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# SHIRE OF BRIDGETOWN-GREENBUSHES

## Town Planning Scheme No. 3 (Bridgetown Townsite Area)

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Updated to include AMD 72 GG 23/02/2018

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal  
18 March 1983

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## SHIRE OF BRIDGETOWN-GREENBUSHES TPS 3 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
TPS 3	04/04/95		RA	Given to Matt for Area Team checking.
33	16/12/94	10/1/95	RA	Renumbering Part VII Control of Advertisements to Part VIII - Deleting reference to Clause 7.4 replacing with Clause 8.4
38	15/03/96	16/04/96	RA	Part 3 - Insert a new Clause 3.4.8
39	17/12/96	17/12/96	DH	Schedule 1 - adding Special Rural lot 785 and portion of lot 644 Forrest Street, Bridgetown (Reserve Pt. 11376) Schedule 3 - adding Portion of Lot 644 corner Forrest Street and Giblett Road Bridgetown (Reserve Pt. 11376).
41	18/4/97	17/4/97	DH	Schedule 1 - changing Caretaker's House/Flat, Car Sales Premises, Dry Cleaning Premises, Industry - Light, Milk Depot, Office, Open Air display, Petrol Filling Station, Service Station, Transport Depot & Truck Machinery Sales Premises from 'X' to an 'AA' use in Service Industry Zone and Shop to an 'IP' use.
42	5/12/97	8/12/97	DH	Schedule 1 - deleting Provision No. 1 from Special Rural Zone A (Lefroy Street) and renumbering provision No's 2 to 4.
43	3/4/98	7/4/98	DH	Schedule 2 - adding to Section 1 "Lot 121 Gifford Rd, Bridgetown". Section 1.6 - adding interpretations in appropriate alphabetical order "restaurant", "Museum" and "Art and Craft Centre".
35	5/5/98	10/1/00	DH	Schedule 3 - adding "Bridgetown Suburban Lots 32, 33 & 34 Tweed Road, Bridgetown" and special provisions
47	14/8/98	19/8/98	DH	Part 1 - add definitions "Bed and Breakfast" and "Child Care Centre" to Clause 1.6. Table 1 - add "Bed and Breakfast" as an 'AA' use in Residential, Residential Development, Rural, Special Residential and Special Rural and 'X' use in all other zones. Table 1 - add "Child Care Centre" as an 'AA' use in Residential, Residential Development and Rural and Special Rural and 'X' use in all other zones. Table 1 - changing 'Home Occupation' from an 'X' use to an 'AA' use in the Residential Development zone. Table 1 - changing 'Professional office' from an 'X' use to an 'AA' use in the Residential Development zone.
38	12/3/99	15/3/99	DH	Schedule 2 - Section 1 - adding "Lot 131 Lefroy Road, Bridgetown with permitted uses and conditions of use.
49	25/5/99	27/5/99	DH	Schedule 2 - Section 1 - adding A4. Lot 14 Portion Nelson Location 12 Eedle Terrace, Bridgetown" (A5)
45	31/12/99	10/1/99	DH	Schedule 3 - adding "Portion of Nelson Locations 662 and Portion and Lot 7 and portion of Nelson Location 663 Taylors Road, Bridgetown" with related special provisions. (S Res 4) Schedule 1 - adding "Portion of Nelson Locations 662 being Lots 2 & 7 and portion Nelson Locations 663 Taylors Road, Bridgetown" with provisions to apply to Zone. (SR5)
36	27/6/00	3/7/00	DH	Schedule 3 - adding to Schedule 3 - Special Residential Zones "Lot 874 Nelson Street, Bridgetown" S Res 5) Schedule 2 - adding to Schedule 2 - Section 1 Special Additional Use Zones "Lot 874 Nelson Street, Bridgetown" (A6)
51	276/00	3/7/00	DH	Schedule 3 - adding to Schedule 3 - special Residential Zones "Portion Lots 1, 2, 3, 4, 5, 6 and 8 of Bridgtown Lot 645". (S Res 6) Schedule 2 - adding to Schedule 2 - Special Use Zones/Section 2 - Special Restricted Use Zones "6. Portion Lot 6 of Bridgetown Lot 645".
53	5/1/01	8/1/01	DH	Schedule 2 - Section 1 - modifying Additional Permitted Uses for No. 1 Lot 54 Eedle Terrace. Schedule 2 - Section 1 - adding Special Additional Use Zone "Lots 55 & 282 Eedle Terrace". Part 1 - adding interpretation for "Take-away Food Outlet" and "Winery".

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
54	20/7/01	18/7/01	DH	<p>Part 3 - adding new sub-clauses 3.4.9 and 3.4.10.</p> <p>Part 4 - amending sub-clause 4.7.2 - Residential Development Zone .</p> <p>Schedule 2 - adding additional use "Lot 20 of Town Lot 366 Sutton Close, Bridgetown" with additional permitted use "Telecommunications Infrastructure and Public Recreation". (A8)</p> <p>Part 1 - adding interpretation "Aquaculture" and "Telecommunications Infrastructure"</p> <p>Table 1 - adding use class "Aquaculture" with symbol "AA" under the zone 'Rural' and "X" under the zones 'Parks &amp; Recreation', 'Residential', 'Commercial', 'Industrial', 'Special Rural', 'Residential Development', 'Service Industry' and 'Special Residential'.</p> <p>Table 1 - adding use class "Telecommunications Infrastructure" with a symbol "AA" under the zones 'Parks &amp; Recreation', 'Residential', 'commercial', 'Industrial', 'Rural', 'Special Rural', 'Residential Development', 'Service Industry' and 'Special Residential'.</p> <p>Table 1 - delete use class "Radio/TV Installation".</p> <p>Part 1 - deleting "Radio/TV Installation" from Section 1.6.</p> <p>Part 4 - adding "4.12 Telecommunications Infrastructure".</p>
59	29/4/03	29/4/03	DH	<p>Part 5 - deleting clause 4.10.3 and replacing with new Clause 4.10.3.</p>
57	18/7/03	16/7/03	DH	<p>Schedule 2 - Section 2 (Special Restricted Use Zone) - adding Special Restricted Use Zone "Portion of Reserve 33994 Hampton Street" with relevant permitted uses and conditions of use. (R 7)</p> <p>Part 1 - adding interpretations "Community Purpose" and "Exhibition Centre".</p>
55	29/8/03	28/8/03	DH	<p>Schedule 2 – Section 2 (Special Restricted Use Zones) – deleting and replacing existing Part 6 relating to "Portion Lot 6 of Bridgetown Lot 645". (R6)</p> <p>Schedule 2 – Section 1 (Special Additional Use Zone) – adding Special Additional Use Area "Portion Lots 3 &amp; 8 of Bridgetown Lot 645 and portion road reserve" with relevant Permitted Uses and Conditions of Use. (A9)</p> <p>Part 1 – adding to Clause 1.6 – Interpretations – new interpretation "Local Shop" between definitions of "Light Industry" and "Lot".</p> <p>Schedule 3 – modifying by deleting the provisions relating to "Portion Lots 1, 2, 3, 4, 5, 6 and 8 of Bridgetown Lot 645" and replacing with "Portion Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Bridgetown Lot 645 and portions of road reserve" together with relevant Special Provisions. (Sres6)</p>
56	18/5/04	20/5/04	DH	<p>Part 4 – adding new sub-clause 4.7.4.</p> <p>Part 3 – adding new sub-clause 3.4.11.</p> <p>Part 1 – adding new interpretations "Dog Kennels" and "Cattery".</p> <p>Table 1 – adding use class "Winery" with an "AA" symbol under the zones "Commercial", "Industrial", "Rural" and "Service Industry" and an "X" under the zones "Parks &amp; Recreation", "Residential", "Special Rural", "Residential Development" and "Special Residential".</p> <p>Table 1 – adding use class "Dog Kennels" with an "AA" symbol under the zones "Rural" and "X" under the zones "Parks &amp; Recreation", "Residential", "Commercial", "Industrial", "Special Rural", "Residential Development", "Service Industry" and "Special Residential".</p> <p>Table 1 – adding use class "Cattery" with an "AA" symbol under the zones "Rural" and "X" under the zones "Parks &amp; Recreation", "Residential", "Commercial", "Industrial", "Special Rural", "Residential Development", "Service Industry" and "Special Residential".</p> <p>Part 1 – amending the interpretation of 'Holiday Accommodation'.</p> <p>Part 4 – deleting sub-clause 4.11.2.</p>
52	26/10/04	22/11/04	DH	<p>Schedule 2 – adding Special Use Zone – Section 2 – Special Restricted Use Zone area "Bridgetown Town Lots 548 – 553, 564 – 567, 575, 576, Bridgetown Lots 561 – 563, 577, 578, 5741 and Parts of Bridgetown Town Lots 544 – 546, 554 – 560, Brockman Highway, Smith Street, and Farrell Road Bridgetown." (R8)</p>
61	28/3/06	10/4/06	DH	<p>Schedule 3 – adding Special Residential Area Sres7 "Lot 8 Nelson Location 662 Bridgetown-Boyup Brook Road, Bridgetown" together</p>

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
				with Special Provisions.
63	5/6/07	18/6/07	DH	Part 3 - amending by replacing Clause 3.4.5 with new Clause 3.4.5.
67	28/5/10	1/6/10	NM	Modified Schedule 2 – Special use Zones and Section 2 – Restricted use Zones “Restricted zone 2, and Restricted zone 3”
68	08/06/12	20/06/12	NM	Modified table 1 listing ‘Afforestation’ as an ‘X’ use in the Rural Zone column.
64	12/10/12	29/10/12	NM	Inserted Restricted Use No. 9 into Schedule 2 – Section 2 – Special Restricted Use Zones.
69	1/3/13	18/3/13	NM	Inserted R10 into Schedule 2 – Special Use Zones. Modified R5 within Schedule 2 – Special Use Zones. Modified ‘bed and breakfast’ within table 1.
71	8/1/16	12/1/16	LD	Maps only
70	19/1/16	28/1/16	LD	Maps only
72	23/02/18	01/03/18	GM	<p>Clause 1.6 – Interpretations amended by:</p> <ul style="list-style-type: none"> <li>adding definitions for Home Office, Home Business and Rural Home Business;</li> <li>modifying definition for Home Occupation.</li> </ul> <p>Table 1 – Zoning table amended by:</p> <ul style="list-style-type: none"> <li>adding Home Business as an ‘AA’ discretionary use in the Commercial, Residential, Residential Development, Rural, Special Residential and Special Rural zones; include an asterix (*) in the Special Use zone and an ‘X’ use in all other zones;</li> <li>adding Cottage Industry as an ‘AA’ discretionary use in the Commercial, Residential, Residential Development, Rural and Special Residential zones and as a ‘P’ permitted use in the Industrial and Service Industry zones; include an asterix (*) in the Special Use zone, include a double asterix (**) in the Special Rural zone and an ‘X’ use in all other zones;</li> <li>adding Rural Home Business as an ‘SA’ special approval use for the Rural zone and as an ‘X’ prohibited use in all other zones;</li> <li>adding the following new footnote below the zoning table - ** - Use and Conditions of Use restricted to those shown in Schedule 1.</li> </ul> <p>Schedule 1 – Special Rural Zones amended by adding Cottage Industry as an ‘AA’ discretionary use in the SR1, SR2, SR3 and SR4 zones.</p> <p>Schedule 2 – Special Use Zones – Section 2 modified by:</p> <ul style="list-style-type: none"> <li>adding Home Occupation as an ‘AA’ discretionary use in the Special Restricted Use R1, R5, R8 and R10 zones only;</li> <li>adding Home Business as an ‘AA’ discretionary use in the Special Restricted Use R1, R5, R8 and R10 zones only;</li> <li>adding Cottage Industry as an ‘AA’ discretionary use in the R1 and R5 zones only.</li> </ul>

## **SHIRE OF BRIDGETOWN-GREENBUSHES**

### **Town Planning Scheme No. 3 (Bridgetown Townsite Area)**

The Council of the Shire of Bridgetown-Greenbushes 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) controlling land development;
- (b) securing protection of the environment of the Scheme Area; and
- (c) other matters authorised by the enabling Act.

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## PART I - PRELIMINARY

- 1.1 This Town Planning Scheme may be cited as the Shire of Bridgetown-Greenbushes Town Planning Scheme No 3 (Bridgetown Townsite) hereinafter called 'the Scheme' and shall come into operation on the publication of notice of the Minister's final approval thereof in the Government Gazette.
- 1.2 The Scheme shall apply to the whole of the land set out in the maps forming part of the Scheme and comprising the Townsite of Bridgetown.
- 1.3 The Town Planning Scheme for the Shire of Bridgetown-Greenbushes which was published in the Government Gazette on the twenty ninth day of August 1969 and subsequently from time to time amended is hereby revoked.
- 1.4 The responsible authority for carrying out the Scheme is the Council of the Shire of Bridgetown-Greenbushes hereinafter referred to as 'the Council'.

### 1.5 ARRANGEMENT OF THE SCHEME

The Scheme Text is divided into the following parts:

PART I	-	PRELIMINARY
PART II	-	RESERVED LAND
PART III	-	ZONES
PART IV	-	GENERAL PROVISIONS RELATING TO ZONES
PART V	-	NON-CONFORMING USE OF LAND
PART VI	-	FINANCE AND ADMINISTRATION
PART VII	-	PRESERVATION OF PLACES OF NATURAL BEAUTY AND HISTORIC BUILDINGS AND OBJECTS OF HISTORICAL OR SCIENTIFIC INTEREST
PART VIII	-	CONTROL OF ADVERTISEMENTS

The remaining documents of the Scheme are as follows:

1. Land Use Map
2. Scheme Map

### 1.6 INTERPRETATION

In this Scheme the terms used will have the respective interpretations set out hereunder:

**Afforestation** - means the planting and husbanding of commercial value trees other than:

- (a) fruit and nut trees, and vines;
- (b) nursery trees up to two years old; and
- (c) woodlots and shelter belts up to 400 square metres on any lot, of species approved by Council.

**Amenity Building** - means a building or part of a building that employees or persons engaged in an industry or business use for their personal comfort, convenience or enjoyment of leisure as distinct from the work of the industry or business.

**Art and Craft Centre** - means any land or buildings used to manufacture display, and sell, works of art and craft.

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

**Bed and Breakfast** means any dwelling in which the resident of the dwelling provides accommodation on a short term basis and includes the provision of meals for accommodation guests only.

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

**Building** - DELETED BY AMD 9 GG 20/3/92

**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.

**Car Park** - means a site or building used primarily for parking private cars or taxis whether as a public or private car park, but does not include any part of a public road used for parking or for a taxi rank, or any land or buildings on or in which cars are displayed for sale.

**Car Sales Premises** - means land and buildings used for the display and sale of cars, whether new or second-hand, but does not include a workshop.

**Caretaker's House** - means a building used as a residence by the proprietor or manager of an industry carried on upon the same site or by a person having the care of the building or plant of the industry.

**Caravan Park** - means an area set aside for the parking of caravans in conformity with the *Caravan and Camp Regulations, 1961*, made pursuant to the provisions of the *Health Act, 1911* (as amended), and the Local Government Model By-law (Caravan Parks) No 2 made pursuant to the powers conferred by the *Local Government Act, 1960* (as amended) and any amendments to those Regulations or to that Model By-law.

**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 1927 – for the purpose of keeping more than three (3) cats over the age of three (3) months.

AMD 56 GG 18/5/04

**Chalet Park** - means land set aside for development by the erection of attached or detached self contained holiday rental homes which are not designed for permanent residential accommodation.

**Child Care Centre** means any land or buildings used for the care of children.

**Civic Building** - means a building designed, used or intended to be used by Government Departments, statutory bodies representing the Crown, or Councils as offices or for administrative or other like purposes.

**Community Purpose** - means the use of premises designed or adapted primarily for the provision of educational, social and recreational facilities and services by organisations involved in activities for community benefit.

AMD 57 GG 18/7/03

**Consulting Rooms** - means a building or part of a building (other than a hospital) used in the practice of his profession by a legally qualified medical practitioner or dentist, or by a physiotherapist, a masseur or a person ordinarily associated with a medical practitioner in the investigation or treatment of physical or mental injuries or ailments.

**Cottage Industry** - 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 55 square metres;
- (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 0.2 square metres in area.

**Dog Kennels** – means any land or 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. AMD 56 GG 18/5/04

**Drive-In Theatre** - means an open air cinema that makes provision for the audience or spectators to view the entertainment while seated in motor vehicles.

**Dry Cleaning Premises** - means land and buildings used for the cleaning of garments and other fabrics by chemical processes.

**Dwelling Unit or Dwelling** - means a separate self contained domicile.

**Dwelling House** - means a building used primarily for living purposes as one separate family unit, and includes rooms separate from such building but ancillary thereto. The term also includes such outbuildings as are ancillary to the dwelling house but does not include a "residential building" or part of such a building.

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

**Effective Frontage** - means the distance along a line parallel to the street alignment at a distance from the lot frontage equivalent to the building setback required by the Scheme and measured between the intersection of the setback line and the two side boundaries.

**Exhibition Centre** - means premises used for the display of materials of an artistic, cultural or historical nature, and includes a museum or art gallery and may include sales of such materials. AMD 57 GG 18/7/03

**Existing Use** - means the use of any land or building for the purpose for which it was lawfully used immediately prior to the gazettal date of the Scheme, in accordance with conditions set out in Part IV - Non-Conforming Use of Land.

**Extractive Industry** - includes the extraction of sand, gravel, clay, turf, soil, rock, stone minerals or similar substance from the land, and also the manufacture of products from those materials when the manufacture is carried out on the land from which any of those materials is extracted or on land adjacent thereto.

**Fish Shop** - means a shop where the goods kept exposed or offered for sale include wet fish or fish fried on the premises for consumption off the premises.

**Fuel Depot** - means a depot for storage or bulk sale of solid or liquid gaseous fuel, but does not include a service station.

**Funeral Parlour** - means land and buildings occupied by undertakers where bodies are stored and prepared for burial or cremation.

**Gazettal Date** - means the date on which notice of the approval of the Minister to a Planning Scheme is published in the Government Gazette.

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

**Hazardous Industry** - 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.

**Health Centre** - means a maternal or x-ray centre, a district clinic, a masseur's establishment, or a medical clinic.

**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 56 GG 18/5/04*

**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 - *AMD 72 GG 23/02/18*

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m<sup>2</sup>; 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 72 GG 23/02/18*

- (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 m<sup>2</sup>; and
- (d) does not involve the display on the premises of a sign with an area exceeding 0.2m<sup>2</sup>; 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 72 GG 23/02/18*

- (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;

**Hospital** - means any building or part of a building, whether permanent or otherwise, in which persons are received and lodged for medical treatment or care;

**Hotel** - means land and buildings the subject of a Publican's General Licence, an Hotel Licence or a Wayside-house Licence granted under the provisions of the *Licensing Act, 1911* (as amended), or of any Act in substitution for the Act, but does not include a motel.

**Industry** - means the carrying out of any process for and incidental to:

- (a) the making, altering, repairing or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or breaking up or demolition of any article or part of any article;
- (b) the winning, processing, or treatment of minerals;
- (c) the generation of electricity or the production of gas; and
- (d) the manufacture of edible goods for human or animal consumption, being a process carried on in the course of trade or business for gain, other than operations connected with:
  - (i) the carrying out of agriculture;
  - (ii) site work on buildings, work or land; and
  - (iii) in the case of the manufacture of goods referred to in subparagraph (d) above, the preparation on the premises of a shop of food for sale;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, the sale of goods resulting from the process and the use of land for the amenity of persons engaged in the process.

**Institutional Building** - means a building used or designed for use wholly or principally for the purpose of:

- (a) a hospital or sanatorium for the treatment of infectious or contagious diseases;
- (b) a home or other institution for care of State wards, orphans, or persons who are physically or mentally handicapped;
- (c) a penal or reformatory institution;
- (d) a hospital for treatment or care of the mentally sick; or
- (e) any other similar use.

**Institutional Home** - means a residential building for the care and maintenance of children, the aged, or the infirm, and includes a benevolent institution; but does not include a hospital or a mental institution.

**Land** - includes air stratum titles, messuages, tenements and hereditaments and any estate in the land, and houses, buildings, works and structures, in or upon the land.

**Light Industry** - 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 prejudicially affect the amenity of the locality by reason of the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water, waste products, grit, oil or otherwise; 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 service.

**Local Shop** – means premises used for the retail sale of convenience goods commonly sold in supermarkets, delicatessens and newsagents. *AMD 55 GG 29/8/03*

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

**Milk Depot** - means a depot to which milk is delivered for distribution to consumers but in which milk is not processed or pasteurised.

**Motel** - means a building, group of buildings or place used or intended to be used to accommodate patrons in a manner similar to a hotel or boarding house but in which special provision is made for the accommodation of patrons with motor vehicles.

**Motor Repair Station** - means land and buildings used for or in connection with mechanical repairs and overhauls, including tyre recapping, retreading, panel beating, spray painting and chassis reshaping.

**Museum** - means any land or buildings used for storing and exhibiting objects and artefacts illustrative of history, natural history, art, nature and culture.

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

**Noxious Industry** - means an industry in which the processes involved constitute an offensive trade within the meaning of the Health Act, 1911 (as amended), but does not include fish shops or dry cleaning establishments.

**Office** - means 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 or, where not conducted on the site thereof, the administration of or the accounting in connection with an industry.

**Open Air Display** - means the use of land as a site for the display and/or sale of goods and equipment.

**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 any 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 lessee or licensee from the Crown; or
- (d) is entitled to receive or is in receipt of, or, if the lands 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 automotive accessories.

**Premises** - means land, buildings or part thereof.

**Private Hotel** - means land and buildings used for residential purposes in respect of which may be granted an hotel licence under the provisions of the *Licensing Act, 1911* (as amended), or any Act in substitution for that Act.

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

**Professional Offices** - means any building used for the purpose of his profession by an accountant, architect, artist, author, barrister, chiroprapist, consular official, dentist, doctor, engineer, masseur, nurse, physiotherapist, quantity surveyor, solicitor, surveyor, teacher (other than a dancing teacher or a music teacher), or town planner; and "professional person" has a corresponding interpretation.

**Public Amusement** - means the use of land as a theatre, a cinema, a dance hall, a skating rink, swimming pool or gymnasium, or for games.

**Public Assembly - Place of** - means any special place of assembly including grounds for athletics, all sports grounds with spectator provision, racecourses, trotting tracks, stadia or showgrounds.

**Public Authority** - means a Minister of the Crown acting in his official capacity, a State Government Department, State trading concern, State instrumentality, State public utility and any other person or body, whether corporate or not, who or which, under the authority of any Act, administers or carries on for the benefit of the State, a social service or public utility.

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

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

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

**Redevelopment** - means revision or replacement of an existing land use according to a controlled plan.

**Reformatory Institution** - includes a penal institution.

**Residential Building** - means a building, other than a dwelling house, designed for use for human habitation together with such outbuildings as are ordinarily used therewith, and the expression includes a hostel, an hotel designed primarily for residential purposes and a residential club.

**Residential Planning Codes** - means the Residential Planning Codes, set out in Appendix 3 to the Statement of Planning Policy No 1, as published in the *Government Gazette* on January 30, 1985 together with any amendments thereto.

**Restaurant** - means a building wherein food is prepared for sale and consumption on the premises and the expression shall include a licensed restaurant.

**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 -

*AMD 72 GG 23/02/18*

- (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 m<sup>2</sup>; 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 Industry** - 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.

**Rural Use** - means the use of land for the purposes of agriculture, farming or grazing including the growing of fruit or vines.

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

**Service Station** - means land and buildings used for the supply of petroleum products and automotive accessories and includes greasing, tyre repairs and minor mechanical repairs.

**Shop** - means any building wherein goods are kept exposed or offered for sale by retail, and includes a cafe and a restaurant and receiving depot; but does not include a bank, fuel depot, a market, service station, petrol filling station, milk depot, marine store, timber yard or land and buildings used for the sale of motor and other vehicles, or for any purpose falling within the definition of industry.

**Showrooms** - means rooms in connection with warehousing or offices, and intended for display of goods of a bulky character.

**Sports Ground** - means any land used of any sport; but does not include land within the curtilage of a dwelling, if not used commercially.

**Take-away Food Outlet** - means any land or buildings used primarily for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation;

**Tavern** - means a tavern as defined in the *Liquor Act No 34 of 1970*.

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

**Transport Depot** - means land used for the garaging of road motor vehicles used or intended to be used for carrying goods for hire or reward or for any consideration, or for the transfer of goods from one such motor vehicle to another of such motor vehicles, and includes maintenance and repair of vehicles.

**Truck Machinery Sales Premises** - means land or buildings used for the sale of trucks and machinery and includes facilities for the repair and servicing of goods sold from the premises.

**Warehouse** - means any building or enclosed land, or part of a building or enclosed land, used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale.

**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, hatching or edging for the purpose of indicating the restrictions imposed by the Planning Scheme on the erection and use of buildings or for the use of land, but does not include land reserved.

## **PART II - RESERVED LAND**

### **2.1 RESERVATION OF LAND AND DEVELOPMENT THEREOF**

- (a) Land set aside under this Scheme for the purposes of a reservation is deemed to be reserved for the purposes indicated on the Scheme Map.
- (b) Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying for and obtaining the written approval of the Council.
- (c) In giving its approval, the Council shall have regard to the ultimate purpose intended for the reserve and shall in the case of land reserved for the purposes of a public authority confer with that authority before giving its approval.
- (d) No provision of this Part shall prevent the continued use of land for the use for which it was being lawfully used immediately prior to the Scheme having the force of law, or the repair and maintenance, for which the prior consent in writing of the Council has been obtained, of buildings or works lawfully existing on the land.

### **2.2**

- (a) Where a Council refuses approval for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, or grants approval 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.
- (b) Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing approval or granting it subject to conditions that are unacceptable to the applicant.
- (c) 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 approval or of the grant of approval subject to conditions that are unacceptable to the applicant.

## PART III - ZONES

3.1 The Scheme Area is divided into 11 zones set out hereunder:

Park and Recreation  
Residential  
Commercial  
Industrial  
Special Additional Use  
Rural  
Special Restricted Use  
Special Rural  
Service Industry  
Residential Development  
Special Residential

3.2 Table No. 1 appended to Clause 3.3 of this Part indicates the several uses permitted by this Scheme in the various zones, such uses permitted by this Scheme in the various zones, such uses being determined by cross reference between the list of "Use Classes" on the lefthand side of the Table and the list of "Zones" on the top of that Table.

3.3 The symbols used in the cross reference in Table I appended to this clause have the following meanings:

- "P" - A use that is permitted under this Scheme.
- "AA" - A use that is not permitted unless approval is granted by the Council.
- "IP" - A use that is not permitted unless such use is incidental to the predominant use as decided and approved by the Council.
- "X" - A use that is not permitted.

3.3.1 Special Use Zones may be created by amendments to the Scheme for development that justifies this procedure. Premises in a Special Additional Use Zone may be used for the purposes specified in each case in Section 1 of Schedule II in addition to other development which may be permitted in the zone in which the premises are situated. Premises in a Special Restricted Use Zone shall, notwithstanding other provisions of the Scheme, only be used for the purpose specified in each case in Section 2 of Schedule II.

3.3.2 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.

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

- (i) determine that the use is not consistent with the objectives and purposes of the particular zone, and is therefore not permitted; or
- (ii) determine by absolute majority that the proposed use is consistent with the objectives and purposes of the zone, and may be considered for Planning Approval.

**Table I – Zoning Table**

USE CLASSES	ZONES									
	PARK & RECREATION	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SPECIAL USES	RURAL	SPECIAL RURAL	RESIDENTIAL DEVELOPMENT	SPECIAL RESIDENTIAL	SERVICE INDUSTRY
Afforestation <i>AMD 68 GG 08/06/12</i>	X	X	X	X	*	X	X	X	X	X
Aquaculture	X	X	X	X	*	AA	X	X	X	X
Bed and Breakfast	X	AA	X	X	*	AA	AA	AA	AA	X
Caravan Parks	X	X	X	X	*	AA	X	X	X	X
Caretaker's House/Flat	AA	P	AA	IP	*	AA	X	X	X	AA
Car Parks	AA	AA	AA	P	*	X	X	X	X	P
Car Sales Premises	X	X	AA	P	*	X	X	X	X	AA
Cattery <i>AMD 56 GG 18/5/04</i>	X	X	X	X	*	AA	X	X	X	X
Cemeteries/Crematoria	X	X	X	X	*	X	X	X	X	X
Chalet Park	X	X	X	X	*	AA	X	X	X	X
Child Care Centre	X	AA	X	X	X	AA	X	AA	X	X
Civic Buildings	AA	AA	P	X	*	AA	X	X	X	X
Consulting Rooms	X	AA	P	X	*	X	X	X	X	X
Cottage Industry <i>AMD 72 GG 23/02/18</i>	X	AA	AA	P	*	AA	**	AA	AA	P
Dog Kennels <i>AMD 56 GG 18/5/04</i>	X	X	X	X	*	AA	X	X	X	X
Drive-In Theatre	X	X	X	X	*	X	X	X	X	X
Dry Cleaning Premises	X	X	AA	P	*	X	X	X	X	AA
Educational Establishments	X	AA	AA	X	*	AA	X	X	X	X
Fish Shop	X	AA	AA	X	*	X	X	X	X	X
Fuel Depot	X	X	AA	P	*	AA	X	X	X	X
Funeral Parlour	X	X	AA	X	*	X	X	X	X	X
Health Centre	X	AA	AA	X	*	X	X	X	X	X
Holiday Accommodation	X	X	X	X	*	AA	X	X	X	X
Home Business <i>AMD 72 GG 23/02/18</i>	X	AA	AA	X	*	AA	AA	AA	AA	X
Home Occupation	X	AA	AA	X	*	AA	AA	AA	AA	X
Hospital	X	X	X	X	*	X	X	X	X	X
Hotel	X	AA	P	X	*	X	X	X	X	X
Industry - Extractive	X	X	X	X	*	AA	X	X	X	X
Industry - General	X	X	X	AA	*	X	X	X	X	X
Industry - Hazardous	X	X	X	AA	*	X	X	X	X	X
Industry - Light	X	X	AA	AA	*	AA	X	X	X	AA
Industry - Noxious	X	X	X	AA	*	X	X	X	X	X
Industry - Rural	X	X	X	AA	*	P	X	X	X	X
Industry - Service	X	AA	AA	AA	*	AA	X	X	X	P
Institutional Building	X	AA	AA	X	*	AA	X	X	X	X
Institutional Home	X	AA	AA	X	*	AA	X	X	X	X
Milk Depot	X	X	AA	P	*	AA	X	X	X	AA
Motel	X	AA	P	X	*	AA	X	X	X	X
Motor Repair Station	X	X	AA	P	*	X	X	X	X	AA
Office	X	AA	P	IP	*	X	X	X	X	AA
Open Air Display	X	X	AA	AA	*	AA	X	X	X	AA
Outdoor Recreation	P	P	P	AA	*	AA	AA	X	AA	X
Petrol Filling Station	X	AA	AA	P	*	AA	X	X	X	AA
Private Hotel	X	AA	P	X	*	AA	X	X	X	X
Professional Office	X	AA	P	X	*	X	X	AA	X	X
Public Amusement	AA	X	AA	X	*	AA	X	X	X	X
Public Assembly	AA	AA	AA	X	*	AA	X	X	X	X
Public Utility	P	P	P	P	*	P	P	X	P	P

**Table 1 – Zoning Table (Cont'd)**

USE CLASSES	ZONES									
	PARK & RECREATION	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	SPECIAL USES	RURAL	SPECIAL RURAL	RESIDENTIAL DEVELOPMENT	SPECIAL RESIDENTIAL	SERVICE INDUSTRY
Public Worship	X	AA	AA	X	*	AA	X	X	X	X
Residential Building	X	AA	AA	X	*	AA	X	X	X	X
Residential	X							X	X	X
(a) Single House	X	P	AA	X	*	P	P	AA	P	X
(b) Attached House	X	P	AA	X	*	AA	X	X	X	X
(c) Grouped Dwelling	X	AA	AA	X	*	X	X	X	X	X
(d) Multiple Dwelling	X	AA	AA	X	*	X	X	X	X	X
Restaurant	X	AA	P	X	*	AA	X	X	X	X
Rural Home Business <i>AMD 72 GG 23/02/18</i>	X	X	X	X	X	SA	X	X	X	X
Rural Use	AA	P	X	P	*	P	P	P	AA	X
Service Station	X	AA	AA	P	*	AA	X	X	X	AA
Shop	X	AA	P	IP	*	X	X	X	X	IP
Showroom	X	X	P	P	*	X	X	X	X	AA
Tavern	X	X	AA	X	*	X	X	X	X	X
Telecommunications Infrastructure	AA	AA	AA	AA	*	AA	AA	AA	AA	AA
Transport Depot	X	X	X	P	*	AA	X	X	X	AA
Truck Machinery Sales Premises	X	X	X	P	*	X	X	X	X	AA
Warehouse	X	X	AA	P	*	X	X	X	X	AA
Winery <i>AMD 56 GG 18/5/04</i>	X	X	AA	AA	*	AA	X	X	X	AA
Zoological Garden	X	X	X	X	*	AA	X	X	X	X

\* - Use and Conditions of Use restricted to those shown in Schedule 2.

\*\* - Use and Conditions of Use restricted to those shown in Schedule 1.

*AMD 72 GG 23/02/18*

### 3.4 DEVELOPMENT AND ITS APPROVAL

- 3.4.1 Except as hereinafter provided no development including a material change in the use of land shall be carried out on land within the Scheme Area without the prior consent of the Council. Such consent is hereinafter referred to as 'a planning approval' and is required in addition to a building licence.
- 3.4.2 Application for Planning Approval shall be in writing addressed to the Shire Clerk and shall be accompanied by such plans or explanatory documents as may be necessary to enable Council to gain a complete understanding of the proposal and its effect on the locality.
- 3.4.3 The Council, when considering granting its approval to a use marked AA in Table I, will take into consideration the effect which such use will have on the amenity of the area likely to be affected by the use, the effect on the road system of the locality and any other matters which it may consider relevant to the establishment of the use, and may either:
- a) grant approval; or
  - b) grant approval subject to such conditions and requirements as it deems fit; or
  - c) refuse to grant approval giving its reasons.

Without limiting the generality of the foregoing, the Council may where it deems appropriate, limit the period of validity of any approval granted and may grant approvals for development for limited periods of time.

- 3.4.4 The Council shall convey its decision on any such application for Planning Approval to the applicant within 60 days of the date upon which it was first received at the Council offices unless the Council shall have first obtained the applicant's approval in writing for an extension of that period and in the event that a decision has not been made within that period or extended period, the application shall be deemed to have been refused.
- 3.4.5 Except as otherwise provided in the scheme, the following development does not require the planning approval of the Local Government: *AMD 63 GG 5/6/07*
- a) The construction, replacement, maintenance or repair by a Government Agency or Statutory Undertaking of any equipment necessary to provide or maintain a public service.
  - b) The carrying out of any building or work which affects only the interior of a building and which does not materially affect the external appearance of the building except where the building is:
    - i) located in a place that has been registered in the Register of Places under the *Heritage of Western Australia Act 1990*; or
    - ii) the subject of an Order under Part 6 of the *Heritage of Western Australian Act 1990*.
  - c) The erection on a lot of an ancillary outbuilding and swimming pools, except where:
    - i) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the provisions of the Residential Planning Codes;
    - ii) the proposal requires the exercise of a discretion by the local government under the Scheme to vary the setback provisions of a specific zone; or
    - iii) the proposal will be visible from the street.

- d) The demolition of any building or structure except where the building or structure is:
  - i) located in a place that has been entered in the Register of Places under the *Heritage of Western Australia Act 1990*;
  - ii) the subject of an Order under Part 6 of *Heritage of Western Australia Act 1990*;
- e) The erection of a boundary fence;
- f) Subject to the provisions of this Scheme, changes in the uses of land and buildings except where they give rise to:
  - i) a material change in the appearance of the property is concerned;
  - ii) the need, according to the provisions of this Scheme and/or as may be determined by the Council by experience of similar uses elsewhere, for additional car parking accommodation, loading and unloading, accommodation, landscaping or other special site treatments;
  - iii) significant increases in the amount of traffic attracted to the site; and
  - iv) the need for the provision of significantly improved public services and utilities of any kind.
- g) Any works which are temporary and in existence for less than 48 hours or such longer time as the local government agrees.

3.4.6 Failure to comply with the conditions imposed by Council on the grant of a planning approval or failure to carry out development so approved in strict accordance with the plan approved by Council in respect of a particular proposal, shall constitute a contravention of the Act and the Council may:

- a) by written notice served on the owner and/or occupier of the land, require the development to be carried out in accordance with the conditions imposed on any approval granted and/or in strict accordance with the plans approved in the grant of any such approval within the period specified in the notice (not being less than 28 days) failing which the Council may enter the land and carry out the work itself and recover any expenses so incurred from the person in default as a simple contract debt in such Court of Civil Jurisdiction as is competent to deal with the amount of the claim;
- b) prosecute the owner or occupier of the land as the case may be pursuant to Section 10 of the Act; or
- c) revoke the approval so granted and require the removal of the development carried out as set out in Section 10 of the Act.

3.4.7 Any applicant who is aggrieved by any decision made or deemed to have been made by Council exercising any of the discretionary powers available to it under this Scheme may appeal, within 60 days of the date of Council's decision, against such decision in accordance with the provision of Part V of the Act.

3.4.8 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.

3.4.9 Where the Council grants planning approval:

- a) the development approval shall be substantially commenced within two years, or such other period as specified in the approval, after the date of determination; and
- b) the approval lapses if the development is not substantially commenced before the expiration of that period.

3.4.10 An application 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 3.4.9(a).

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

*AMD 56 GG 18/5/04*

- a) The Council may require the applicant to give notice or decide to give notice of an application for planning approval and one or more of the following shall be carried out:
  - (i) notice of the proposed development to be served on nearby owners and occupiers who are likely to be affected by the granting of planning approval stating that submissions may be made to the Council by a specified date being not less than twenty-one days of the service of such notice;
  - (ii) 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 by a specified date not being less than twenty-one days from the publication thereof;
  - (iii) sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for the specified period from the date of publication of the notice referred to in paragraph (ii) of this sub-clause.
- b) Any person may inspect the application for planning approval referred to in the notice and material accompanying that application;
- c) After the expiration of the specified period from the serving of notice of the application for planning approval, the publication of the notice or the erection of a sign or signs, whichever is later, the Council shall consider and determine the application.

## **PART IV - GENERAL PROVISIONS RELATING TO ZONES**

### **4.1 AMENITY AND TOURIST DEVELOPMENT**

Council's Objectives will be to ensure that the overall amenity of the town 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. Council's Policies will therefore be to:

- (a) require, by means of Scheme provisions, an appropriate standard of maintenance and visual appearance of buildings and properties within the town and its environs; and
- (b) encourage and permit, subject to adequate conformity with Scheme provisions, uses and activities which add to and facilitate the District's potential for tourism and recreational use.

#### **4.1.1 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.

#### **4.1.2 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.

#### **4.1.3 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.

#### **4.1.4 Storage/Wrecking of Vehicles**

Council shall not permit the storage and/or wrecking of any vehicle on any street verge or the wrecking of a vehicle on any lot within the Residential zone.

#### **4.1.5 Holiday Accommodation/Chalets**

Council, in accordance with clause 3.2, may permit up to five holiday accommodation units or chalets per lot within the "Rural" Zone. Any other such developments proposed in excess of this number or incorporating ancillary facilities will require rezoning to the "Additional Use" or "Restricted Use" Zones to enable individual assessment and the inclusion of suitable development controls.

### **4.2 COMMERCIAL ZONE**

Council's objective will be to ensure that the Town Centre continues to function effectively as the location for the District's commercial and civic activity, that the uses approved therein will be compatible with the objective, and with enhancement of the Centre's activity and movement systems.

#### 4.2.1 Building Requirements

- a) For uses other than residential approved within the zone, the following minimum building setbacks from the street alignment shall apply.

Commercial	Nil
Civic and Public Uses	Nil
Industrial	9 metres except that in the area bounded by Bunbury, Roe, Phillips and Hampton Streets the building line may be reduced at the discretion of Council.
Service Station and Petrol Filling Stations	7.5 metres
Other Uses	At Discretion of Council.

#### 4.3 RESIDENTIAL ZONE

Council's objectives will be to ensure that the residential character and amenity of the zone is retained and enhanced and that any other uses approved within the Zone under the provisions of the Scheme are compatible with this basic objective.

##### 4.3.1 Building Requirements

- a) In considering the granting of Planning Approval within the zone to a multiple dwelling or other use marked AA in Table I, Council will consider the effect of the development on the residential amenity and the street system of the locality, and the suitability of the site for the disposal of effluent, and may impose such conditions of approval as it thinks fit.

- b) Multiple dwellings where approved shall be limited to a height of two storeys.

- c) For uses other than approved residential, the following minimum building setbacks from the street alignment shall apply.

Commercial	Nil. Setback in Gifford Road may be increased at Discretion of Council.
Service Station and Petrol Filling Station	7.5 metres
Other	At discretion of Council.

##### 4.3.2 On privately owned land within the zone a person shall not:

- a) park or allow to remain stationary for more than four hours consecutively:
- (i) more than two commercial vehicles and if there are two such vehicles one at least must be housed in a domestic garage or outbuilding;
  - (ii) any vehicle which due to size or load is not capable of being completely housed within a domestic garage or outbuilding having a maximum floor area of 50 square metres and in which no horizontal dimension is more than 7.5 metres; or
  - (iii) a vehicle which together with the load thereon exceeds 3 metres in height;

- b) repair, service or clean a commercial vehicle unless such work is carried out whilst the vehicle is housed in a domestic garage or outbuilding.

#### 4.3.3 Residential Development - Residential Planning Codes

- a) 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 as published in the *Government Gazette* on January 30, 1985, together with any amendments thereto.
- b) A copy of the Residential Planning Codes, as amended, shall be kept and made available for public inspection at the offices of the Council.
- c) 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.
- d) Development for residential use in any zone where permitted by the Scheme shall conform to the provisions of the R12.5 Code except that where development can be connected to the reticulated sewerage system, development to the standards of the R20 Code may be permitted.

#### 4.4 INDUSTRIAL ZONE

Council's objectives will be to allow for the establishment of industry in areas which will allow proper access to be secured and which will allow development to take place without undue deterioration of the environment.

4.4.1 Development of land for industrial purposes will require:

- a) access points to major roads to be adequately located and designed for safe use by vehicular traffic; and
- b) provision for screening along main road frontages by retention of existing trees and substantial vegetation where such exist and by additional planting and landscaping where in the opinion of Council this is necessary or desirable.

4.4.2 Within an industrial zone:

- a) the building setback from a street alignment shall be a minimum of 9 metres except that the minimum setback for a Service Station or Petrol Filling Station shall be 7.5 metres;
- b) land between the building setback line and a street alignment shall not (except with the written consent of the Council) be used for a purpose other than for lawns and gardens, for the parking of vehicles or as a means of access;
- c) adequate parking space as determined by Council shall be provided on the site for the parking of the vehicles of owners, employers and visitors additional to that provided for under sub clause b) of this clause; and
- d) parking space shall be designed and constructed to standards which Council may determine as adequate and proper after consideration of the nature and use of the industry.

#### 4.5 RURAL ZONE

Council's objective will be to retain the rural character of the zone in the interests of the town's landscape and environment.

- 4.5.1 Within the zone the minimum building setback from all boundaries shall be 15 metres except that Council may at its discretion permit a building to be constructed closer to any boundary than 15 metres but not less than 7.5 metres.
- 4.5.2 Council in considering the granting of approval to "Afforestation" in the Rural zone, will take into account the landscape and amenity of the area, and may refuse to grant approval for the planting of tree species which it does not consider to be appropriate for the area.

#### **4.6 SPECIAL RURAL ZONE**

Council's Objective is to select areas wherein closer subdivision of rural areas will be permitted to provide for such uses as hobby farms, horse breeding, rural-residential retreats, intensive agriculture including market gardens and viticulture, and to ensure that development which takes place within the zone as a result of increased activity does so with the least possible detriment to the rural character and landscape value of the land involved.

- 4.6.1 In order to achieve its objectives Council will require that any application for development must show an adequate concern for the physical environment and will require all significant land uses which exist on the land to be shown on the proposal, and the effect of any subdivision on that land use properly assessed.
- 4.6.2 The provisions for controlling subdivision, land uses and development relating to specific Special Rural Zones will be as laid down in Schedule I to the Scheme and future subdivision will accord with the Plan of Subdivision for the specified area referred to in the Schedule and such Plan of Subdivision shall form part of the Scheme.

Before making provision for a Special Rural Zone, Council will prepare, or require the owner(s) of the land to prepare, a submission supporting the creation of the Special Rural Zone and such submission shall include:

- a) a statement as to the purpose or intent for which the zone is being created;
  - b) the reasons for selecting the particular area the subject of the proposed zone with particular reference as to how this relates to the Council's Rural Planning Strategy;
  - c) a plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, lakes, rivers, creeks, swamps, orchards, wells and significant improvements;
  - d) information regarding the method whereby it is proposed to provide a potable water supply to each lot; and
  - e) the proposed staging of the subdivision and development and the criteria to be met before successive stages are implemented.
- 4.6.3 The Scheme provisions for a specific Special Rural Zone shall include a Plan of Subdivision:
- a) The proposed ultimate subdivision including approximate lot sizes and dimensions.
  - b) Areas to be set aside for Public Open Space, pedestrian access-ways, horse trails, community facilities, etc., as may be considered appropriate.
  - c) Those physical features it is intended to conserve.
  - d) The proposed staging of the subdivision where relevant.

- 4.6.4 In addition to the Plan of Subdivision, the Scheme provisions for a specific Special Rural Zone shall specify:
- a) the facilities which the purchasers of the lots will be required to provide (eg. their own potable water supply, liquid and solid waste disposal system, etc.);
  - b) proposals for the control of land uses and development which will ensure that the purpose of intent of the zone and the rural environment and amenities are not impaired; and
  - c) any special provisions appropriate to secure the objectives of the zone.
- 4.6.5 In addition to a Building Licence, the Council's prior approval to commence development is required for all development including a private dwelling house.
- 4.6.6 Not more than one private dwelling per lot shall be erected.
- 4.6.7 The Council may, by notice served upon individual landowners or upon a subdivider of land within this zone require the preservation of specified groups of trees and thereafter no landowner or subdivider shall cut, remove or otherwise destroy any group of trees so specified unless the Council rescinds the notice or order.
- 4.6.8 In addition to such other provisions of the Scheme as may affect it, any land which is included in a "Special Rural Zone" shall be subject to those provisions as may be specifically set out against it in Schedule I, entitled 'Special Rural Zones - Provisions Relating to Specified Areas'.
- 4.6.9 Notwithstanding the provisions of the Scheme and what may be shown in the Plan of Subdivision specified in Schedule I, the Town Planning Board may approve a minor variation to the subdivisional design but further breakdown of the lots so created shall be deemed to be contrary to the provisions of the Scheme.
- 4.6.10 A building may not be constructed within the zone of materials which in the opinion of Council, are undesirable for the locality.
- 4.6.11 A dwelling house or outbuilding shall not be constructed within 20 metres of a lot boundary provided that the Council may approve of a lesser distance where it is satisfied that the topography or the shape of the lot or the existing vegetation upon it make it desirable to do so.
- 4.6.12 A dwelling shall not be constructed or approved for construction within the zone unless a roof water storage tank of minimum capacity of 90,000 litres is incorporated in the approved plans and no dwelling shall be considered fit for human habitation unless such a tank has been installed and is operating but this clause shall not apply when:
- a) any lot created within the zone is supplied with reticulated water by the Water Supply Authority; or
  - b) the developer has produced evidence from some competent professional adviser which satisfies Council that an adequate potable on-site water source is available.
- 4.6.13 Septic tanks, leach drains, or other such installations for on-site disposal of effluent or wastes shall be constructed at least 30 metres distant from any bore, well or other surface water supply whether on the same lot or any other lot and no such installation or similar potential source of water pollution shall be established or maintained within 30 metres of any river, stream, creek, spring or watercourse in which water flows in a natural channel, whether permanently or intermittently.

An effluent disposal system shall not be installed within 20 metres of any lot boundary.

4.6.14 With the intention of preventing over-stocking or other practices detrimental to the amenity within the zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without approval in writing of Council. In giving approval under this clause, the Council may impose limits of stocking or such other conditions as it sees fit and may vary such conditions in the light of prevailing seasonal conditions.

4.6.15 **Amenity**

Notwithstanding that a building or work may conform in all respects to the provision of this section the Council may require alterations to a proposed building if it considers that the proposed building or work would be likely to seriously affect the amenity or the visual appearance of the area.

4.6.16 **Control of Bush Fires**

Proposals for the subdivision must contain an analysis of the bushfire vulnerability of the land within the subdivision area, arising from the proposal itself or areas within the locality.

Upon the basis of such analysis the developer shall present to Council the measures proposed within the subdivision to control bushfires which shall include, but not necessarily be limited to, the provision and allocation of strategic firebreaks and methods of fire management control.

**4.7 RESIDENTIAL DEVELOPMENT ZONE**

Council's Objective will be to ensure that the zone is developed for Residential uses in a manner which makes optimum use of the zone's environmental character and landscape and which provides for the most economic utilisation of services.

Council's Development Policy will therefore be to:

- (a) require re-subdivision of existing lots into a structure more appropriate to good land utilisation, servicing by roads, water supply and drainage, and with regard to the topography and the environment;
- (b) regard a lot size in the range 4,000m<sup>2</sup> to 7,000m<sup>2</sup> as appropriate depending on the circumstances except where it can be shown that clustering techniques of lots of lesser size are desirable;
- (c) not permit development on lots unserved by constructed roads, water supply, power or drainage;
- (d) require protection of any existing substantial trees by means of open space or road widenings and the setting aside by reservation of land which contributes significantly to the amenity of the area and the Town; and
- (e) consider the introduction of a Guided Development Scheme in order to achieve its objectives if such becomes necessary or desirable.

4.7.1 Building and development for residential or other uses will not be permitted on a lot which does not front a public road constructed to standards adopted by Council or which is not provided with reticulated water and adequate drainage.

4.7.2 Prior to the approval of any development Council may require a plan of re-subdivision to be prepared, approved and implemented.

4.7.3 A plan prepared under the requirement of Clause 4.7.2 shall have adequate consideration given to:

- a) protection of the area's landscape and amenity;

- b) determination of lot sizes appropriate to the topography and the general environment;
- c) protection of vegetation on road reserves and existing lots; and
- d) sound construction practices for the location of roads and the provision of services.

4.7.4 The minimum setback requirements for this zone shall be: AMD 56 GG 18/5/04

- a) 7.5 metres from the front rear boundaries; and
- b) 4 metres from a side boundary.

#### 4.8 CAR PARKING

4.8.1 Within the Scheme area development or redevelopment of land for any of the uses in Table II shall provide on-site car parking spaces constructed to the satisfaction of Council in accordance with the provisions of the Table, except that Council may accept a lesser number of spaces if it considers that the development by its nature would not require the provisions of the Table to be adhered to.

4.8.2 Where on-site parking in accordance with the requirement of Clause 4.8.1 cannot reasonably be provided, Council may accept a cash payment in lieu of the provision of car parking spaces but subject to the requirements of this clause:

- a) a cash in lieu payment shall not be less than the estimated cost of providing and constructing the parking spaces required by the Scheme plus the value as estimated by the Chief Valuer of the Department of State Taxation of that area of land which might have been occupied by the parking spaces; and
- b) any monies required to be paid to Council under this clause shall be paid into a special fund to be applied solely to the provision, construction and maintenance of further car parking facilities in reasonable proximity to the premises from which the monies were derived.

**TABLE II - CAR PARKING PROVISIONS**

USE	NO OF CAR PARKING SPACES TO BE PROVIDED
Commercial	1 per 15m <sup>2</sup> retail floor space
Industrial	1 per 15m <sup>2</sup> gross floor space
Private Recreation Institutional	To be determined by Council after taking into consideration the proposed use and its location in relation to the road systems and other uses in the vicinity.
Service Industry	One parking bay for each person normally employed on the site plus one visitor parking bay for each site. The provisions of clause 4.8.2 may be applied at Council's discretion.

#### 4.9 SERVICE INDUSTRY ZONE

Within this zone the following building setbacks shall apply:

Front Rear - 3 metres

Sides - Nil (Provisions of Building Code of Australia to apply).

#### **4.10 SPECIAL RESIDENTIAL ZONE**

Council's objective will be to use the Special Residential Zone to provide variety in the residential lot market. Council will use the zone sparingly and only where special 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; and
- (c) control subdivision, development and land use to ensure the special qualities of the site are maintained.

4.10.1 Subdivision shall be generally in accordance with an approved subdivision guide plan and no further subdivision shall be permitted.

4.10.2 The minimum lot size shall be 2,000m<sup>2</sup> and the maximum lot size 1ha unless specific reasons exist for variations to these standards.

4.10.3 Unless a specific building envelope has been declared for a lot, the minimum setback requirements shall be - *AMD 59 GG 29/4/03*

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

4.10.4 Council may, at its discretion, create or alter building envelopes or setback requirements for a lot in the Special Residential Zone, but only where good reason exists and with the objective of enhancing the character and amenity of the zone.

4.10.5 All Special Residential lots will be provided with reticulated water.

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

4.10.7 Not more than one dwelling shall be permitted on any lot.

4.10.8 The use of second hand materials for visible structures is prohibited.

4.10.9 No boundary fences shall be constructed of the following materials:

- Asbestos;
- Metal Sheeting; or
- Wooden Pickets.

4.10.10 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 0.2m<sup>2</sup>.

#### **4.11 HOLIDAY ACCOMMODATION**

4.11.1 Development for Holiday Accommodation 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 Approval additional planting and maintenance of trees where existing cover is considered deficient or inadequate. In particular, Council may require additional planting in the setback areas in order to provide increased screening from surrounding properties;
- d) public road access to the site shall in the opinion of Council be adequate for the use which may be reasonably anticipated. Unless otherwise decided, Council shall require a sealed road standard for access roads to the development site;
- 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;
- g) all sub-floor areas shall be enclosed with brick, stone, vermin battens or by other means acceptable to Council.

4.11.2 *DELETED BY AMD 56 GG 18/5/04*

#### **4.12 TELECOMMUNICATIONS 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 communications (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 3.4.2 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) co-ordination 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.

## **PART V - NON-CONFORMING USE OF LAND**

**5.1** No provision of this 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 the 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 required under the *Town Planning and Development Act, 1928* (as amended), and any other law authorising the development to be carried out had been duly obtained and was current.

**5.2** A person shall not alter or extend a non-conforming use or erect, alter or extent a building used in conjunction with a non-conforming use without first having applied for and obtained the planning approval of the Council under the Scheme and unless in conformity with any other provisions and requirements contained in the Scheme.

### **5.3 CHANGE OF NON-CONFORMING USE**

The Council may permit the use of any land to be changed from one non-conforming use to another non-conforming use, provided the proposed use is, in the opinion of the Council, less detrimental to the amenity of the neighbourhood than the existing use, or is, in the opinion of the Council, closer to the intended uses of the zone.

### **5.4 DISCONTINUANCE OF NON-CONFORMING USE**

- (a) Notwithstanding the preceding provisions of this Part, except where a change of Non-Conforming Use has been permitted by the Council under Clause 5.3, when a Non-Conforming Use of any land or building has been discontinued for a period of 3 months, such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.
- (b) 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.

## **PART VI - FINANCE AND ADMINISTRATION**

### **6.1 DISPOSAL OF LAND**

The Council may deal with or dispose of any land which it owns or which it has acquired pursuant to the provisions of the Scheme, in accordance with the Act and in conformity with the provisions of the Scheme, and for such purpose may make such agreements with other owners as it deems fit.

### **6.2 COMPENSATION**

Claims for compensation by reason of the Scheme other than for the purpose of Part II shall be made not later than six months from the date on which notice of approval of the Scheme is published in the Government Gazette, except in the case of reserved land where the provisions of Part II shall apply.

### **6.3 COMPLIANCE WITH SCHEME**

- (a) A person shall not use land or any buildings or structure thereon contrary to or otherwise than in accordance with the provisions of the Scheme.
- (b) If pursuant to the provisions of the Scheme approval has been granted subject to conditions, a person shall not commit a breach of, or neglect to carry out, any of those conditions.
- (c) Twenty-eight (28) days notice in writing is hereby prescribed as the notice to be given pursuant to Section 10 of the Act where the conditions of this sub-clause are not complied with, and any expenses incurred by the Council under that Section may be recovered from the person in default as a single contract debt in such Court of Civil jurisdiction as is competent to deal with the amount of the claim.

### **6.4 ENTRY TO PREMISES**

The Council may by an authorised officer enter at all reasonable times any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

### **6.5 VALUATION OF LAND**

Any valuation required under any provision of this Scheme may be made by either the Valuer General or by a Licensed Valuer appointed by the Council.

### **6.6 PENALTIES**

Any person who fails to comply with any of the provisions of the Scheme is guilty of an offence and without prejudice to any other remedy given herein is liable to such penalties as are prescribed by the Act.

**6.7** 6.7.1 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.

6.7.2 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.

6.7.3 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.

6.7.4 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.

6.7.5 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.

## **6.8 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 the exercise by virtue of the Scheme.

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

### **7.1 SCHEDULE 4 PLACES, BUILDINGS AND OBJECTS**

- 7.1.1 The Council considers that the places of natural beauty and historic buildings and objects of historical or scientific interest listed in Schedule 4 should be conserved and preserved.
- 7.1.2 If the Council resolves that any place of natural beauty or any historic building or object of historical or scientific interest should be subject to the provisions of this Part, the council may initiate an amendment to the Scheme to add the place, building or object to Schedule 4.
- 7.1.3 If the Council at any time considers that any Schedule 4 place, building or object should no longer be subject to the provisions of this Part, the Council may initiate an amendment to the Scheme for the deletion of the place, building or object from Schedule 4.

### **7.2 WRITTEN CONSENT OF COUNCIL**

In addition to all other provisions of this Scheme, the approval of the Council is required for the following development on or in relation to any Schedule 4 place, building or object to:

- (a) clear, excavate or fill any land;
- (b) fell, remove, kill or irreparably damage any tree;
- (c) erect any fence;
- (d) commence or carry out any renovation, modification or demolition of any building;
- (e) alter or remove any building or object or part thereof.

### **7.3 AGREEMENTS**

That Council may:

- (a) enter into agreements with the owners or occupiers of land on which any Schedule 4 place, building or object is situated for the purpose of ensuring its preservation or conservation;
- (b) enter into agreements with the National Trust of Australia (Western Australia), Heritage Council of Western Australia, or any government department, authority or other body in Western Australia for the preservation or conservation of any Schedule 4 place, building or object.

### **7.4 PURCHASE OR RESUMPTION**

The Council may purchase or, subject to the Act, resume all or part of the parcel of land on which any Schedule 4 place, building or object is situated, as in the opinion of the Council is necessary for its preservation.

### **7.5 BRIDGETOWN SPECIAL DESIGN HERITAGE PRECINCT**

Council's objective, recognising the Precinct's historic and townscape significance and the tourist importance of Bridgetown, is to ensure retention of the character of the Precinct as a whole and the buildings within.

7.5.1 In order to achieve the above objective all development including:

- demolition or removal of buildings;
- works which affect the external appearance of a building;
- construction of additions and outbuildings;
- erection of a fence or a wall; and
- development of new buildings;

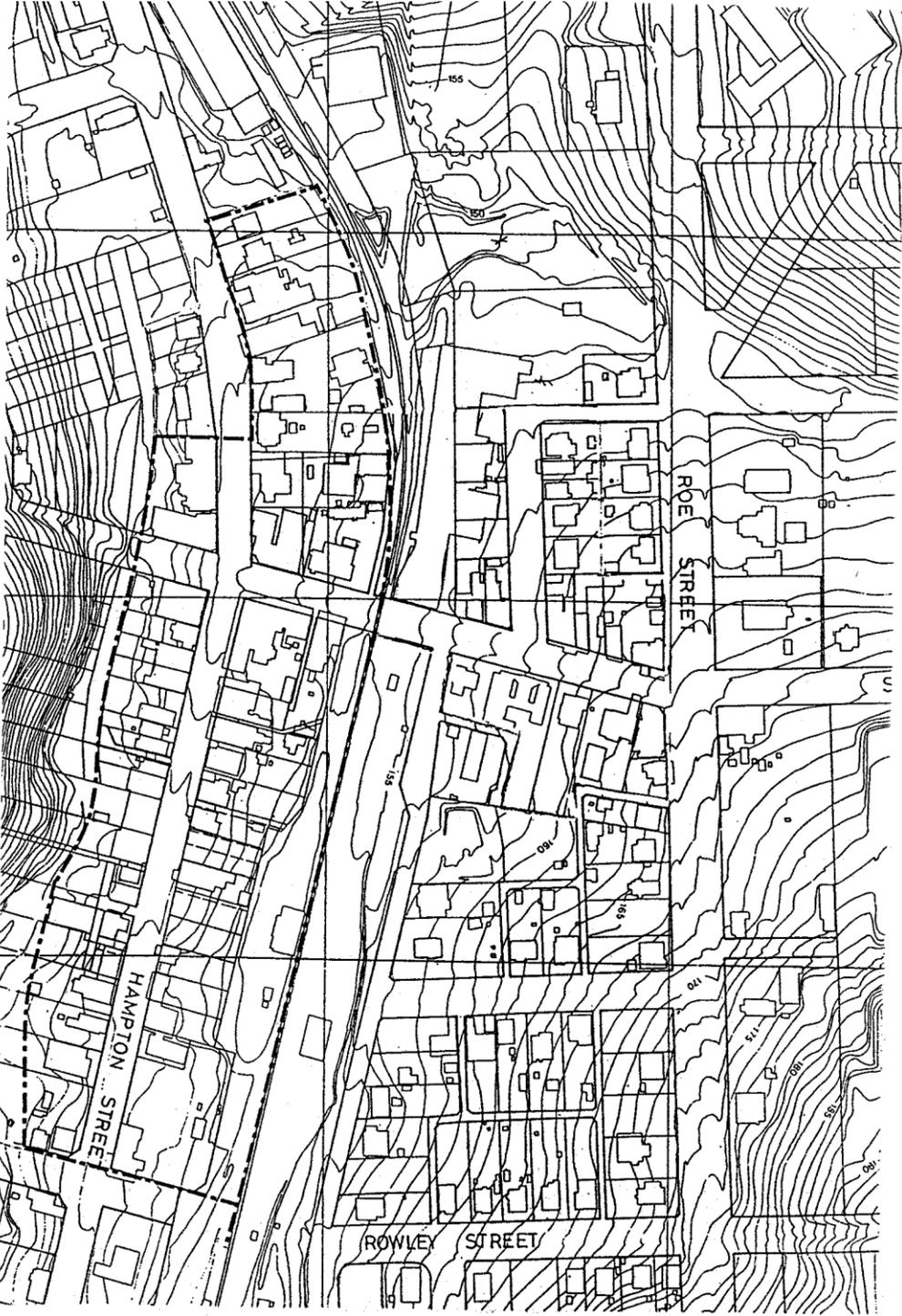
is not permitted unless written approval has been granted by Council, and in considering approval, Council will have regard to any development guidelines which have been adopted to assist in the retention of the established and recognisable character of the Precinct.

7.5.2 Council will adopt, following advertisement thereof once of a notice in a local newspaper circulating in the district, and consideration of any Submissions, a Statement of Policy and Development Guidelines for the Precinct and there shall be kept and made available for public inspection at the offices of the Council.

7.5.3 Where Planning Approval is granted under the provisions of this clause Council will require that buildings and other structures are of a design and materials compatible with the general appearance of other buildings within the Precinct, as well as the intent of Council objective and development guidelines.

7.5.4 The provisions of this section will apply in addition to any other Scheme requirement applying to the relevant zone, and where any provision of this clause is not consistent with any other requirement of the Scheme the provisions of this clause shall prevail.

# BRIDGETOWN SPECIAL DESIGN HERITAGE PRECINCT



BRIDGETOWN SPECIAL DESIGN HERITAGE PRECINCT

Scale 1:2000

----- Boundary of Precinct

## **PART VIII - CONTROL OF ADVERTISEMENTS**

### **8.1 POWER TO CONTROL ADVERTISEMENTS**

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 3.4 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at 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 8.1.1 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 zones which are either:

- (a) listed by the National Trust;
- (b) listed on the register of the National Estate;
- (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 cause an exempted or existing advertisement to seriously conflict with the objectives of this part, it may by notice in writing (giving clear reasons) 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 anyone or any group comprised of the landowner, 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;
- 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.

**APPENDICES**

**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 its 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:  
.....  
If yes, state intensity of light source: .....
- 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 of Advertiser(s): .....  
(if different from landowners)

Date: .....

**SCHEDULES**

**SCHEDULE 1 - SPECIAL RURAL ZONES**

<b>SPECIFIED ZONE</b>		<b>PROVISIONS TO APPLY TO ZONE</b>
<i>SR 1</i>	<p>Special Rural Zone C Brockman Highway, Bridgetown</p> <p><i>AMD 7 GG 28/3/91;</i> <i>AMD 72 GG 23/02/18</i></p>	<p>(a) Submission to be generally in accordance with the plan for the zone adopted by Council dated May 25, 1990.</p> <p>(b) Uses permitted within the zone are:</p> <p>Residential (Single House) Rural Use Home Occupation Public Utility Cottage Industry (AA)</p> <p>Other uses not permitted unless with the consent of Council.</p> <p>(c) Buildings on a lot shall be contained within the building envelopes shown on the approved plan.</p> <p>(d) The following provisions shall apply to a minimum 10 metre wide stream protection area measured outwards from the top of both banks of the watercourse which traverses the subject land:</p> <p>(a) No new dams or artificial retention of flow, pumping, diversion of water or modification to stream course, bed or banks without Water Authority approval.</p> <p>(b) The activities of stock to be controlled, such that problems of erosion pollution and vegetation degradation do not occur.</p> <p>(c) A no spray (pesticide/herbicide), non cultivation and non nitrogenous fertiliser application buffer of 50 metres from the stream protection area, shall be established on all land within the amendment area. The no spray requirement will not preclude carrying out of noxious weed control in accordance with Agricultural Protection Board requirements.</p> <p>(d) A tree planting programme being prepared in accordance with provision 4.5.1 of Town Planning Scheme No 4 up until or during the amendment's advertising period and implemented prior to subdivision.</p>
<i>SR 2</i>	<p>Special Rural Zone A, Lefroy Street</p> <p><i>AMD 42 GG 5/12/97</i> <i>AMD 72 GG 23/02/18</i></p>	<p>(a) In order to preserve the natural beauty of the hillslopes and river frontage of the subject land and notwithstanding the provisions of Clause 4.6.7 all trees shall be retained unless their removal is authorised by Council.</p> <p>(b) 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>(c) The minimum standard of fencing shall be 1.4 metre post and four strand wire of such similar materials as approved by Council but such materials as asbestos, metal sheeting or wooden pickets shall not be used. Fencing standards shall be in accordance with Council's Fencing by-Laws.</p> <p>(d) Uses permitted within the zone are:</p> <p>Cottage Industry (AA)</p>
<i>SR 3</i>	<p>Special Rural Zone B, Bridgetown-Boyup Brook Road</p> <p><i>AMD 1 GG 1/5/87;</i> <i>AMD 72 GG 23/02/18</i></p>	<p>(a) Subdivision of Special Rural Zone B shall generally be in accordance with the Subdivision Guide Plan for the area endorsed by the Shire Clerk.</p> <p>(b) Building on each lot shall be contained within the building envelope defined on the Subdivision Guide Plan or as modified by Council.</p> <p>(c) The Council will request the Commission at the time of subdivision to impose a condition which requires the subdividing owner of the land to make arrangements satisfactory to the Council, which will guarantee that prospective purchasers are notified of the Scheme requirements contained in Section 4.6 and Schedule I.</p>

### SCHEDULE 1 - SPECIAL RURAL ZONES (Cont'd)

SPECIFIED ZONE	PROVISIONS TO APPLY TO ZONE
	<p>(d) The minimum standard of fencing shall be a 1.4 metre post and four strand wire or similar materials as approved by Council but such materials as asbestos, metal sheeting or wooden pickets shall not be used.</p> <p>(e) Uses permitted within the zone are:</p> <p>Cottage Industry (AA)</p>

## SCHEDULE 1 - SPECIAL RURAL ZONES (Cont'd)

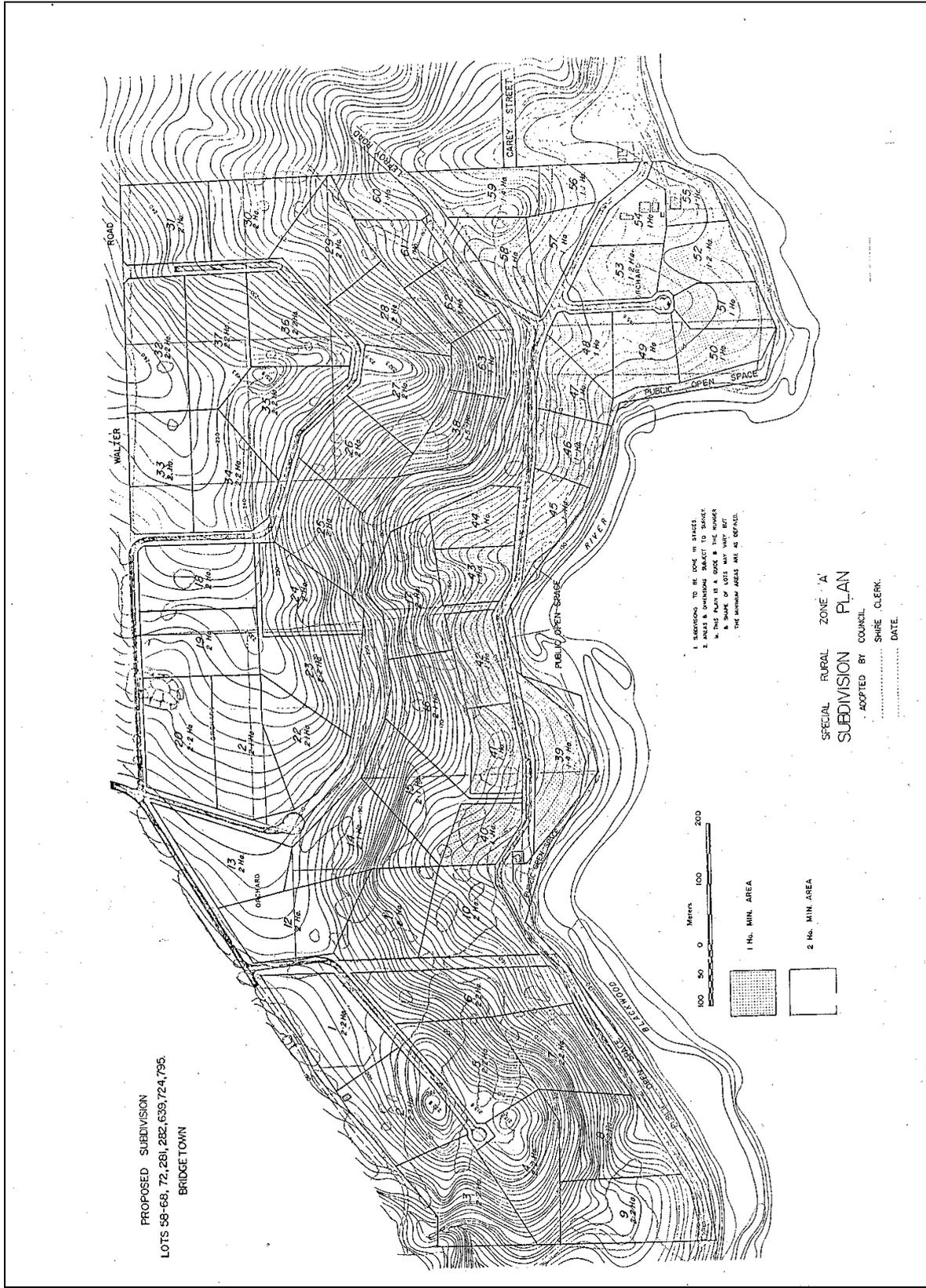
SPECIFIED ZONE		PROVISIONS TO APPLY TO ZONE	
SR 4	<p>Special Rural Lot 785 and portion of lot 644 Forrest Street, Bridgetown (Reserve Pt. 11376)</p> <p>AMD 39 GG 17/12/96; AMD 72 GG 23/02/18</p>	<p>(a) Subdivision to be generally in accordance with subdivision Guide Plan adopted for the zone by Council.</p> <p>(b) The minimum lot size shall generally be 2HA.</p> <p>(c) Building on each lot shall be contained within the building envelope defined on the subdivision guide plan. These building envelopes have been position in this regard to setback requirements, topography, vegetation and visual appearance. Council shall not permit the relocation of, or modifications to these envelopes except with good reason.</p> <p>(d) The Council will request the Commission at the time of subdivision to impose a condition which requires the subdividing owner of the land to make arrangements satisfactory to the Council, which will guarantee that prospective purchasers are notified of the Scheme requirements contained in Section 4.6 and Schedule 1.</p> <p>(e) The minimum standard of fencing shall be a 1.4 metre post and four strand wire or similar materials as approved by Council but such materials as asbestos, metal sheeting or wooden pickets <i>shall</i> not be used.</p> <p>(f) Where in the opinion of Council, slopes are steep, developments which require cut and fill, will be prohibited.</p> <p>(g) 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>(h) 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.</p> <p>(i) Landowners are required to provide their own liquid and solid waste disposal system to Council's specification and satisfaction.</p> <p>(j) 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>(k) 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>(l) Application of fertiliser rates should be in accordance with onsite soil testing with reference to the West Australian Department of Agriculture.</p> <p>(m) All native vegetation to be retained except where services, firebreaks and buildings are to be located. With specific regard to Lots 23 and 24 it is to be noted that the vegetated slope is to be retained in its present form.</p> <p>(n) At the time of subdivision the subdivider shall make arrangements to the satisfaction of the Local Authority and Bush Fires Board for a bush fire management plan.</p> <p>(o) Uses permitted within the zone are:</p> <p style="padding-left: 40px;">Cottage Industry (AA)</p>	
SR 5	<p>Portion of Nelson Locations 662 being Lots 2 &amp; 7 and portion Nelson Locations 663 Taylors Road, Bridgetown</p> <p>AMD 45 GG 31/12/99</p>	<p>(a) Subdivision to be generally in accordance with the Subdivision Guide Plan (Dated September 1999, Plan No. 92021-08) adopted by Council attached to the Scheme Amendment Report (Amendment No. 45), except that modifications to the Subdivision Guide Plan, i.e. within the currently outlined waste disposal off-site buffer area, may be initiated upon the removal of the buffer area of the waste disposal site. The amended plan is to be endorsed by both the Council and</p>	

**SCHEDULE 1 - SPECIAL RURAL ZONES (Cont'd)**

SPECIFIED ZONE		PROVISIONS TO APPLY TO ZONE
		<p>the Western Australian Planning Commission.</p> <p>(b) No development shall be supported by Council within the 500 metre buffer zone to the possible rubbish disposal site extension until the future of the disposal site is determined or the life of the disposal site expires.</p>
SR 5	<p>Portion of Nelson Locations 662 being Lots 2 &amp; 7 and portion Nelson Locations 663 Taylors Road, Bridgetown (Cont'd)</p> <p>AMD 45 GG 31/12/99</p>	<p>(c) 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>(d) The following uses may be permitted within this zone -</p> <p style="padding-left: 40px;">Dwelling House (P) Rural Pursuit (P) Public Utility (P)</p> <p>The following uses are 'AA' uses in this zone -</p> <p style="padding-left: 40px;">Cottage Industry (AA) Home Occupation (AA)</p> <p>(e) Council will request the Western Australian Planning Commission to impose a road upgrading contribution condition for Dean Road and Taylors Road at the time of subdivision.</p> <p>(f) On site effluent disposal systems to be provided to the satisfaction of the Local Authority and the Health Department of Western Australia.</p> <p>(g) 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>(h) 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>(i) No trees or substantial vegetation shall be felled or removed from the site except where:</p> <p style="padding-left: 40px;">X required for approved development works; X the establishment of a firebreak is required by regulation or by-law; or X trees are dead, diseased or dangerous.</p> <p>(j) All buildings and structures shall be contained within building envelopes which will be determined at the time of subdivision.</p> <p>(k) On lots substantially denuded of 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>(l) 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 for the entire subdivision guide plan area to ensure adequate fire protection.</p> <p>(m) At the time of subdivision building envelopes will be identified for all proposed lots.</p> <p>(n) Council shall require the owner or subdivider of the land to inform prospective purchasers of those provisions relating to the land and</p>

**SCHEDULE 1 - SPECIAL RURAL ZONES (Cont'd)**

<b>SPECIFIED ZONE</b>	<b>PROVISIONS TO APPLY TO ZONE</b>
	such other provisions of the Scheme that may affect it.



## SCHEDULE 2 - SPECIAL USE ZONES

### SECTION 1 – SPECIAL ADDITIONAL USE ZONES

LOCATION		PERMITTED USES AND CONDITIONS OF USE
SECTION 1 - SPECIAL ADDITIONAL USE ZONES		
A 1	Lot 54 Eedle Terrace  <i>AMD 16 GG 10/1/92</i> <i>AMD 53 GG 5/1/01</i>	1. Additional Uses Permitted:  Winery Take Away Food Outlet Restaurant (café) Art & Craft Centre  2. Council will require the following matters to be suitably addressed at the development stage:  i) car parking and access; and ii) hours of operation.  3. No development shall be permitted unless Council is satisfied, following consultation with the Health Department of Western Australia, that effluent and wastewater disposal systems are adequate to service the development.  4. Commercial food handling activities to comply with the Health (Food Hygiene) Regulations 1993.  5. The sale of food and beverages at the 'Take Away Food Outlet' is to be incidental to the use of 'Winery'.
A 2	Lot 131 Lefroy Road, Bridgetown  <i>AMD 48 GG 12/3/99</i>	1. Additional Uses Permitted:  Shop - selling of fresh and dried flowers, craft goods and other products derived from flowers cultivated on the property. - selling of pre-packaged refreshments.  2. Development should not exceed 100m <sup>2</sup> in floor area.  3. Carparking to be provided on site to the satisfaction of the Shire.  4. Council will consider the need for the proponent to upgrade Walter Road and plant suitable vegetation to screen the outbuilding at the time of Planning Approval.

**SCHEDULE 2 - SPECIAL USE ZONES (Cont'd)**

LOCATION		PERMITTED USES AND CONDITIONS OF USE	
<b>SECTION 1 - SPECIAL ADDITIONAL USE ZONES</b>			
A 3	Lot 874 Nelson Street, Bridgetown  <i>AMD 36 GG 27/6/00</i>	1.	Permitted Uses:  Single Dwelling Holiday Accommodation (maximum of 6 chalets) Bed & Breakfast Accommodation Restaurant Reception Centre Cottage Industry Home Occupation
		2.	A Guide Development Plan shall be prepared for the land in accordance with the requirements of Clause 3 3.4 of the Scheme to the satisfaction of Council and endorsed by the Chief Executive Officer prior to Council granting its planning consent to any development on the land. Council will determine any development conditions at the time of consideration of planning consent.
		3.	Access to the service corridor is restricted to Government agency service provider vehicles only. No domestic access to private land via this service corridor shall be permitted.
		4.	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 within 50 metres of any dam or other water body.
		5.	All native vegetation is to be retained except where services, firebreaks and buildings are to be located.
		6.	At the time of subdivision Council will request the West Australian planning Commission to impose a condition requiring the subdivider to plant vegetation in the service corridor as indicated on the subdivision guide plan.
		7.	At the time of subdivision a bushfire management plan will be prepared to the satisfaction of the Shire and the Bush Fire Service of WA.

**SCHEDULE 2 - SPECIAL USE ZONES (Cont'd)**

LOCATION		PERMITTED USES AND CONDITIONS OF USE	
SECTION 1 - SPECIAL ADDITIONAL USE ZONES			
A 4	<p>Lot 14 Portion Nelson Location 12 Eedle Terrace, Bridgetown</p> <p><i>AMD 49 GG 25/5/99</i></p>	<p>1. Additional Uses Permitted:</p> <p>Holiday Accommodation (one holiday cottage) Shop (selling of antiques/crafts) Restaurant (tearooms)</p> <p>2. Carparking shall be provided on site to the satisfaction of the Shire at the time of development/use.</p> <p>3. At the time of development/use Council shall consider requesting the proponent to contribute towards the upgrading of Eedle Terrace between the entrance of the subject property and Hampton Street.</p> <p>4. At the time of development/use an Alternative Treatment Unit shall be installed to the satisfaction of Council.</p> <p>5. The floor level of all new buildings and conversion of the existing outbuilding (barn) will be required to be above the 1 in 100 year flood level line.</p> <p>6. Council will require the following matters to be suitably addressed at the development stage:</p> <p>7.</p> <ul style="list-style-type: none"> <li>i) effluent and waste disposal;</li> <li>ii) flood plain management including stormwater and erosion control;</li> <li>iii) protection of riverine and remnant vegetation;</li> <li>iv) car parking and access;</li> <li>v) landscaping; and</li> <li>vi) upgrading of existing outbuilding (barn).</li> </ul>	
A 5	<p>Lot 121 Gifford Rd, Bridgetown</p> <p><i>AMD 43 GG 3/4/98</i></p>	<p>1. Additional uses Permitted:</p> <p>Restaurant Museum Light Industry (Processing of Fermented &amp; Unfermented Beverages) Art and Crafts Centre Caretakers House</p> <p>2. Development of the site shall generally be in accordance with the Development concept Plan adopted by Council and endorsed by the Chief Executive Officer.</p> <p>3. Council will require the following matters to be suitably addressed at the development stage:</p> <ul style="list-style-type: none"> <li>i) Effluent and waste disposal;</li> <li>ii) upgrading of the existing building - internally and externally;</li> <li>iii) car parking and access;</li> <li>iv) landscaping;</li> <li>v) hours of operation;</li> <li>vi) stormwater drainage; and</li> <li>vii) solid waste disposal.</li> </ul>	
A 6	<p>Lot 26 Reverend's Ramble Old Rectory Estate, Bridgetown</p> <p><i>AMD 25 GG 6/5/94</i></p>	<p>Holiday Accommodation</p> <p>1. Development shall be in accordance with the Development Guide Plan forming part of this amendment.</p> <p>2. Landscaping to the satisfaction of Council may be a condition of development approval for the Holiday Accommodation</p>	

## SCHEDULE 2 - SPECIAL USE ZONES (Cont'd)

A7	Lots 55 & 282 Eedle Terrace  <i>AMD 53 GG 5/1/01</i>	<ol style="list-style-type: none"> <li>1. Additional Uses Permitted:                       Restaurant                      Art &amp; Craft Centre                      Winery</li> <li>2. Council will require the following matters to be suitably addressed at the development stage:                         <ol style="list-style-type: none"> <li>i) car parking and access;</li> <li>ii) hours of operation;</li> <li>iii) storm water drainage; and</li> <li>iv) landscaping.</li> </ol> </li> <li>3. No development shall be permitted unless Council is satisfied, following consultation with the Health Department of Western Australia, that effluent and wastewater disposal systems are adequate to service the development.</li> <li>4. At the time of development/use Council shall consider requesting the proponent to contribute towards the upgrading of Eedle Terrace;</li> <li>5. Commercial food handling activities to comply with the Health (Food Hygiene) Regulations 1993.</li> </ol>
LOCATION		PERMITTED USES AND CONDITIONS OF USE
SECTION 1 - SPECIAL ADDITIONAL USE ZONES		
A8	Lot 20 of Town Lot 366 Sutton Close, Bridgetown  <i>AMD 54 GG 20/7/01</i>	<ol style="list-style-type: none"> <li>1. Additional Uses Permitted:                       Telecommunications Infrastructure                      Public Recreation</li> </ol>
A9	Portion Lots 3 & 8 of Bridgetown Lot 645 and portion road reserve  <i>AMD 55 GG 29/8/03</i>	<ol style="list-style-type: none"> <li>1. Additional Uses Permitted:                       Restaurant                      Local Shop                      Take Away Food Outlet                      Art &amp; Craft Centre</li> <li>2. In addition to the above specified uses, the permissible uses under the Special Residential Zone will apply.</li> <li>3. Council will require the following matters to be suitably addressed at the development stage:                         <ol style="list-style-type: none"> <li>(i) Car parking &amp; access</li> <li>(ii) Hours of operation</li> <li>(iii) Storm water drainage</li> <li>(iv) Landscaping</li> </ol> </li> <li>4. The development of a local shop shall be limited to a maximum gross leasable floor space area of 100m<sup>2</sup>.</li> </ol>

**SCHEDULE 2 - SPECIAL USE ZONES (Cont'd)**

**SCHEDULE 2 - SPECIAL USE ZONES (Cont'd)**

**SECTION 2 - SPECIAL RESTRICTED USE ZONES**

LOCATION		PERMITTED USES AND CONDITIONS OF USE
<b>SECTION 2 - SPECIAL RESTRICTED USE ZONES</b>		
R1	Lot 887 South West Highway <i>AMD 72 GG 23/02/18</i>	<u>Permitted Uses:</u> Accommodation and Restaurant Home Business – “AA” Cottage Industry – “AA” Home Occupation – “AA”
R2	Portion of Lot 849 South West Highway <i>AMD 67 GG 28/5/29</i>	Bowling Club
R3	Lot 300, 878, 890 and portion of Lot 849 South Western Highway <i>AMD 67 GG 28/5/29</i>	Caravan Park and Camping Area
R4	Lot 484 Hampton Street	Theatre
R5	Lot 4 Brockman Highway, Bridgetown. <i>AMD 69 GG 1/3/13;</i> <i>AMD 72 GG 23/02/18</i>	Restaurant, Tourist Accommodation Camping Ground, Chalets Home Business – “AA” Cottage Industry – “AA” Home Occupation – “AA”  Development to be in accordance with overall plan approved by Council, and in conformity with relevant by-laws and Scheme provisions
R6	Portion Lot 6 of Bridgetown Lot 645 <i>AMD 51 GG 27/6/00</i> <i>AMD 55 GG 29/8/03</i>	<u>Permitted Uses:</u> Civic Buildings Educational Establishment Public Assembly Public Worship Public Utility  <u>Conditions</u>  1. A Development Guide Plan shall be prepared for the land to the satisfaction of Council prior to any planning consent being granted for the development of the land.  2. A landscaping plan shall be submitted in conjunction with the Guide Development Plan.

## SCHEDULE 2 - SPECIAL USE ZONES (Cont'd)

R7	<p>Portion of Reserve 33994 Hampton Street</p> <p>AMD 57 GG 18/7/03</p>	<p><u>Permitted Uses:</u></p> <table style="width: 100%; border: none;"> <tr><td>Public Utility</td><td style="text-align: right;">(P)</td></tr> <tr><td>Community Purpose</td><td style="text-align: right;">(AA)</td></tr> <tr><td>Cottage Industry</td><td style="text-align: right;">(AA)</td></tr> <tr><td>Exhibition Centre</td><td style="text-align: right;">(AA)</td></tr> <tr><td>Industry - Rural</td><td style="text-align: right;">(AA)</td></tr> <tr><td>Private Recreation</td><td style="text-align: right;">(AA)</td></tr> <tr><td>Restaurant</td><td style="text-align: right;">(AA)</td></tr> <tr><td>Showroom</td><td style="text-align: right;">(AA)</td></tr> <tr><td>Winery</td><td style="text-align: right;">(AA)</td></tr> <tr><td>Shop</td><td style="text-align: right;">(IP)</td></tr> </table> <p><u>Conditions of Development:</u></p> <ol style="list-style-type: none"> <li>1. Development shall be connected to the reticulated sewerage system.</li> <li>2. All stormwater is to be retained onsite.</li> <li>3. Development is to be in accordance with the Special Development Guidelines, prepared at the time of subdivision.</li> <li>4. Landscaping Plan is to be submitted for Shire approval.</li> <li>5. The provision of car parking will be in accordance with the parking standards specified in the Scheme Text or at discretion of Council where no specific standards are mentioned.</li> <li>6. Notwithstanding that a use may be a permitted use in this zone, all future uses on the subject land will be limited to those with a tourism focus.</li> <li>7. No development is permitted on the remediated effluent lagoon area until a geo-technical report has been submitted to the satisfaction of Council demonstrating the sites suitability and capability of supporting such development.</li> <li>8. Access to Lot B is restricted to Williams Street only. Access from Hampton Street is not permitted.</li> </ol> <p><u>Conditions of Subdivision</u></p> <ol style="list-style-type: none"> <li>1. Subdivision shall be generally in accordance with the Subdivision Guide Plan (Plan Ref: 2002-3-57) dated 31st January 2002 attached to the Scheme Amendment No. 57 Report.</li> <li>2. Special Design Guidelines are to be prepared in relation to the siting, construction materials and colours of proposed buildings.</li> <li>3. The existing decommissioned Effluent Disposal Lagoon is to be drained and filled to the satisfaction of Council and the Department of Environmental Protection, prior to development or subdivision of the land. Prior to the above mentioned works commencing, an investigation into the extent of severity of contamination is to be undertaken. If the site is found to be contaminated then a Site Remediation Validation Report will need to be prepared to the satisfaction of the Department of Environmental Protection.</li> <li>4. Establishment and maintenance of a 10 metre vegetation buffer traversing the southern boundaries of proposed Lots C &amp; D (refer to Subdivision Guide Plan).</li> <li>5. Williams Street is to be constructed to a suitable standard.</li> <li>6. Crossovers from Hampton Street are to be constructed to a sealed and drained standard.</li> <li>7. Battleaxe leg is to be constructed to a sealed and drained standard.</li> </ol>	Public Utility	(P)	Community Purpose	(AA)	Cottage Industry	(AA)	Exhibition Centre	(AA)	Industry - Rural	(AA)	Private Recreation	(AA)	Restaurant	(AA)	Showroom	(AA)	Winery	(AA)	Shop	(IP)
Public Utility	(P)																					
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## SCHEDULE 2 - SPECIAL USE ZONES (Cont'd)

<p>R8</p>	<p>Bridgetown Town Lots 548 – 553, 564 – 567, 575, 576, Bridgetown Lots 561 – 563, 577, 578, 5741 and Parts of Bridgetown Town Lots 544 – 546, 554 – 560, Brockman Highway, Smith Street, and Farrell Road Bridgetown.</p> <p>AMD 52 GG 26/10/04; AMD 72 GG 23/02/18</p>	<ol style="list-style-type: none"> <li>1. Subdivision shall be generally in accordance with the Subdivision Guide Plan dated 31 July 2000 attached to the Scheme Amendment No. 52 Report.</li> <li>2. No further subdivision to that shown on the Subdivision Guide Plan will be supported by Council.</li> <li>3.             <ol style="list-style-type: none"> <li>(i) The following uses are permitted within the zone, "P" Single House</li> <li>(ii) The following uses are not permitted within the zone without the approval of Council, "AA"                 <ul style="list-style-type: none"> <li>Rural Use</li> <li>Home Occupation</li> <li>Industry – Cottage</li> <li>Bed and Breakfast</li> <li>Home Business</li> <li>Home Occupation</li> </ul> </li> <li>(iii) All other uses are not permitted.</li> <li>(iv) The following uses have the respective meanings:                 <ul style="list-style-type: none"> <li><i>Single House</i> means <i>Single Dwelling</i> and has the same meaning given to that term in the Residential Planning Codes.</li> <li><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.</li> <li><i>Industry – Cottage</i> means an industry which produces art and craft goods which cannot be carried out under the provisions relating to a "home occupation" and that:                     <ol style="list-style-type: none"> <li>a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;</li> <li>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;</li> <li>c) is conducted in an out-building which is compatible to the zone and its amenity and does not occupy an area in excess of 55m<sup>2</sup>;</li> <li>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</li> <li>e) does not display a sign exceeding 0.2m<sup>2</sup> in area.</li> </ol> </li> </ul> </li> </ol> </li> </ol>
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## SCHEDULE 2 - SPECIAL USE ZONES (Cont'd)

<p>R8</p>	<p>Bridgetown Town Lots 548 – 553, 564 – 567, 575, 576, Bridgetown Lots 561 – 563, 577, 578, 5741 and Parts of Bridgetown Town Lots 544 – 546, 554 – 560, Brockman Highway, Smith Street, and Farrell Road Bridgetown. (Cont'd)</p> <p>AMD 52 GG 26/10/04; AMD 72 GG 23/02/18</p>	<ol style="list-style-type: none"> <li>4. Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare a plan showing Building Envelopes to the satisfaction of Council. The building envelopes shall be setback no closer than 10 metres from all boundaries and no closer than 50 metres from the Yornup Brook as depicted on the Subdivision Guide Plan. The envelope shall not encroach on the Revegetation Areas or the Tree Preservation Areas as shown on the Subdivision Guide Plan. The envelope shall contain a site suitable for the installation and operation of a conventional septic effluent disposal system. All buildings and structures (including rainwater tanks) are to be located within the building envelope.</li> <li>5. No dwellings, sheds or other out buildings shall be constructed outside of the approved building envelope, or an alternative location which has been approved by Council.</li> <li>6. Specification of wastewater and effluent disposal system 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 specification.</li> <li>7. Council, at the subdivision stage shall request the Western Australian Planning Commission to impose a condition requiring the connection of a reticulated water supply to all lots less than 4ha in size.</li> <li>8. No waste water and effluent disposal system is to be installed closer than 10 metres from a watercourse including a drain which flows in response to specific rain events, and 50 metres from the Yornup Brook.</li> <li>9. At the time of subdivision the subdivider shall make arrangements to the satisfaction of Council for stormwater drainage incorporating roadside water detention and infiltration measures and natural drainage lines.</li> <li>10. Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Landscape Plan to the satisfaction of Council for the replanting of the road verges, and the revegetation areas and tree planting areas as shown on the Subdivision Guide Plan. The subdivider shall make prospective purchasers aware of the Landscape Plan.</li> <li>11. At the time of development a lot owner will be required to plant and maintain vegetation in accordance with the Landscape Plan and on any other areas of the lot to the satisfaction of Council. A minimum of thirty trees or shrubs, of a type and species specified by the Landscape Plan, are to be planted and maintained around the lot boundaries and between the lot boundaries and the dwelling.</li> <li>12. No vegetation shall be cleared within any allotment except for the purposes of:             <ul style="list-style-type: none"> <li>- compliance with requirements of the <i>Bush Fire Act 1954</i> (as amended);</li> <li>- compliance with an approved Fire Management Plan;</li> <li>- constructing vehicular access way(s) the location of which is to be approved by Council;</li> <li>- clearing within an approved building envelope;</li> <li>- removing dead, diseased or dangerous trees.</li> </ul> </li> </ol>
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## SCHEDULE 2 - SPECIAL USE ZONES (Cont'd)

<p>R8</p>	<p>Bridgetown Town Lots 548 – 553, 564 – 567, 575, 576, Bridgetown Lots 561 – 563, 577, 578, 5741 and Parts of Bridgetown Town Lots 544 – 546, 554 – 560, Brockman Highway, Smith Street, and Farrell Road Bridgetown. (Cont'd)</p> <p><i>AMD 52 GG 26/10/04; AMD 72 GG 23/02/18</i></p>	<p>13. No vegetation is to be cleared or removed from a Tree preservation Area without the approval of Council. Lot owners are to manage the Revegetation Areas and Tree Preservation Areas shown on the Subdivision Guide Plan in a manner which minimises weed invasion and soil erosion. If animals are grazed on the lot then these Areas are to be fenced to a standard to stop access by the animals to the Areas.</p> <p>14. The subdivider is to prepare and submit a fire management plan at the time of application for subdivision. The fire management plan is to provide for adequate ongoing fire protection of the proposed subdivision. Note this plan is to be submitted with the application for subdivision to enable the local government and FESA to assess the proposed subdivision design with regard to fire hazards identified for the land. Included in this fire management plan is to be the identification of minimum 20 metre separation distances between the large stands of vegetation and potential building sites on the 4.7ha, 2ha and 9500m<sup>2</sup> lots within which this vegetation is located. In addition, construction of dwellings on these three lots is to be in accordance with AS 3959 (Construction in Bush Fire Prone Areas).</p> <p>15. The standard of fencing is to be approved by Council but the use of asbestos, metal sheeting or wooden pickets for boundary fencing shall not be permitted.</p> <p>16. With the intention of preventing soil erosion, Council may take any action considered necessary to reduce or eliminate erosion including the removal of stock, and any costs incurred by Council in taking such action shall be recoverable by Council from the landowner and/or occupier.</p> <p>17. No dam shall be constructed unless approval has been obtained from Council. Dams within the confines of the Yornup Brook will not be permitted.</p> <p>18. At the time of subdivision the subdivider shall provide a report by a suitably qualified third party professional, to the satisfaction of the Public Transit Authority, to establish if the proposed subdivision will impact on railway drainage and culvert system, and if it does, that the proposed drainage system has sufficient capacity to carry the proposed increase in volumes of water. Should any upgrading of these facilities be necessary to accommodate the additional increases in volumes of water these upgradings will be at the cost to the subdivider. The calculations are to be based on a 1:50 year Annual Recurrence Interval.</p> <p>19. All lots containing proposed building envelopes for domestic dwellings that are within 200 metres of the railway are to have memorials registered on their titles under Section 70A of the Transfer of Land Act advising of the proximity of the railway line.</p> <p>20. As a condition of subdivision the common boundary of the railway with the subdivision is to have a minimum standard of fencing, at the cost of the subdivider, to the satisfaction of the Public Transit Authority.</p>
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## SCHEDULE 2 - SPECIAL USE ZONES (Cont'd)

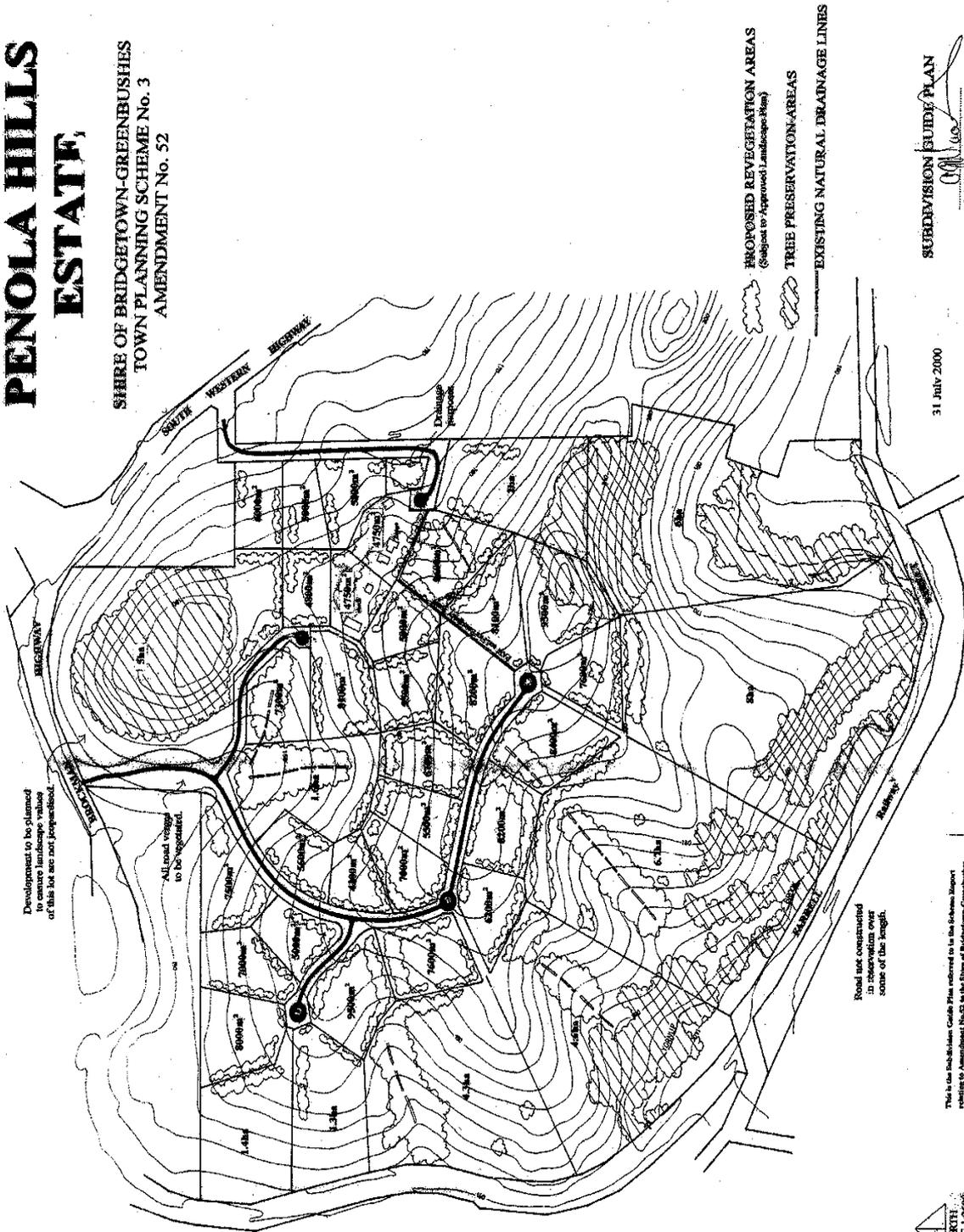
<p>R9</p>	<p>Lot 13003 &amp; Portions of Lots 13098, 11998, 900 and 926 Bridgetown-Boyup Brook Road, Bridgetown</p> <p><i>AMD 64 GG 12/10/12</i></p>	<ol style="list-style-type: none"> <li>1. A per the 'Industrial' zone with the exception that the following uses are 'x' uses (not permitted) – <ul style="list-style-type: none"> <li>• Fuel Depot;</li> <li>• Industry – General;</li> <li>• Industry – Hazardous;</li> <li>• Industry – Noxious;</li> <li>• Petrol Filling Station; and</li> <li>• Service Station.</li> </ul> </li>   <li>2. Where a use is 'P' within the 'industrial' zoning it shall be treated as an 'AA' use, all other permissibilities remain unless not permitted by Condition 1.</li>   <li>3. For the purposes of effluent disposal, lots so marked on the Structure Plan, shall be provided with alternative treatment units to the satisfaction of the Local Authority and the Health Department of WA.</li>   <li>4. At the time of subdivision or development a Landscape Master Plan is required to be prepared and implemented to the satisfaction of the Local Authority. The Landscape Master Plan shall address the protection of existing remnant vegetation, planting of vegetation screening corridors and denuded areas, removal of invasive species and provision of fencing.</li>   <li>5. No trees or other substantial vegetation shall be felled or removed except where – <ol style="list-style-type: none"> <li>(a) Required for approved development;</li> <li>(b) Required for establishment of a firebreak, emergency access, compliance within an endorsed Fire Management Plan or required under relevant regulations; or</li> <li>(c) As otherwise approved by the local authority.</li> </ol> </li>   <li>6. Subdivision and development shall be generally in accordance with a Structure Plan endorsed by the Shire of Bridgetown-Greenbushes and the WAPC.</li>   <li>7. At the time of subdivision or development a Fire Management Plan is required to be prepared and implemented to the satisfaction of FESA.</li> </ol>
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## SCHEDULE 2 - SPECIAL USE ZONES (Cont'd)

<p>R10</p>	<p>Lot 5 Brockman Highway, Bridgetown</p> <p>AMD 69 GG 1/3/13; AMD 72 GG 23/02/18</p>	<p><u>Uses</u></p> <p>The following uses are permitted "P" uses and subject to the approval of the local authority -</p> <ul style="list-style-type: none"> <li>• Bed and Breakfast</li> <li>• Rural Use</li> <li>• Single House</li> </ul> <p>The following uses are not permitted without the approval of the local authority as an "AA" use -</p> <ul style="list-style-type: none"> <li>• Caretaker's House</li> <li>• Chalet Park (maximum of 2 chalets)</li> <li>• Cottage Industry</li> <li>• Educational Establishment (cooking school)</li> <li>• Beauty Therapy</li> <li>• Winery</li> <li>• Home Business</li> <li>• Home Occupation</li> </ul> <p><u>Conditions of use</u></p> <ol style="list-style-type: none"> <li>1. Development shall generally be in accordance with the Structure Plan adopted by the local authority.</li> <li>2. Guest and visitor vehicular access is restricted via Brockman Highway only.</li> <li>3. The educational establishment (cooking school) is to have a maximum of eight clients at any time.</li> <li>4. Beauty Therapy establishment is subject to being conducted within the restored dairy or adjacent building only.</li> <li>5. "Beauty Therapy" means premises used to provide services of a personal nature, including cosmetic treatments, waxing, facials and massages (uses commonly associated with a day spa) and the incidental sale or hire of associated goods.</li> <li>6. At the time of development, the applicant shall make arrangements satisfactory to the local authority regarding stormwater, wastewater disposal, potable water and fire management.</li> <li>7. The landowners will prepare and carry out implementation of a Foreshore Management Plan to the satisfaction of the Shire of Bridgetown-Greenbushes on the advice of the Department of Water.</li> </ol>
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# PENOLA HILLS ESTATE

SHIRE OF BRIDGETOWN-GREENBUSHES  
TOWN PLANNING SCHEME No. 3  
AMENDMENT No. 52



Development to be planned to ensure landscape values of this lot are not jeopardised.

All road widths to be consistent.

Roads not constructed in accordance with centre line of the Project.

**NORTH**  
Scale 1:2500  
Areas and dimensions are approximate. Bear mapping supplied by R.M. Macdonald.

This is the Subdivision Control Plan submitted to the Shire of Bridgetown-Greenbushes pursuant to Amendment No. 52 to the Shire of Bridgetown-Greenbushes Town Planning Scheme No. 3 and represents a framework for subdivision and development. Actual subdivisions may vary at the subdivision stage.

PROPOSED REVEGETATION AREAS  
(Subject to Approved Landscape Plan)  
TREE PRESERVATION AREAS  
EXISTING NATURAL DRAINAGE LINES

SUBDIVISION GUIDE PLAN  
Chief Executive Officer

31 May 2000

GRAHAM HOUGHTON Town Planning Consultant

### SCHEDULE 3 - SPECIAL RESIDENTIAL ZONES

SITE DESCRIPTION		SPECIAL PROVISIONS	
<i>SRes1</i>	Part Lot 3 Dean Street  <i>AMD 10 GG 14/6/91</i>	1.	As a condition of development approval, Council will require the planting and maintenance of 30 trees, of approved species, capable of growing to 3 metres in height. The trees shall be concentrated around buildings and between buildings and the road alignment.
		2.	The stocking of animals shall not be permitted except where Council considers that the introduction of grazing animals would assist in managing ground vegetation and would not constitute an erosion risk.
<i>SRes2</i>	Portion of Lot 644 corner Forrest Street and Giblett Road Bridgetown (Reserve Pt. 11376)  <i>AMD 39 GG 17/12/96</i>	1.	As a condition of development approval Council will require the planting and maintenance of 30 trees, of approved species, capable of growing to 3 metres in height. The trees shall be concentrated around buildings and between buildings and the road alignment.
		2.	The stocking of animals shall not be permitted except where Council considers that the introduction of grazing animals would assist in managing ground vegetation and would not constitute an erosion risk. Specific Council approval shall be required for any stocking of animals.
		3.	At the time of the subdivision the subdivider shall make arrangements to the satisfaction of the Local Authority and Bush Fires Board for a bush fire management plan.
		4.	Council shall require detailed plans of stormwater drainage at the application for subdivision stage.
		5.	Design guidelines specifying minimum building standards and materials for the subdivision are required at the subdivision stage.
		6.	Where in the opinion of Council, slopes are steep, developments which required cut and fill will be prohibited.
		7.	All native vegetation to be retained except where services, firebreaks and buildings are to be located.
		8.	The minimum standard of fencing shall be 1.4m post and four wire or similar materials as approved by Council but materials such as asbestos, metal sheeting or wooden pickets shall not be used.
		9.	Subdivision to be generally in accordance with Subdivision Guide Plan adopted for the zone by Council.

**SCHEDULE 3 - SPECIAL RESIDENTIAL ZONES (Cont'd)**

<b>SITE DESCRIPTION</b>		<b>SPECIAL PROVISIONS</b>
<i>SRes3</i>	<p>Bridgetown Suburban Lots 32, 33 &amp; 34 Tweed Road, Bridgetown</p> <p><i>AMD 35 GG 5/5/98</i></p>	<ol style="list-style-type: none"> <li>1. As a condition of development approval Council shall require the planing and maintenance of 30 trees, of approved species, capable of growing to 3 metres in height. The trees shall be concentrated around buildings and between building setbacks and the road alignment.</li> <li>2. With the intention of minimising the potential for land degradation and erosion, Council may require land owners to utilise alternative housing styles and techniques which are in harmony with the character of the land, sympathetic to topography and minimise the potential for erosion through excavation.</li> <li>3. With the intention of preventing land degradation, Council may, with the advice of the Agriculture Western Australia, require removal of, or reduction in, the number of stock on any lot within the zone.</li> <li>4. No trees or other substantial vegetation shall be felled or removed from the site except where: <ol style="list-style-type: none"> <li>(a) required for approved development works;</li> <li>(b) required for the establishment of a fire break as required by regulation or By-law;</li> <li>(c) as otherwise approved by Council.</li> </ol> </li> <li>5. Council shall request at subdivision that prospective purchasers be made aware of those special provisions relating to the land.</li> </ol>

### SCHEDULE 3 - SPECIAL RESIDENTIAL ZONES (Cont'd)

SITE DESCRIPTION	SPECIAL PROVISIONS
<p><i>SRes4</i></p> <p>Portion of Nelson Locations 662 and Portion of Lot 7 and portion of Nelson Location 663 Taylors Road, Bridgetown</p> <p><i>AMD 45 GG 31/12/99</i></p>	<ol style="list-style-type: none"> <li>1. Subdivision to be generally in accordance with the Subdivision Guide Plan (dated September 1999, Plan No. 92021-08) adopted by Council attached to the Scheme Amendment Report Bridgetown (Amendment No. 45), except that modifications to the Subdivision Guide Plan, i.e. within the currently outlined waste disposal off-site buffer area, may be initiated upon the removal of the buffer area of the waste disposal site. The amended plan is to be endorsed by both the Council and the Western Australian Planning Commission.</li> <li>2. No development shall be supported by Council within the 500 metre buffer zone to the possible rubbish disposal site extension until the future of the disposal site is determined or the life of the disposal site expires.</li> <li>3. The grazing of lots of a size in excess of 4000m<sup>2</sup> 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.</li> <li>4. No trees or other substantial vegetation shall be felled or removed from the site except where:               <ol style="list-style-type: none"> <li>(a) required for approved development works;</li> <li>(b) required for the establishment of a fire break as required by regulation or By-law;</li> <li>(c) as otherwise approved by Council.</li> </ol> </li> <li>5. Council will request the Western Australian Planning Commission to impose an upgrading contribution for the upgrading of Dean Road and Taylors Road.</li> <li>6. At the time of subdivision building envelopes will be identified for the densely vegetated lots in the eastern half of the subject land.</li> <li>7. At the time of subdivision Council will request the Western Australian Planning Commission to impose a condition requiring the subdivider to plant screening vegetation and street trees to the specification of the Shire.</li> <li>8. On-site effluent disposal systems to be provided to the satisfaction of Council and the Health Department of Western Australia.</li> <li>9. Council shall require the owner or the 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.</li> <li>10. 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 for the entire subdivision guide plan area to ensure adequate fire protection.</li> </ol>
<p><i>SRes5</i></p> <p>Portion Lot 874 Nelson Street, Bridgetown</p> <p><i>AMD 36 GG 27/6/00</i></p>	<ol style="list-style-type: none"> <li>1. The stocking of animals shall not be permitted except where Council considers that the introduction of grazing animals would assist in managing ground vegetation and would not constitute an erosion risk.</li> <li>2. 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 within 50 metres of any dam or other waterbody.</li> <li>3. In respect to the remnant vineyard on portion of the lots the following shall apply:               <ol style="list-style-type: none"> <li>a) No mechanical cultivation shall be allowed. Weed growth shall be dealt with by either mowing or mulching.</li> <li>b) Spraying shall only be permitted where it is carried out with low volume, non-misting type spray equipment which will minimise or avoid any potential spray drift outside of the property.</li> </ol> </li> </ol>

### SCHEDULE 3 - SPECIAL RESIDENTIAL ZONES (Cont'd)

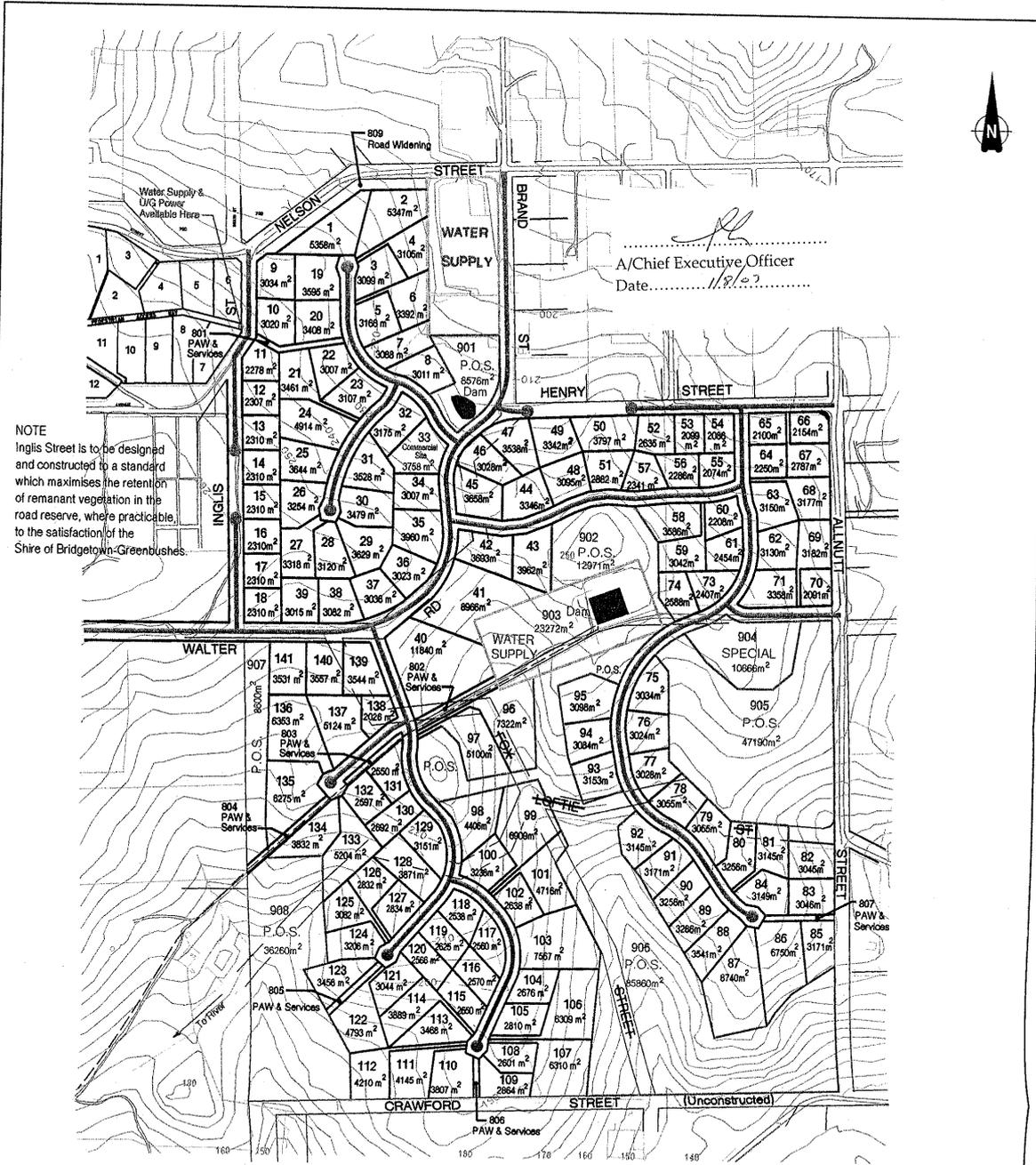
SITE DESCRIPTION		SPECIAL PROVISIONS
SRes5	Portion Lot 874 Nelson Street, Bridgetown (Cont'd)	<p>c) The vineyard shall be setback 2.5m from all boundaries to maintain service access around the property.</p> <p>d) Unmanaged vines may be required to be removed if a demonstrated nuisance persists.</p> <p>e) The use of mechanical bird scarers will not be permitted.</p> <p>f) All adjoining landowners are to be notified in writing prior to the use of any chemical sprays on viticulture.</p> <p>4. At the time of subdivision Council will request the Western Australian Planning Commission to impose a condition requiring the subdivider to plant screening vegetation and street trees as indicated on the subdivision guide plan.</p> <p>5. Access to the service corridor is restricted to Government agency service provider vehicles only. No domestic access to private land via this service corridor shall be permitted.</p> <p>6. At the time of subdivision a bushfire management plan will be prepared to the satisfaction of the Shire and the Bush Fire Service of WA.</p> <p>7. At the time of subdivision the subdivider shall submit a plan that includes:</p> <ul style="list-style-type: none"> <li>• The areas of vineyard to be retained on each lot.</li> <li>• building envelopes on each lot: and</li> <li>• access to building envelopes.</li> </ul> <p>8. All native vegetation is to be retained except where services, firebreaks and buildings are to be located.</p> <p>9. At the time of subdivision Council will request the West Australian planning Commission to impose a condition requiring the subdivider to plant vegetation in the service corridor as indicated on the subdivision guide plan.</p> <p>10. At the time of subdivision a bushfire management plan will be prepared to the satisfaction of the Shire and the Bush Fire Services of WA.</p>
SRes6	<p>Portion Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Bridgetown Lot 645 and portions of road reserve</p> <p><i>AMD 55 GG 29/8/03</i></p>	<p>1. Subdivision is to be generally in accordance with the Subdivision Guide Plan No. 2013B.DGN dated July 2001 adopted by Council and endorsed by the Chief Executive Officer.</p> <p>2. 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>3. No trees or other substantial vegetation shall be felled or removed from the site except where:</p> <ul style="list-style-type: none"> <li>(a) required for approved development works;</li> <li>(b) required for the establishment of a fire break as required by regulation or bylaw; or</li> <li>(c) as otherwise approved by Council.</li> </ul> <p>4. Council shall request the Western Australian Planning Commission require the preparation of a Landscape Master Plan as a condition of subdivision approval.</p> <p>5. As a condition of development approval Council shall require lot owners to plant and maintain 30 trees, in accordance with the recommended species and planting of the Landscape Master Plan. Where lots contain significant levels of existing vegetation Council may waive this condition or stipulate a reduced number of trees for planting.</p>

### SCHEDULE 3 - SPECIAL RESIDENTIAL ZONES (Cont'd)

SITE DESCRIPTION		SPECIAL PROVISIONS	
<p><i>SRes6</i></p>	<p>Portion Lots 1, 2, 3, 4, 5, 6 7 and 8 of Bridgetown Lot 645 and portions of road reserve (Cont'd)</p> <p><i>AMD 55 GG 29/8/03</i></p>	<p>6. At the time of subdivision Council will request the Western Australian Planning Commission to impose a condition requiring the subdivider to plant street trees in accordance with the recommended species and planting of the Landscape Master Plan.</p> <p>7. On-site waste water disposal systems are to be provided to the satisfaction and the Department of Health. At the application for subdivision stage the subdivider is to provide information demonstrating the suitability of areas identified for further investigation for further investigation in the soil assessment study appended to the Amendment Report of Amendment No. 55.</p> <p>8. At the time of subdivision Council will request the Western Planning Commission impose conditions relating to fencing of public open space, construction of dual use paths/bridle trails, fire management plan and external road upgrading.</p> <p>9. At the time of subdivision Council may recommend to the Western Australian Planning Commission the imposition of a condition requiring the subdivider prepare a stormwater management plan as part of road construction planning. This plan is to identify the requirement and siting of detention basins and other stormwater treatment measures within and adjacent to the subdivision.</p> <p>10. At the time of subdivision Council may recommend to the Western Australian Planning Commission the imposition of a condition requiring the subdivider prepare a vegetation management plan for the proposed public open space within the subdivision.</p>	
<p><i>SRes7</i></p>	<p>Lot 8 Nelson Location 662 Bridgetown-Boyup Brook Road, Bridgetown</p> <p><i>AMD 61 GG 28/3/06</i></p>	<p>1. Subdivision is to be generally in accordance with the Subdivision Guide Plan No. BR001, part of Amendment No. 61.</p> <p>2. At the time of subdivision, Council will request the Western Australian Planning Commission to impose a condition requiring that no further subdivision of the lots as shown on the endorsed Subdivision Guide Plan be permitted.</p> <p>3. Building are to be situated within the building envelopes as shown on the endorsed Subdivision Guide Plan.</p> <p>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>4. At the stage of development the lot owner is to demonstrate to the satisfaction of Council that there should be no land instability issues that could affect a building.</p> <p>5. No trees or other substantial vegetation shall be felled or removed from the land except where:</p> <p style="margin-left: 20px;">(a) required for approved development works;</p> <p style="margin-left: 20px;">(b) required for the establishment of fire hazard reduction measures;</p> <p style="margin-left: 20px;">(c) otherwise approved by Council.</p> <p>6. At the time of subdivision Council will request the Western Australian Planning Commission to impose a condition requiring that a Landscape Master Plan be prepared and implemented by the subdivider. The Plan is to be to the satisfaction of Council and is to take into account building sites and the need for a fuel-free zone around the habitable dwellings.</p> <p>7. As a condition of development approval Council shall require lot owners to plant and maintain 30 trees in accordance with the recommended species and planting of the Landscape Master Plan. Where lots contain significant levels of existing vegetation Council may waive this condition or require a reduced number of trees for planting.</p>	

**SCHEDULE 3 - SPECIAL RESIDENTIAL ZONES (Cont'd)**

<b>SITE DESCRIPTION</b>		<b>SPECIAL PROVISIONS</b>	
<i>SRes7</i>	<p>Lot 8 Nelson Location 662 Bridgetown-Boyup Brook Road, Bridgetown (Cont'd)</p> <p><i>AMD 61 GG 28/3/06</i></p>	8.	On-site effluent disposal systems are to be provided to the satisfaction of the Council and the Health Department of Western Australia. Alternative treatment units may be required to be installed.
		9.	At the time of subdivision Council will request the Western Australian Planning Commission to impose a condition that a Fire Management Plan be prepared. The Plan is to be prepared to the specifications and satisfaction of the Council and the Fire and Emergency Services Authority.
		10.	The Shire will request as a condition of subdivision, that the proposed subdivision road is to be linked with the Bridgetown-Boyup Brook Road to the satisfaction of the Shire and Main Roads WA. This may include provision of a median island with a turning pocket and slip lane.
		11.	Notification in the form of a 70A notification to be placed on the Certificates of Title of all lots created by the subdivision advising of the existence of an adjoining orchard and that residential amenity may be affected by agricultural activities associated with this land use.



**NOTE**  
 Inglis Street is to be designed and constructed to a standard which maximises the retention of remanant vegetation in the road reserve, where practicable, to the satisfaction of the Shire of Bridgetown-Greenbushes.

A/Chief Executive Officer  
 Date: 1/8/2003

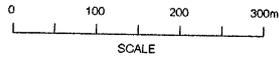
**Legend**

- Cadastral Boundary
- Proposed Road
- Water Supply
- Public Open Space
- Contour Line

**Code**

- Residential Land Lots 1 - 32 & 34 - 141
- Commercial Site Lot 33
- Special Use Site Lots 904
- Public Open Space Lots 901 - 903 & 905 - 908
- PAW & Service Lots 801 +

"Creation of Lots 75 & 95 will not be permitted until such time as the Water Corporation have confirmed that these proposed lots will no longer be affected by the chlorine buffer associated with the adjacent water treatment plant"



The Subdivision Guide Plan provides a guide for subdivision and development but detailed planning for the road network and appropriate location and provision of community facilities may result in modifications to the layout which will require the endorsement by Council and the Western Australian Planning Commission.

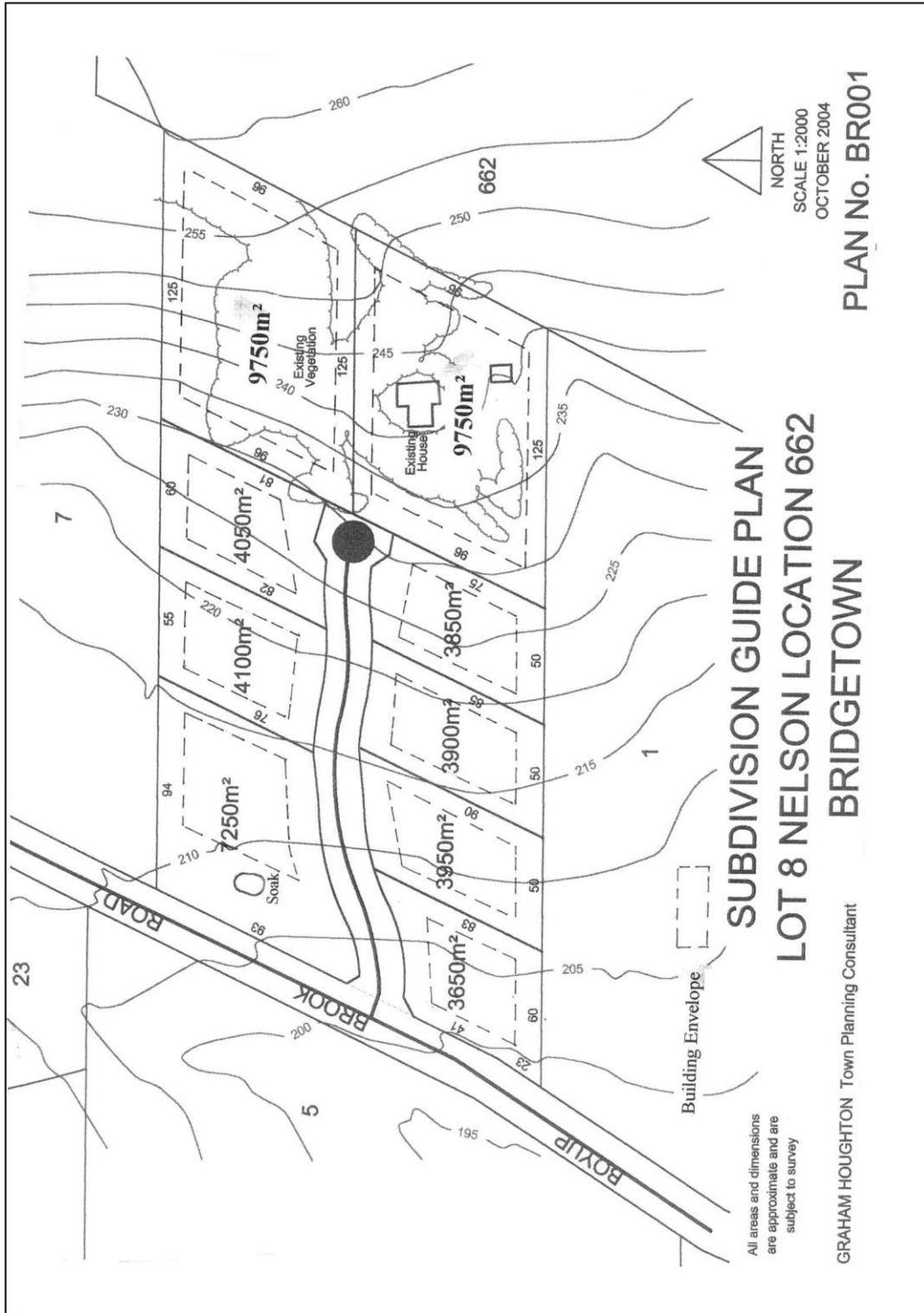
**Shire Of  
 Bridgetown-Greenbushes**

**EDUCATION ENDOWMENT LAND  
 SUBDIVISION GUIDE PLAN  
 NELSON RD & ALLNUTT ST  
 BRIDGETOWN  
 TOWN PLANNING SCHEME No 3  
 AMENDMENT No 55**

*R. A. S. Machin*  
 Licensed Surveyor

P.O. Box 276  
 BRIDGETOWN WA 6255  
 Phone: (08) 9761 2600  
 Fax: (08) 9761 2601

<b>Design</b> Shire of Bridgetown-Greenbushes	<b>Scale</b> 1:5000	<b>Reference</b> 2013
<b>Author</b> R. Machin	<b>Date</b> August 2003	<b>Figure</b> 1
<b>Drawn</b> I.R. Short / D. Austin	<b>CAD Reference</b> 2013d.DGN	<b>Rev.</b> C



**SUBDIVISION GUIDE PLAN**  
**LOT 8 NELSON LOCATION 662**  
**BRIDGETOWN**

NORTH  
 SCALE 1:2000  
 OCTOBER 2004  
**PLAN No. BR001**

GRAHAM HOUGHTON Town Planning Consultant

All areas and dimensions  
 are approximate and are  
 subject to survey

## SCHEDULE 4 - PLACES OF NATURAL BEAUTY, HISTORIC BUILDINGS AND OBJECTS OF HISTORIC OR SCIENTIFIC INTEREST

PLACE	LOCATION	DESCRIPTION
1. St Brigid's Catholic Church, Convent & School	Location 95 Roe Street	C.1903
2. Packing Shed	Lot 1 Hampton Street	C.1936
3. Old Gaol	Lot 896 Hampton Street	C.1889
4. Bridgetown Terminus	Lot 961 Steere Street	formerly Terminus Hotel
5. Railway Station	Railway Reserve, Bridgetown	C.1898
6. Uniting Church	Lot 115 Roe Street	C.1898
7. Bridgetown Motel	Lot 14 Hampton Street	C.1890
8. St Paul's Anglican Church & Hall	Lot 1 Phillips Street	C.1911
9. 'Bridgedale', The Blechynden House	Part Lot 12 of Location 12 Hampton Street	C.1862 Vested by National Trust
10. Railway Barrack	Lot 178 Phillips Street	C.1936
11. Camp School	Reserve 5830 Blechynden Street	C.1899
12. Tennis Pavilion	Reserve 3449 Nelson Street	C.1930 Approx
13. Old Court House	Lot 897 Hampton Street	
14. Civic & Community Centre	Lot 888 Hampton Street	Library C. 1887 Town Hall C.1936
15. Freemasons Hotel	Lot 20 Hampton Street	C.1904
16. Scotts Tavern	Lot 2 of Location 23 Hampton Street	C.1876
17. Post Office	Lot 39 Hampton Street	C.1886
18. Masonic Lodge	Lot 1 of Location 23 Hampton Street	C.1910
19. Old National Bank	Lot 1 of Location 17 Hampton Street	
20. Westpac Bank	Lot 9 of Location 21 Hampton Street	C.1938
21. Police Quarters	Lot 896 Hampton Street	C.1907
22. Bridgetown Hotel	Location 40 Hampton Street	C.1920's
23. Country Roses Cafe & Hairdressers	Lot 10 of Location 21 Hampton Street	C.1900
24. Accountants Office	Lot 10 of Location 21 Hampton Street	C.1909
25. Butcher Shop	Lot 8 of Location 18 Hampton Street	C.1879
26. Bridgetown Pottery	Lot 20 of Location 16 Hampton Street	C.1870
27. Lawyer's Office	Lot 28 of Location 17 Hampton Street	C.1908
28. General Store	Lot 2 of Location 20 Hampton Street	C.1904
29. Cafe	Lot 8 of Location 21 Hampton Street	C.1908 Original Capricorn Tearooms
30. Bridgetown Primary School (Old Section)	Reserve 15529 Roe Street	
31. Old Shire Office	Lot 21 Steere Street	Existing Chiropractor Clinic

## 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 <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
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 <sup>2</sup>
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 <sup>2</sup>
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	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. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.	Total area of any such advertisements shall not exceed 15m <sup>2</sup>  Maximum permissible total area shall not exceed 10m <sup>2</sup> and individual advertisement signs shall not exceed 6m <sup>2</sup>
Showroom, 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.	N/A
Public Places and Reserves	(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  (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  (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.	N/A  N/A  N/A
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 <sup>2</sup> in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A

**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
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 <sup>2</sup>
<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 of 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>2m<sup>2</sup></p> <p>5m<sup>2</sup></p> <p>10m<sup>2</sup></p> <p>5m<sup>2</sup></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 <sup>2</sup>
<p><b>Property Transactions</b></p> <p>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 4 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 2m<sup>2</sup></p> <p>Each sign shall not exceed an area of 5m<sup>2</sup></p> <p>Each sign shall not exceed an area of 10m<sup>2</sup></p>
<p><b>Display Homes</b></p> <p>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>2m<sup>2</sup></p> <p>5m<sup>2</sup></p>

**ADOPTION**

Adopted by resolution of the Council of the Shire of Bridgetown-Greenbushes at the Ordinary Meeting of the Council held on the 21st day of May 1982 and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

.....  
SHIRE 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 Town Planning on the ..... day of ..... 19

Recommended: .....  
CHAIRMAN OF THE TOWN PLANNING BOARD  
Date: November 22, 1982

Approved: .....  
MINISTER FOR URBAN DEVELOPMENT AND TOWN PLANNING  
Date: November 26, 1982