Lots 307-405 (inclusive), the following applies:</p> <ul style="list-style-type: none"> a) No development or activity is permitted within the 100 metre buffer area to the Nature Reserve which is incompatible or is sensitive to the management of the Natural Reserve, which includes all buildings, except an outbuilding which can be built no closer than 80 metres to the Nature Reserve. The desirable use of the 100 metre buffer area would be grazing conforming with sustainable stocking rates; b) The preparation and implementation of a revised Fire Management Plan to the satisfaction of the Department of Environment and Conservation, in relation to the 100 metre buffer area addressing the responsibilities for the on-going upkeep of the buffer area as a low fire risk as well as the building standards for the dwelling and outbuildings; c) The 100 metre buffer area is to be appropriately fenced by the subdivider to the satisfaction of the Shire of Bridgetown-Greenbushes and the Department of Environment and Conversation; d) The on-going maintenance of the fencing and the fire risk in relation to the 100 metre buffer area is to be the owners cost, as well as any remedial work if the owner does not comply with the required standards, as determined by the Shire of Bridgetown-Greenbushes; e) Prospective purchasers being advised of the above special provisions, including the revised fire management plan, by the way of a Section 70A Notification on new titles; and f) Outbuildings are to be built of non-flammable materials and not have glazed windows or other openings facing the nature reserve.

APPENDIX 1 - CONTROL OF ADVERTISEMENTS

ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL (to be completed in addition to Application for Approval to Commence Development Form 1)

1. Name of Advertiser (if different from owner):
.....
 2. Address in Full:
.....
 3. Description of Property upon which advertisement is to be displayed including full details of proposed position within that property:
.....
.....
.....
 4. Details of Proposed Sign:
Height..... Width Depth
Colours to be used:
Height above ground level (to top of Advertisement):
(to Underside):
Materials to be used:
Illuminated: Yes/No
If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating etc:
.....
 5. State period of time for which advertisement is required:
.....
 6. Details of signs, if any, to be removed if this application is approved:
.....
.....
.....
- NB:** Application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.
- Signature(s) (if different from landowners):
- Date

ADOPTION

Adopted by resolution of the Council of the SHIRE OF BRIDGETOWN-GREENBUSHES at the March meeting of the Council held on the 20th day of March, 1987 and the Seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

.....
PRESIDENT

.....
SHIRE CLERK

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in clause 1.5 of this Scheme and to which formal approval was given by the Hon Minister for Planning on the 22nd day of July, 1987.

Recommended for Approval

.....
CHAIRMAN OF THE STATE PLANNING COMMISSION

.....
DATE

APPROVED

.....
MINISTER FOR PLANNING

.....
DATE