

[GO TO CONTENTS PAGE](#)

SHIRE OF BOYUP BROOK

Local Planning Scheme No. 2

Updated to include AMD 22 GG 16/06/2023



Department of Planning,
Lands and Heritage

Prepared by the
Department of Planning, Lands and Heritage

Original Local Planning Scheme Gazettal
7 November 1997

Disclaimer

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

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

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

Department of Planning,
Lands and Heritage
Gordon Stephenson House
140 William Street
Perth WA 6000

Locked Bag 2506
Perth WA 6001

website: www.dph.wa.gov.au
email: info@dph.wa.gov.au

tel: 08 6551 9000
fax: 08 6551 9001

National Relay Service: 13 36 77
infoline: 1800 626 477

SHIRE OF BOYUP BROOK TPS 2 - TEXT AMENDMENTS

AMDT NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
5	25/9/98	1/10/98	DH	Part 5 - deleting Clause 5.18 and replacing with new Clause "5.18 Plantation". Part 5 - adding new Clause "5.19 Agroforestry and Alley Farming". Part 5 - renumbering existing clause 5.19 Remnant Vegetation to "5.20". Table 1 - deleting "Afforestation" and inserting "Agroforestry" and "Alley Farming" as "P" uses and "Plantation" as an "AA" use in the "Rural" Zone. Schedule 1 - deleting interpretation "Afforestation". Schedule 1 - inserting new interpretations "Agroforestry", "Alley Farming" and "Plantation". Part 5 - amending Clauses 5.2.3 and 5.2.4.
6	10/8/99	12/8/99	DH	Schedule 1 - modify definition "Parking - Commercial Vehicles" and "Parking - Heavy Haulage Vehicles". Table 1 - change permitted use within Residential Zone to an "SA" use for definition "Parking of Heavy Haulage Vehicles". Table 1 - change permitted use within "General Industrial" zone to an "AA" use for definition "Motor Vehicle Repairs" Part 3 - modifying sub-clause 3.3.5.
7	14/4/00	12/4/00	DH	Schedule 3 - adding to clause (iv) of the Special Rural Zones No's 5 & 6 the permitted use "Rural Pursuit" (AA).
1	14/4/00	12/4/00	DH	Table of Contents - deleting the word "Residences" where it occurs at 5.17 and replacing it with the word "Dwellings". Part 5 - deleting existing clause 5.17 "Resited/Transportable Residences" and replacing with new clause "5.17 Resited/Transportable Dwellings".
8	19/4/02	17/4/02	DH	Schedule 1 - amending interpretation for "trade display".
12	19/4/09	7/5/09	DH	Schedule 3 - adding Special Rural Zone 7 "Lots 720 and 721 DP 100786 Boyup Brook - Bridgetown Road, Boyup Brook".
13	26/10/12	30/10/12	NM	Inserted Special Rural No. 8 into Schedule 3.
15	12/5/15	18/5/15	LD	Replacing Clause 1.7 Definitions Revising Clause 2.1.4 Replacing Clause 3.2.2.2 (iii) Delete Clause 3.2.2.4 Special Rural Policy Areas Replacing Clause 3.3.2 (iv) Replacing Clause 3.3.2 (vi) Replacing Clause 3.4.3 Inserting Clause 3.4.6 and 3.4.7 and renumbering existing Clause 3.4.6 as 3.4.8 Replacing Clause 5.1.2.1 Replacing Clause 5.14 Replacing Clause 5.17.3(i) Revising Clause 5.18 Inserting Clause 5.21 Inserting Clause 5.22 Replacing Clause 6.2 Replacing Table No. 1 – Zoning Table Amending Schedule 3 Special Rural zones Replacing Schedule 1 Interpretations
16	13/04/18	01/05/18	GM	Zoning Lot 1 Forrest Street, Boyup Brook from Parks and Recreation Reserve to Residential R15/R30. Zoning portion of the Railway Parade road reserve, Boyup Brook from Parks and Recreation to No Zone. Scheme maps amended accordingly. Clause 5.1.2 R-Codes: Variations and Exclusions - inserting new sub clause 5.1.2.2 and re-numbering subsequent sub-clauses accordingly.
19	19/2/19	21/2/19	MLD	Rezoning Lot 34 Blechynden Street and Lot 38 Mitchell Avenue, Boyup Brook from the 'Residential' zone to the 'Public Purpose' reservation and amending the Scheme

				maps accordingly.
17	9/4/2020	14/4/2020	MLD	Rezone Lot 913 Fern Valley Road, Boyup Brook from 'Rural' zone to 'Rural Small Holdings' zone; Include in Schedule 12 of the Shire of Boyup Brook Local Planning Scheme No. 2 'Rural Small Holdings Zones' the following 'Permitted Uses and Conditions of Development' relevant to Lot 913 Fern Valley Road, Boyup Brook. Amend the scheme maps accordingly.
20	29/3/2022	2/5/2022	MLD	Aligned all parts of the Scheme text with the model provisions of Schedule 1 and deemed provisions of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015. Introduced model zones, reserves, definitions and model clauses from the Regulations.
23	16/05/2023	18/05/2023	GL	Rezone Lot 7876 Terry Rd, Boyup Brook from the Rural zone to the 'Rural Small Holdings. Insert 'and Lot 7876 Terry Rd into Schedule 3 – Rural Small Holdings Zones after Rd' for Rural Small Holdings Zone 2 and amend the Scheme Map
21	16/6/2023	4/7/2023	HB	Rezone Lot 13129 Bridgetown Boyup Brook Road, from the 'Rural' zone and the 'Public purposes' reserve (purpose: water and parkland), to the 'Light Industry' zone At clause 28, Table No. 6, insert No. 2 text and figure into the 'REMARKS' column, for the 'Light Industrial' zone Rename clause 43 from 'Remnant vegetation' to 'Land restoration' Insert the following clause after clause 43 and renumber the remaining clauses.
22	1/6/2023	4/7/2023	HB	Rezone Lot 1 Forrest Street, Boyup Brook from the 'Residential' zone classification to the 'Commercial' zone classification and amending the Scheme maps accordingly, which includes deleting the density coding R15/30 Rezone Lot 35 Barron Street, Boyup Brook from the 'Residential' zone classification to the 'Commercial' zone classification and amending the Scheme maps accordingly, which includes deleting the density coding R15 Delete the clause 30(2). Re-numbering subsequent sub-clause accordingly At cl. 17 'Zoning Table', add the following permissibility's against the respective zones At cl.50 'Land use terms', add the following definition (after 'trade display').

SHIRE OF BOYUP BROOK

Local Planning Scheme No. 2

The Boyup Brook Shire Council, under and by virtue of the powers conferred upon it in that behalf by the *Planning and Development Act, 2005*, hereby makes the following Local Planning Scheme for the purpose of:

- (a) reserving land required for public purposes
- (b) zoning the balance of the land within the Scheme Area for the various purposes described in the Scheme;
- (c) providing development controls for the purpose of securing and maintaining an orderly and properly planned use and development of land within the Scheme Area;
- (d) introducing measures by which places of natural beauty and places of historic or scientific interest may be conserved; and
- (e) making provision for other matters authorised by the enabling Act.

TABLE OF CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page No.</u>
PART 1 - PRELIMINARY		8
1	Citation	8
2	Commencement.....	8
3	scheme revoked.....	8
4	notes do not form part of the scheme	8
5	responsibility for scheme.....	8
6	scheme area	8
7	contents of scheme	8
8	Purpose Of Scheme.....	8
9	Aims Of Scheme	9
10	Relationship With Local Laws	9
11	Relationship With Other Local Planning Schemes	9
12	Relationship With Region Planning Scheme	9
PART 2 - RESERVES.....		10
13	Regional Reserves.....	10
14	Local Reserves	10
	TABLE 1 – RESERVE OBJECTIVES	10
PART 3 – ZONES AND USE OF LAND.....		11
16	Zones	11
	TABLE 2 - ZONE OBJECTIVES	11
17	Zoning Table	13
	TABLE 3 - ZONING TABLE	13
18	Interpreting zoning table.....	15
19	Additional uses.....	17
	TABLE 4 - SPECIFIED ADDITIONAL USES FOR ZONED LAND IN SCHEME AREA.....	17
20	Restricted uses	17
21	Special use zones	17
	TABLE 5- SPECIAL USE ZONES IN SCHEME AREA	17
22	Non-conforming uses	18
23	Changes to non-conforming use	18
24	Register of non-conforming uses	19
25	Rural Zone	20
26	Rural residential and rural small holding Zone	20
27	rural townsite Zone.....	23
28	commercial, light industry and general industry zones	23
	TABLE NO. 6 - MINIMUM DEVELOPMENT STANDARDS	23
PART 4 - GENERAL DEVELOPMENT REQUIREMENTS.....		24
29	R-Codes	24
30	Modification Of R-Codes.....	24
31	Corner Lot Setbacks	24
32	Traffic Entrances	24
33	Fencing.....	24
34	Car Parking	24
	TABLE NO. 7 - CAR PARKING REQUIREMENTS	25
35	Protection Of Amenity	25
36	Nuisance	25
37	Landscaping.....	26

38	Land Liable To Flooding.....	26
39	Maximum Building Height	26
40	Privacy.....	26
41	Second Hand Dwellings And Repurposed Dwellings	27
42	Tree Farming.....	27
43	Remnant Vegetation	27
44	Development Of Land With No Access.....	27
45	Tourist Accommodation And Facilities	28
46	Signage And Advertisements.....	28
47	environmental conditions	28
48	Variations to site and development requirements.....	29
PART 5 – SPECIAL CONTROL AREAS		30
PART 6 – TERMS REFERRED TO IN SCHEME.....		31
SCHEDULES		42
	Schedule 1 – Structure Plan Areas	43
	Schedule 2 - Rural Residential	44
	Schedule 3 – Rural Small Holdings Zone	55
	Schedule 4- Exempted Advertisements	57
	Schedule 5 - Non-Conforming Uses	60
	ADOPTION.....	61

PART 1 - PRELIMINARY

1 CITATION

This local planning scheme is the Shire of Boyup Brook Scheme No 2.

2 COMMENCEMENT

Under section 87(4) of the Act, this local planning scheme comes into operation on the day of publication of Notice of the Minister's final approval thereof in the Gazette.

3 SCHEME REVOKED

The following local planning scheme is revoked -

The Shire of Boyup Brook Town Planning Scheme No. 1

Gazetted on 5th October, 1984

4 NOTES DO NOT FORM PART OF THE SCHEME

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

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

5 RESPONSIBILITY FOR SCHEME

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

6 SCHEME AREA

This Scheme applies to the area shown on the Scheme Map.

7 CONTENTS OF SCHEME

(1) In addition to the provisions set out in this document (the scheme text), this Scheme includes the following –

- (a) the deemed provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2*);
- (b) the Scheme Map (Sheets 1 - 8); and

(c) the supplemental deemed provisions outlined in Schedule A of the scheme text.

(2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8 PURPOSE OF SCHEME

The purposes of this Scheme are to –

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

- (h) address other matters referred to in Schedule 7 of the Act

9 AIMS OF SCHEME

The aims of the Scheme are to:

- a) provide for reasonable expansion of residential, industrial and commercial uses based on the District's established structure;
- b) protect the potential of agricultural land for primary production and to preserve the landscape and character of the rural areas;
- c) zone suitable land for development and establish the conditions under which such land may be subdivided, developed and maintained;
- d) permit, subject to adequate controls, uses which add to, and facilitate, the District's potential for tourism and recreational use;
- e) require development, under a planning consent procedure, to achieve and maintain satisfactory standards of amenity;
- f) make provision for other matters authorised by the enabling Act.
- g) introduce measures by which places of natural beauty and places of historic or scientific interest may be conserved.
- h) assist with the long term natural resource management of the Blackwood Basin and to improve ecological, social and economic values.

10 RELATIONSHIP WITH LOCAL LAWS

Where a provision of this Scheme is inconsistent with a local law, the provision of this Scheme prevails to the extent of the inconsistency.

11 RELATIONSHIP WITH OTHER LOCAL PLANNING SCHEMES

There are no other Schemes of the Shire of Boyup Brook which apply to the Scheme area.

12 RELATIONSHIP WITH REGION PLANNING SCHEME

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

PART 2 - RESERVES

13 REGIONAL RESERVES

There are no regional reserves in the Scheme area.

14 LOCAL RESERVES

(1) In this clause –

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

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

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

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

TABLE 1 – RESERVE OBJECTIVES

Reserve name	Objectives
Public Open Space	To set aside areas for public open space, particularly those established under the Planning and Development Act 2005 s. 152. To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
Environmental Conservation	To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision. To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
State Forest	To identify areas of State Forest.
Public Purposes	To provide for a range of essential physical and community infrastructure.
Infrastructure Services	Public Purposes which specifically provide for a range of essential infrastructure services.
Railways	To set aside land required for passenger rail and rail freight services.
Primary Distributor Roads	To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
Local Distributor Roads	To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.

15 ADDITIONAL USES FOR LOCAL RESERVES

(1) There are no additional uses for land in local reserves that apply to this Scheme.

PART 3 – ZONES AND USE OF LAND

16 ZONES

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

TABLE 2 - ZONE OBJECTIVES

Zone Name	Objectives
Residential	<ul style="list-style-type: none"> • To provide for a range of housing and a choice of residential densities to meet the needs of the community. • To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. • To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Commercial	<ul style="list-style-type: none"> • To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres. • To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades. • To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
Light Industry	<ul style="list-style-type: none"> • To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. • To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	<ul style="list-style-type: none"> • To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. • To accommodate industry that would not otherwise comply with the performance standards of light industry. • Seek to manage impacts such as noise, dust and odour within the zone.

Rural	<ul style="list-style-type: none"> • To provide for the maintenance or enhancement of specific local rural character. • To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. • To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. • To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone. • To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Rural Townsite	<ul style="list-style-type: none"> • To provide for a range of land uses that would typically be found in a small country town.
Rural Residential	<ul style="list-style-type: none"> • To provide for lot sizes in the range of 1 ha to 4 ha. • To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Rural Smallholdings	<ul style="list-style-type: none"> • To provide for lot sizes in the range of 4 ha to 40 ha. • To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. • To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Special Use	<ul style="list-style-type: none"> • To facilitate special categories of land uses which do not sit comfortably within any other zone. • To enable the Council to impose specific conditions associated with the special use.

17 ZONING TABLE

The zoning table for this Scheme is as follows -

TABLE 3 - ZONING TABLE

LAND USE	ZONES							
	Residential	Commercial	Light Industry	General Industry	Rural	Rural townsite	Rural Residential	Rural Small Holdings
Agriculture – extensive	X	X	X	X	P	X	REFER TO SCHEDULE 2	D
Agriculture – intensive	X	X	X	X	D	X		A
Amusement Parlour	X	D	X	X	X	X		X
Ancillary dwelling	P	D	X	X	P	P		P
Animal Establishment	X	X	A	X	A	X		X
Animal Husbandry Intensive	X	X	X	X	D	X		X
Art Gallery	D	P	X	X	I	D		X
Bed and Breakfast	A	D	X	X	D	D		D
Betting Agency	X	D	X	X	X	X		X
Bulky goods showroom	X	D	D	X	X	D		X
Camping Ground	X	X	X	X	D	D		X
Caravan Park	X	X	X	X	D	D		X
Caretaker's Dwelling	X	D	D	D	D	D		X
Carpark	X	D	D	D	D	D		X
Child care premises	A	D	D	X	A	D		X
Cinema/theatre	X	D	X	X	X	X		X
Civic Use	D	P	X	X	D	P		X
Club Premises	X	P	D	X	D	D		X
Commercial vehicle parking	A	I	P	P	I	D		D
Community Purpose	D	D	X	X	D	X		X
Consulting Rooms	A	D	D	X	I	D		X
Convenience Store	X	P	X	X	X	X		X
Corrective Institution	X	X	X	X	A	X		X
Educational Establishment	D	D	D	X	D	D	X	
Exhibition Centre	X	D	X	X	D	D	X	
Family Day Care	A	X	X	X	D	X	X	

LAND USE	ZONES							Rural Residential	Rural Small Holdings
	Residential	Commercial	Light Industry	General Industry	Rural	Rural townsite	Rural Residential		
Fast Food Outlet/lunch bar	X	D	D	X	X	D	REFER TO SCHEDULE 2	X	
Fuel Depot	X	X	D	D	X	X		A	
Funeral Parlour	X	D	D	X	X	D		P	
Garden centre	X	D	D	X	D	D		X	
Grouped Dwelling	D	D	X	X	X	D		D	
Holiday house	D	X	X	X	D	D		P	
Holiday accommodation	A	D	X	X	D	D		D	
Home Business	D	D	X	X	D	A		D	
Home Occupation	P	P	X	X	P	P		P	
Home Office	P	P	X	X	P	P		P	
Home Store	D	D	X	X	D	D		D	
Hospital	A	X	X	X	D	D		X	
Hotel	X	A	X	X	A	D		X	
Independent living complex	A	A	X	X	X	A		X	
Industry	X	X	D	D	X	X		X	
Industry – cottage	D	D	P	X	D	D		X	
Industry – extractive	X	X	X	X	A	X		X	
Industry – light	X	X	P	P	X	D		X	
Industry – rural	X	X	D	D	D	X		X	
Industry – service	X	D	P	X	A	A		X	
Liquor Store	X	D	D	X	X	D		X	
Market	X	D	D	X	A	A		X	
Medical Centre	A	D	X	X	D	D		X	
Motel	X	D	X	X	X	D	X		
Motor Vehicle Boat or Caravan Sales	X	D	D	X	X	D	X		

LAND USE	ZONES								
	Residential	Commercial	Light Industrial	General Industry	Rural	Rural Townsite	Rural Residential	Special Use	Rural Small Holdings
Motor Vehicle Repair	X	D	D	D	D	D	REFER TO SCHEDULE 2		X
Motor Vehicle Wash	X	A	D	D	X	X			X
Multiple Dwelling	A	X	X	X	X	X			X
Nature based park	X	X	X	X	D	X			X
Night Club	X	A	X	X	X	X			X
Office	X	P	I	I	X	D			I
Park Home Park	X	X	X	X	D	X			X
Place of Worship	D	D	X	X	D	D			X
Reception Centre	X	D	X	X	A	X			X
Recreation – Private	X	D	D	X	D	D			X
Repurposed dwelling	D	D	X	X	D	D			D
Residential aged care facility	A	A	X	X	X	A			X
Residential Building	A	D	X	X	D	D			X
Restaurant/cafe	X	P	X	X	D	D			D
Restricted Premises	X	X	A	X	X	X			X
Rural Home Business	X	X	X	X	D	X			A
Rural Pursuit/hobby farm	X	X	X	X	P	X			A
Second-hand dwelling	D	D	X	X	D	D			D
Serviced Apartment	A	D	X	X	A	X			X
Service Station	X	D	A	X	A	D			X
Shop	X	P	X	X	X	D			X
Single House	P	D	X	X	P	P			P
Tavern	X	P	A	X	X	D			X
Telecommunications Infrastructure	D	D	D	D	D	D			D
Trade Display	X	D	D	I	X	D			X
Trade Supplies <i>AMD 22 GG 16/6/2023</i>	X	D	P	X	X	D			X
Transport Depot	X	X	D	D	P	D			A
Tree Farm	X	X	X	X	A	X			A
Veterinary Centre	X	D	D	X	D	D			A
Warehouse/storage	X	P	P	P	D	D			X
Wayside Stall	X	D	X	X	D	D		D	
Winery	X	X	D	D	D	X		X	
Workforce accommodation	A	X	X	X	D	A		X	

18 INTERPRETING ZONING TABLE

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings -

- P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme;
- I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme;
- D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions;
- X means that the use is not permitted by this Scheme.

(A symbol must appear in the cross-reference of a use class against all the zones in the zoning table.)

Note:

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

19 ADDITIONAL USES

- (1) Table 4 sets out -
- (a) classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that additional use.

TABLE 4 - SPECIFIED ADDITIONAL USES FOR ZONED LAND IN SCHEME AREA

No.	Description of land	Additional use	Conditions
A1	Lots 66 and 67 Boyup Brook-Arthur Road	'P' uses - - Recreation private - Club premises - Caravan Park - Camping Ground	To provide for agricultural entertainment such as rodeo events including associated uses, such as short-term accommodation, food and drink stalls, bar sales and live music.

- (2) Despite anything contained in the zoning table, land that is specified in the Table to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20 RESTRICTED USES

There are no restricted uses for zoned land that apply to this Scheme.

21 SPECIAL USE ZONES

- (1) Table 5 sets out -
- (a) special use zones for specified land that are in addition to the zones in the zoning table; and
 - (b) the classes of special use that are permissible in that zone; and
 - (c) the conditions that apply in respect of the special uses.

TABLE 5- SPECIAL USE ZONES IN SCHEME AREA

No.	Description of land	Special use	Conditions
SU1	Lot 336 Jackson Street	'P' uses on the site are - - Caravan Park - Camping Ground - Holiday Accommodation - Recreation - private	Provides for special events and activities such as live music, short-term accommodation, food and drink stalls and bar sales.

			Uses to be contained wholly within the former Flax Mill site.
--	--	--	---

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

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

22 NON-CONFORMING USES

- (1) Unless specifically provided, this Scheme does not prevent -
- (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme; or
 - (b) the carrying out of development on land if -
 - (i) before the commencement of this Scheme, the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if –
- (a) the non-conforming use of the land is discontinued; and
 - (b) a period of 6 months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government –
- (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23 CHANGES TO NON-CONFORMING USE

- (1) A person must not, without development approval -
- (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.

- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use –
 - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

24 REGISTER OF NON-CONFORMING USES

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

Standards and requirements relating to zones

25 RURAL ZONE

1. In considering applications for subdivision, rezoning and planning consent in the Rural Zone, Council shall have regard to:
 - (a) the need to protect the agricultural practices of the Rural zone in light of its importance to the District's economy;
 - (b) the need to protect the area from uses which will reduce the amount of land available for agriculture;
 - (c) bushfire risk to the locality and adequacy of fire suppression measures;
 - (d) the need to preserve the rural character and rural appearance of the area; and
 - (e) where rural land is being subdivided for closer development, the proposal should be supported with evidence outlining the land's suitability and capability for further development.
2. Council shall encourage the continued use of land within the Rural Zone for the entire spectrum of broadacre and intensive rural activities except in close proximity to the town where such activities, by their very nature, may detract from the residential and environmental quality within the town.
3. Council, in considering the granting of approval to plantations 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 and is not supported by adequate bushfire suppression measures.
4. With a view to protecting the agricultural base of the District, Council shall discourage the wholesale planting of broadacre rural holdings for plantations and shall instead, encourage the diversification of rural activities. *AMD 5 GG 25/9/98*
5. No building development shall be located within 10 metres of any boundary of a lot in the Rural Zone.
6. Not more than one single dwelling house may be erected and occupied on a lot within the Rural Zone except where Council is satisfied that an additional house is necessary or desirable for the continuation of bona fide agricultural activity.
7. An ancillary dwelling in the Rural zone is to be no greater than 100m², be co-located with the single house, allow for the continued use of the lot for rural purposes and to be constructed to a standard that ensures the visual amenity of the area is not adversely impacted.

26 RURAL RESIDENTIAL AND RURAL SMALL HOLDING ZONE

- (1) **Structure plan to facilitate rezoning**
 - (a) Land denoted as SPA on the scheme map and set out in Schedule 1 will require structure planning to guide rezoning, and coordinate subdivision and future development.
 - (b) In relation to those matters to be addressed as set out in Schedule 1, the following matters are to be demonstrated:

- (a) coordination and provision of an electricity network supply to all proposed future lots;
- (b) bushfire risk is managed consistent with environment protection; and
- (c) road connectivity.

(2) Special Conditions

- (a) Subdivision and Development shall comply with the provisions applicable to each relevant area as set out in Schedule 2 (Rural Residential) and 3 (Rural Small Holdings).
- (b) Despite subclause (a), additional structure planning may not be required in accordance with clause 15 of the deemed provisions.

(3) Setbacks, Building Envelopes and Building Exclusion Areas

- (a) Unless approved by the Council no building or development shall be located within:
 - (i) 15 metres of the front boundary and within 10 metres of any other boundary for any Special Rural lot; or
 - (ii) 20 metres of the front boundary and within 10 metres of any other boundary for any Rural Small Holdings lot.
- (b) Where a building envelope is defined for a lot on a structure plan, the dwelling and any outbuilding(s) shall be confined to that envelope. The Council may permit:
 - (i) a variation of the location of the building envelope; and/or
 - (ii) minor outbuildings and shelters to be located outside of the building envelope
if it is satisfied that such a variation is desirable and will not detrimentally affect the objective for the zone or the amenity of the area.
- (c) Where a building exclusion area is defined for a lot on a structure plan, the dwelling and any outbuilding(s) shall be excluded from that area. The Council may permit:
 - (i) a variation of the location of the building exclusion area; and/or
 - (ii) minor outbuildings and shelters to be located inside the building exclusion area if it is satisfied that such variation is desirable and will not detrimentally affect the objective for the zone or the amenity of the area.
- (d) Any application to amend the approved building envelope or building exclusion area shall be advertised in accordance with the deemed provisions.

(4) Single Dwelling

Only one dwelling will be permitted on any lots unless provided for in Schedule 2 or 3 or an endorsed Structure Plan.

(5) Caretaker Dwelling or Ancillary Dwelling

The Council may permit a caretaker dwelling or ancillary accommodation where it is:

- (a) appropriately justified by the applicant and addresses relevant planning consideration; and
- (b) located within a defined building envelope area or building exclusion area on a structure plan or the immediate curtilage of the primary dwelling where a building envelope is not defined, and complies with the criteria applicable to an 'Ancillary dwelling' in the R-Codes and the local government's Local Planning Policy.

Approval however is not considered to be justification for subdivision of the land under the Act or the *Strata Title Act 1985*.

(6) Non-residential Development

Development for non-residential uses will not be granted development approval on any lot within the Rural Small Holdings zone, unless a single dwelling exists on the lot, or is to be constructed as the first stage of the development proposal unless appropriately justified by the applicant and agreed to by the Council.

(7) Water Supply

Except where a reticulated water supply is provided, a person shall not construct a dwelling unless a roof water storage tank of minimum capacity of 92,000 litres or other type of domestic water supply approved by the Council is incorporated in the approved plans and constructed at the same time as the dwelling. No dwelling shall be considered fit for human habitation unless a tank has been installed and is operating.

(8) Building Appearance

Notwithstanding that a building or works may conform in all respects to the provisions of this Scheme, the Council may require alterations to the proposed building if it considers that the proposed building or works would be likely to seriously impact upon the amenity or the visual appearance of the area.

(9) Fencing

The minimum standard of fencing in the Special Rural and Rural Small Holdings zones shall be 1.4 metre post and 4 strand wire or such similar materials as approved by the Council. Fencing design and materials shall not be inconsistent with the rural character of the area as defined by the Council.

(10) Bush Fire Management

Prior to any subdivision a fire management plan shall be approved by Council. This plan shall be prepared in accordance with the Planning for Bush Fire Protection Guidelines (as amended) and shall define:

- (a) bush fire prone areas; and
- (b) associated Bushfire Attack Levels.

(11) Stream Protection Areas

Within any Stream Protection Area identified in an endorsed Structure Plan, the following provisions shall apply:

- (a) Vegetation is to be maintained in accordance with any approved landscape or management plan;
- (b) A person shall not, without the prior consent of the Council, remove, cut down, lop or damage a tree or shrub on a lot unless:
 - (i) The vegetation is dead, diseased or dangerous;
 - (ii) The clearing is for the purpose of a firebreak or for approved fuel reduction purposes; or
 - (iii) The clearing is required for any approved development or works.
- (c) No new dams, artificial retention of flow, pumping, diversion of water or modification of stream course, bed or banks shall occur without approval of the Council.

- (d) Land uses including stock are to be controlled to prevent erosion, pollution, vegetation degradation and shall not adversely affect a water course or the water quality within that water course. AMD 14 GG 27/3/15

27 RURAL TOWNSITE ZONE

In considering applications for the development of land within this zone Council, in exercising its discretion, shall:

- (a) Seek to ensure the separation of incompatible land uses.
- (b) Ensure the capacity of existing services, facilities and infrastructure (including water supply) to accommodate such development.
- (c) Determine within which land use class the proposed form of development shall be classified and apply the development standards applicable to that use or any other development standard Council may consider appropriate.

Residential development within the Rural townsite zone shall be subject to the standards applicable to the R15 density code and the provisions of Clause 30 shall apply to residential development within the Townsite zone.

Where proposed lots are less than 2000m² in area, Council shall require that the land be connected to a reticulated water supply. Where a reticulated water supply is not available, nor in reasonable prospect to service proposed lots, Council shall require each dwelling to be provided with a supply of potable water from an underground bore or a rainwater storage tank with a minimum capacity of 92,000 litres to Council's satisfaction.

28 COMMERCIAL, LIGHT INDUSTRY AND GENERAL INDUSTRY ZONES

The minimum development standards set out in Table 6 of this Scheme shall apply to all development within the Commercial, Light Industrial and General Industrial zones.

TABLE NO. 6 - MINIMUM DEVELOPMENT STANDARDS

ZONE	MINIMUM LOT SIZE	MINIMUM FRONTAGE	MINIMUM SETBACKS			REMARKS
			FRONT	SIDE		
Commercial	-	5m	Nil	Nil	Nil	Setbacks as per Building Code of Australia
Light Industrial	1,000m ²		5	3	3	Fencing and Landscaping as per Council's requirements
General Industrial	2,000m ²		11	10	5	Fencing and Landscaping as per Council's requirements
Light Industrial <i>AMD 21 GG 16/06/2023</i>						All development within the lot 13129 Bridgetown Boyup Brook Road, including for fire mitigation is to be contained within existing cleared areas. 

PART 4 - GENERAL DEVELOPMENT REQUIREMENTS

29 R-CODES

- (1) The R-Codes, modified as set out in clause 30, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (2A) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (3) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (4) The R-Codes apply to an area if -
 - (a) the area has a coding number superimposed on it in accordance with subclause (3); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.

30 MODIFICATION OF R-CODES

- (1) Unless otherwise shown on the Scheme Maps, the R15 coding applies within the Residential zone.
AMD 15 GG 12/5/15

Deleted *AMD 16 GG 13/04/18, AMD 22 GG 16/6/2023*

- (2) For the development of not more than two grouped dwellings Council may, in a particular case, but only where such dwellings are connected to an approved Aerobic Treatment Unit to the satisfaction of Council, modify the development standards to the R17.5 Residential Planning Code.

31 CORNER LOT SETBACKS

Except where the provisions of the R-Codes apply, where a site has more than one street frontage the Council may determine which shall be regarded as the front for the purpose of the setbacks prescribed in Table No. 6 and may permit the observance of setbacks of one half of those specified in respect of the other street frontages.

32 TRAFFIC ENTRANCES

The Council, where it considers it desirable, and in the interests of traffic safety, may direct the owner of any lot to provide such additional access as it requires.

33 FENCING

In instances where lots have a common boundary with public open space or other public places, the Council will require uniform fencing treatment constructed of a 1.5 metre high super six sheeting unless, in respect of a group of lots, some alternative type of fencing is proposed by the owners and approved by the Council.

34 CAR PARKING

- (1) The number of car parking spaces to be provided for specific development shall be in accordance with Table 7. Where development is not specified in Table 7, the Council shall determine the parking standard.

- (2) Except for car parking spaces required for residential purposes, car parking must be provided pursuant to the provisions of this Scheme. Where the angles of proposed car parking vary from the Australian Standard 2890, Council may determine the width of the manoeuvring aisle which in no case shall be less than four metres.
- (3) Car parking bays shall be capable of use independently of each other.
- (4) All driveways and parking areas shall be constructed to Council's satisfaction with appropriate measures for drainage and disposal of surface water.

TABLE NO. 7 - CAR PARKING REQUIREMENTS

Development	Minimum Number of Spaces
Caravan Park	1.25 spaces per unit, bay or tent site
Child Care Premises	1 space per employee plus 2 extra spaces for the picking up and setting down of persons
Consulting Rooms	3 spaces per practitioner
Hospital	1 space per patient and bed
Hotel	1 space per bedroom plus 1 space per 25m ² of retail floor area
Office	1 space per 30m ² gross floor area
Recreation-private, civic use, club premises, community purpose	1 space per 4 persons accommodated
Place of Worship	1 space per 4 persons accommodated
Restaurant/cafe	1 space per 25m ² of retail floor area
Garden Centre	1 space per 100m ² of gross floor space
Service Station	2 spaces per service bay
Shop	1 space per 25m ² of retail floor area
Tavern	1 space per 25m ² of retail floor area
Motor Vehicle boat or caravan Sales	1 space per 200m ² of site area
Warehouse/storage	1 space per 100m ² of gross floor space
Industrial	1 space per 100m ² of gross floor space

35 PROTECTION OF AMENITY

No building shall be so constructed, finished or left unfinished that its external appearance would, in the opinion of the Council, detract from the visual amenity of the locality or have the potential to depreciate the value of adjoining property. All land and buildings shall be used and maintained as to preserve the local amenity to the satisfaction of the Council.

36 NUISANCE

No land, building or appliance shall be used in such a manner as to permit the escape therefrom of smoke, dust, fumes, odour, noise, vibration or waste products in such quantity or extent, or in such a manner as, in the opinion of the Council, will create, or be a nuisance to, any inhabitant or to traffic or persons using roads in the vicinity.

37 LANDSCAPING

Landscaping shall be undertaken and maintained to Council's satisfaction for all development unless, in the opinion of the Council, such landscaping is considered unnecessary. Such landscaping shall generally be located in such positions on a site or sites so as to enhance the appearance of any development or screen from view any parking area, open storage area, drying areas and any other space which, by virtue of its use, is likely to detract from the visual amenity of the surrounding area.

38 LAND LIABLE TO FLOODING

AMD 15 GG 12/5/15

- (1) A person shall not carry out any development on land (or portion(s) thereof) identified as flood prone land, unless:
 - (a) where no works have been carried out to protect the land from flooding, the floor of any dwelling or other habitable building is, or will be, raised a minimum of 50 centimetres above the 1 in 100 flood level, as determined by the local government, or where a 1 in 100 flood level has not been determined, above the maximum recorded flood level; or
 - (b) in any other case, the local government is satisfied that adequate measures have been taken to offset the likely effects of flooding on the development concerned.
- (2) In considering an application the local government shall have regard to:
 - (a) the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge flood water;
 - (b) the safety of the proposed development in time of flood; and
 - (c) whether the proposed development involves any possible risk to life, human safety or private property in time of flood.
- (3) For the purposes of sub-clause 1 and 2, the local government may consult with, and take into consideration, the advice of the responsible authorities, in relation to the delineation of floodways and flood prone land, the effect of the development on a floodway, and any other measures to offset the effects of flooding.

39 MAXIMUM BUILDING HEIGHT

- (1) No site shall be developed or building constructed to contain more than two storeys or exceed 10 metres in height measured to the highest proportion of the building from mean natural ground level, or such other ground level, as may be determined by Council.
- (2) Council may vary this requirement if it can be satisfied the development can comply with the development standards and:
 - a) Will not restrict light, sunshine and natural ventilation enjoyed by surrounding properties.
 - b) Will not intrude upon the privacy enjoyed by surrounding properties by virtue of overview.
 - c) Will not diminish views or outlook available from surrounding properties.
 - d) Is sympathetic with the scale and character of the surrounding built environment.

40 PRIVACY

In considering a development proposal, Council shall have regard to its likely impact on privacy enjoyed by neighbouring developments and may impose conditions regarding the size, location and design of balconies, windows overlooking adjoining back yards or private spaces.

41 SECOND HAND DWELLINGS AND REPURPOSED DWELLINGS

- (1) Council shall be satisfied that a second-hand or repurposed dwelling is consistent with the objectives of the zone which it is proposed to be located.
- (2) The design of a second-hand or repurposed dwelling shall be to the satisfaction of Council in matters such as the roof pitch, window size, external cladding materials, enclosure of the sub-floor area and landscaping, and that the dwelling or building will not, in the opinion of Council, adversely affect the amenity of other properties in the immediate locality.
- (3) Any internal or external material containing asbestos fibres must be removed prior to the dwelling or building being transported within or into the scheme area.

42 TREE FARMING

Tree farm as defined in Part 6 – ‘Terms referred to in Scheme’ is a permissible use in the ‘Rural’ zone subject to compliance with all requirements of this Scheme.

In addition to those other matters contained in clause 25, Council shall, in considering applications for ‘Plantations’, have regard to –

- a) The Code of Practice for Timber Plantations in Western Australia;
- b) Council’s Firebreak Order; and
- c) FESA’s Guidelines for Plantation Fire Protection.

43 LAND RESTORATION

AMD 21 GG 16/06/2023

Where, in the opinion of Council, and with the advice of the Department responsible for agriculture, land, the subject of an application to subdivide or commence development, is degraded, Council may require the land owner to undertake such measures to rehabilitate the land to a satisfactory standard and to protect it from further degradation.

44 NATIVE VEGETATION PRESERVATION

AMD 21 GG 16/06/2023

- (1) Native vegetation shall not be damaged, destroyed or removed where, in the opinion of the local government, it would result in detrimental impacts on existing environmental values, amenity or the landscape.
- (2) Notwithstanding subclause (1), clearing of native vegetation is permitted and does not require development approval if it is in accordance with the following:
- (3)
 - (a) subdivision or local government approvals;
 - (b) the requirements of the *Bush Fires Act 1954*, the local government’s Bushfire Notice, or Bushfire Management Plan/Statement approved by the local government; or
 - (c) the *Environmental Protection Act 1986*, the Environmental Protection (Clearing of native vegetation) Regulations 2004, or with any other pertinent Act or Regulation

45 DEVELOPMENT OF LAND WITH NO ACCESS

AMD 15 GG 12/5/15, AMD 21 GG 16/6/2023

- (1) The approval of Council is required to use or develop land where:
 - (a) it abuts an unconstructed road reserve and no alternative means of access has been approved by Council; or

- (b) it has no frontage to a road reserve and no alternative means of access has been approved by Council.
- (2) In considering such an application the Council may either:
- (a) refuse the application; or
 - (b) approve the application subject to a condition requiring the construction of the road to the local government's prescribed standard; or
 - (c) approve the application subject to a condition requiring such other arrangements to be made for permanent access to the land to the satisfaction of the Council.

46 TOURIST ACCOMMODATION AND FACILITIES

AMD 15 GG 12/5/15, AMD 21 GG 16/6/2023

- (1) The use and development of land for a tourist development may only occur on a lot which has been included in either the Special Use zone or specified as an Additional Use within Table 4 or Table 5.
- (2) In considering an application for a tourist use the Council will have regard to:
- (a) the objectives of the zone;
 - (b) the likely impact upon surrounding development;
 - (c) the scale and intensity of the development
 - (d) appropriate setbacks to existing or proposed agricultural uses;
 - (e) the effect that existing or proposed agricultural uses could have on the proposal;
 - (f) provision of services for the development including water supply, on site effluent disposal, solid waste disposal and electricity;
 - (g) access to and from the site;
 - (h) impact of the development upon landscape values;
 - (i) protection of remnant vegetation
 - (j) the impact on any rare and threatened flora and fauna; and
 - (k) fire management.

47 SIGNAGE AND ADVERTISEMENTS

AMD 21 GG 16/6/2023

All advertisements require an application for development approval, unless exempted in Schedule A - Supplemental Provisions to the Deemed Provisions or Schedule 4 – Exempted Advertisements of this Scheme.

48 ENVIRONMENTAL CONDITIONS

AMD 21 GG 16/6/2023

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

49 VARIATIONS TO SITE AND DEVELOPMENT REQUIREMENTS

AMD 21 GG 16/6/2023

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

PART 5 – SPECIAL CONTROL AREAS

There are no special control areas which apply to this Scheme.

PART 6 – TERMS REFERRED TO IN SCHEME

Division 1 — General definitions used in Scheme

50. Terms Used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows
- (2) A word or expression that is not defined in this scheme –
 - (a) has the meaning it has in the *Planning and Development Act 2005*; or
 - (b) if it is not defined in that Act – has the same meaning as it has in the R-Codes.

building envelope means an area of land within which all buildings and effluent disposal facilities on the lot must be contained;

cabin means a dwelling forming part of a tourist development or caravan park that is –

- (a) an individual unit other than a chalet; and
- (b) designed to provide short-term accommodation for guests;

chalet means a dwelling forming part of a tourist development or caravan park that is –

- (a) a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
- (b) designed to provide short-term accommodation for guests;

commercial vehicle means a vehicle, whether licenced or not, that has a gross vehicle mass of greater than 4.5 tonnes including –

- (a) a utility, van, truck, tractor, bus or earthmoving equipment; and
- (b) a vehicle that is, or is designed to be an attachment to a vehicle referred to in paragraph

floor area has the meaning given in the Building Code;

minerals has the same meaning given in the *Mining Act 1978 section 8(1)*;

plot ratio means the ratio of the floor area of a building to an area of land within the boundaries of the lot or lots on which the building is located;

precinct means a definable area where particular planning policies, guidelines or standards apply;

predominant use means the primary use of premises to which all other uses carried out on the premises are incidental;

retail means the sale or hire of goods or services to the public;

scheme amendment day means the day on which this Scheme comes into effect *under section 87(4) of the Act*;

short-term accommodation means temporary accommodation provided either continuously or from time to time with no guest accommodated for periods totalling more than 3 months in any 12 month period;

wholesale means the sale of goods or materials to be sold by others;

Division 2 - Land use terms used in Scheme

51. Land use terms used

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

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

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

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

amusement parlour means premises –

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

ancillary dwelling has the same meaning given to the term in the Residential Design Codes;

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

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

art gallery means premises that are open to the public and where artworks are displayed for viewing or sale;

bed and breakfast means a dwelling –

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

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

bulky goods showroom mean premises

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

- (xi) sporting, cycling, leisure, fitness goods and accessories;
- (xii) swimming pools;

or

(b) used to sell goods and accessories by retail if

- (i) a large area is required for the handling, display or storage of the goods; or
- (ii) vehicular access is required to the premises for the purpose of collection of purchased goods

camping ground has the same meaning as in the *Caravan Parks and Camping Grounds Act 1995*;

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

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

carpark means premises used primarily for parking vehicles, whether open to the public or not, but does not include any part of a public road used for parking or for a taxi rank, or any premises in which cars are displayed for sale;

child care premises means premises where –

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

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

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

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

commercial vehicle parking means premises used for parking of one or two commercial vehicles but does not include –

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

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

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

convenience store means premises –

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

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

dam means any man-made structure or excavation designed and constructed to intercept, accumulate and impound water flowing across, through or under any land and includes an off-stream dam, an on-stream dam, a gully-wall dam, a turkey-nest dam, an excavated soak and any structure, excavation or other device designed to act either solely or partly as a nutrient stripping basin but does not include ornamental ponds or other water feature associated with landscaping and gardens.

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

equestrian centre means a premise used for the showing, competition or training of horses and includes a riding school.

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

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

fast food outlet/lunch bar

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

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

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

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

funeral parlour means a premises used to prepare and store bodies for burial or cremation or to conduct funeral services;

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

holiday house means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast;

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

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

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50m²; and
- (d) does not involve the retail sale, display or hire of any goods unless the sale, display or hire is done only by means of the Internet; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of a vehicle more than 4.5 tonnes tare weight; and
- (g) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

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

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

home store means a shop attached to a dwelling that -

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

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

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

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

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

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

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

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

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

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

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

industry – rural means premises used for industry that -

- (a) supports and/or is associated with primary production; or
- (b) services plant or equipment used in primary production;

industry – service means –

- a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

liquor store means any land or buildings the subject of a Store License granted under the provisions of the *Liquor Control Act 1988* (as amended);

market means premises used for the display and sale of goods from stalls by independent vendors;

medical centre means premises, other than a hospital, used by 3 or more health practitioners at the same time for the investigation or treatment of human injuries or ailments and for general outpatient care;

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

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

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

motor vehicle repair means premises used for or in connection with –

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

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

multiple dwelling has the same meaning given to the term in the Residential Design Codes;

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

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

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

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

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

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

recreation – private means premises used for indoor – or outdoor leisure, recreation or sport and not usually open to the public without charge;

renewable energy facility means premises used to generate energy from a renewable energy source and includes any building or other structure used in, or relating to, the generation of energy by a renewable resource. It does not include renewable energy electricity generation where the energy produced principally supplies a domestic and/or business premises and any on selling to the grid is secondary;

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

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

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

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

residential building has the same meaning as in the Residential Design Codes;

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

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

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

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

- (a) does not involve employing more than 2 people who are not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 200m²; 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 more than 30 tonnes gross weight;

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

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

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

serviced apartment means a group of units or apartments providing -

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

service station means premises

other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for -

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

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

single house has the same meaning as in the Residential Design Codes;

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

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

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

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

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

AMD 22 GG 16/6/2023

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

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

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

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

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

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

wayside stall means a stall located adjacent to a street in which only fruit, vegetables and artefacts grown, produced or made on the land are sold or offered for sale;

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

workforce accommodation means premises, which may include modular and relocated buildings used

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

Schedule A - Supplemental Provisions to the Deemed Provisions

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

61. Development for which Development Approval Not Required

- (1) Development approval is not required for works if –
- (a) the works are of a class specified in Column 1 of an item in the Table; and
 - (b) if conditions are set out in Column 2 of the Table opposite that item - all of those conditions are satisfied in relation to the works.

	Column 1 Works	Column 2 Conditions
21.(1)	The erection of, or alterations or additions to, a single house on a lot.	<ol style="list-style-type: none"> (a) The single house is a permitted 'P' use in the zone where the R Codes do not apply. (b) The works comply with the development provisions of this Scheme for that zone. (c) The works are not located in a heritage-protected place. (d) The works are not within 100m of a watercourse. (e) The works are not within land prone to flooding. (f) The works do not require access from an unconstructed road or that is not a gazetted road reserve.
21.(2)	<p>The erection of or installation of, or alterations to or additions to, any of the following on the same lot as a single house –</p> <ol style="list-style-type: none"> (a) an ancillary dwelling; (b) an outbuilding; (c) an external fixture; (d) a boundary wall or fence; (e) a patio; (f) a pergola; (g) a verandah; (h) a deck; (i) a garage; (j) a carport; (k) domestic animal enclosure; (l) a tree house; (m) landscaping; 	<ol style="list-style-type: none"> (a) The single house is a permitted 'P' use in the zone where the R Codes do not apply. (b) The works comply with the development provisions of this Scheme for that zone. (c) The works are not located in a heritage-protected place. (d) The works are not within 100m of a watercourse. (e) The works are not within land prone to flooding. (f) The works do not require access from an unconstructed road or that is not a gazetted road reserve. (g) The animal enclosure does not exceed 3.0 metres in height above natural ground level or is not within 1.0 metre of the boundary with an adjacent lot. (h) The tree house, which as a structure, does not exceed 3.0 metres in height and 4.0m² of floor area.
21.(3)	<p>The erection of or installation of, or alterations to or additions to, any of the following on a lot in the Rural or Rural Small Holding or Rural Residential zone –</p> <ol style="list-style-type: none"> (a) a windmill; (b) a bore; 	<ol style="list-style-type: none"> (a) In relation to a water tank the conditions of the deemed provisions for the installation of a water tank are satisfied, other than the volume of the water tank may exceed 5,000 litres.

	(c) a well; (d) a water tank; (e) a dam.	(b) The water tank is not visible from the lot road frontage or if visible, it is to be treated to be compatible in its setting to the satisfaction of the local government. (c) Where a building envelope applies the water tank is located entirely within the building envelope. (d) The works are not located in a heritage-protected place. (e) The works comply with the development provisions of this Scheme for that zone.
21.(4)	The installation maintenance or repair works for and of any of the following for domestic or rural purposes— (a) service ducts; (b) cables; (c) pipes; (d) conduits.	(a) The works are not located in a heritage-protected place.
21.(5)	The erection, installation, or demolition of a sign or advertisement of a class specified in Schedule 4 (other than works referred to in items 9, 10 and 11).	(a) The sign or advertisement complies with the applicable provisions of Schedule (insert number) Table (insert number). (b) The sign or advertisement is not erected or installed within 1.5m of any part of a crossover or street truncation. (c) The works are not located in a heritage-protected place.
21.(6)	The minor filling, excavation or re-contouring of land, and construction of retaining walls on land.	(a) The R Codes do not apply. (b) there is no more than 0.9 metres change to the natural ground level. (c) The works comply with the development provisions of this Scheme for that zone. (d) The works are not located in a heritage-protected place. (e) The works are not within 100m of a watercourse. (f) The works are not within land prone to flooding. (g) The works do not require access from an unconstructed road or that is not a gazetted road reserve.

(2)(h) Development approval is not required for the following uses if –

- (a) the use is of a class specified in Column 1 of an item in the Table;
- (b) if conditions are set out in Column 2 of the Table opposite that item - all of those conditions are satisfied in relation to the use.

	Column 1 Use	Column 2 Conditions
(1)	A use that is wholly located on land identified as a local reserve under this Scheme.	(a) The land is owned or vested in the local government or a public authority. (b) For a purpose for which the land is reserved under this Scheme. (c) For any purpose for which the land may be lawfully used by the local government or public authority.

SCHEDULES

Schedule 1 – Structure Plans

Schedule 2 – Rural Residential

Schedule 3 – Rural Small Holdings

Schedule 4 – Exempted Advertisements

Schedule 5 - Non-conforming uses.

SCHEDULE 1 – STRUCTURE PLAN AREAS

AMD 14 GG 27/3/15

SPA No	Description of Land	Land Use Expectation	Matters to be Addressed in Structure Plans (in addition to those set out in the Part 4, Schedule 2 of the Deemed Provisions)
1	Land between Banks, and Boyup Brook-Bridgetown Roads	Rural residential.	<ul style="list-style-type: none"> • Minimum lot sizes of 2 hectares. • May be considered without a reticulated water supply. • Proposals for Rural pursuit, discretionary agricultural uses and animal keeping are to address proposed water supplies.
2	Lots 711, 695 & 800 Terry Road.	Rural residential.	<ul style="list-style-type: none"> • Provision of appropriate setbacks from saleyards and water supply tanks. • River flood levels and river corridor enhancement • Low key tourist use. • Setbacks including a buffer to town site expansion area to the east. • Stream Protection Buffers, including rehabilitation.
3	Land generally between Asplin Siding Road and the Blackwood River	Rural small holdings in appropriate locations.	<ul style="list-style-type: none"> • Land capability. • River flood levels. • River corridor enhancement. • Public access to the river. • Storm water management. • Servicing. • Landscape protection and viewsheds. • Low key tourist uses. • Stream Protection Buffers, including rehabilitation works. • Bush fire hazard assessment and, where required, the preparation of a Fire Management Plan and the incorporation of its recommendations. • Foreshore reserve. • Foreshore Management Plan. • River crossing. • Development setbacks to existing intensive agricultural uses. • Road connectivity.
4	Land generally between Terry, Stanton, Fern Valley and the Kojonup Roads.	Rural small holdings in appropriate locations	<ul style="list-style-type: none"> • Land capability. • Suitability of the granite ridge areas for development. • River flood levels. • River corridor enhancement. • Public access to the river. • Storm water management. • Servicing. • Possible road connection from the Boyup Brook-Kojonup Road to Fern Valley Road. • Landscape protection and viewsheds. • Upgrading of the river crossing at Terry Road. • Low key tourist uses. • Intersection/access point to Boyup Brook-Kojonup Road. • Stream Protection Buffers, including rehabilitation works. • Bush fire hazard assessment and, where required, the preparation and implementation of a Fire Management Plan and the incorporation of its recommendations. • Public access point to river. • Foreshore reserve. • Foreshore Management Plan.

SCHEDULE 2 - RURAL RESIDENTIAL SPECIAL PROVISION AREAS

LOCATION OF ZONE	PERMITTED USES AND CONDITIONS OF DEVELOPMENT																										
<p><u>Rural Residential No. 1 (RR1)</u></p> <p>Lots 15, 16, 158 & 160 Doust Street, Lots 148-151 (inclusive) and Lots 154 - 157 (inclusive) Jayes Road and Lots 152, 153 & 212 Ritson Street and land north of Witham Street having frontage to Jayes Road, Boyup Brook</p>	<p>i) Subdivision to be generally in accordance with the Subdivision Guide Plan adopted for Rural Residential No 1 by the Council.</p> <p>ii) The minimum lot size that shall be recommended shall be 2Ha.</p> <p>iii) No further fragmentation of lots shall be recommended.</p> <p>iv) Uses permitted within the zone are:- <i>AMD 15 GG 12/5/15</i></p> <table style="margin-left: 40px;"> <tr><td>Ancillary dwelling</td><td style="text-align: right;">(P)</td></tr> <tr><td>Bed & Breakfast</td><td style="text-align: right;">(P)</td></tr> <tr><td>Holiday accommodation</td><td style="text-align: right;">(A)</td></tr> <tr><td>Holiday House</td><td style="text-align: right;">(D)</td></tr> <tr><td>Home Business</td><td style="text-align: right;">(A)</td></tr> <tr><td>Home Occupation</td><td style="text-align: right;">(P)</td></tr> <tr><td>Home Office</td><td style="text-align: right;">(P)</td></tr> <tr><td>Industry - Cottage</td><td style="text-align: right;">(A)</td></tr> <tr><td>Industry – Light</td><td style="text-align: right;">(A)</td></tr> <tr><td>Industry – Rural</td><td style="text-align: right;">(A)</td></tr> <tr><td>Rural Pursuit/hobby farm</td><td style="text-align: right;">(D)</td></tr> <tr><td>Single House</td><td style="text-align: right;">(P)</td></tr> <tr><td>Transport Depot</td><td style="text-align: right;">(A)</td></tr> </table> <p style="margin-left: 40px;">All other uses are not permitted.</p> <p>v) Notwithstanding the requirements of Table No. 2, no building shall be erected closer than 15m to any street or road boundary or 7.5m in respect of any other boundary.</p>	Ancillary dwelling	(P)	Bed & Breakfast	(P)	Holiday accommodation	(A)	Holiday House	(D)	Home Business	(A)	Home Occupation	(P)	Home Office	(P)	Industry - Cottage	(A)	Industry – Light	(A)	Industry – Rural	(A)	Rural Pursuit/hobby farm	(D)	Single House	(P)	Transport Depot	(A)
Ancillary dwelling	(P)																										
Bed & Breakfast	(P)																										
Holiday accommodation	(A)																										
Holiday House	(D)																										
Home Business	(A)																										
Home Occupation	(P)																										
Home Office	(P)																										
Industry - Cottage	(A)																										
Industry – Light	(A)																										
Industry – Rural	(A)																										
Rural Pursuit/hobby farm	(D)																										
Single House	(P)																										
Transport Depot	(A)																										
<p><u>Rural Residential No. 2 (RR2)</u></p> <p>Part Nelson Locations 1005 & 799 Bridgetown - Boyup Brook Road, Boyup Brook</p>	<p>i) Subdivision to be generally in accordance with the Subdivision Guide Plan adopted for Special Rural Zone No 2 by the Council.</p> <p>ii) the minimum lot size that shall be recommended shall be 2ha.</p> <p>iii) No further fragmentation of lots shall be recommended.</p> <p>iv) Uses permitted within the zone are:</p> <table style="margin-left: 40px;"> <tr><td>Ancillary Dwelling</td><td style="text-align: right;">(P)</td></tr> <tr><td>Bed & Breakfast</td><td style="text-align: right;">(D)</td></tr> <tr><td>Holiday accommodation</td><td style="text-align: right;">(A)</td></tr> <tr><td>Holiday House</td><td style="text-align: right;">(P)</td></tr> <tr><td>Home Business</td><td style="text-align: right;">(D)</td></tr> <tr><td>Home Occupation</td><td style="text-align: right;">(P)</td></tr> <tr><td>Home Office</td><td style="text-align: right;">(P)</td></tr> <tr><td>Industry – Cottage</td><td style="text-align: right;">(D)</td></tr> <tr><td>Rural Pursuit</td><td style="text-align: right;">(D)</td></tr> <tr><td>Single House</td><td style="text-align: right;">(P)</td></tr> </table> <p style="margin-left: 40px;">All other uses are not permitted.</p> <p>v) No other trees or substantial vegetation shall be felled or removed from the site except where -</p> <ol style="list-style-type: none"> required for approved development works; required for fire protection purposes by regulation or bylaw; or trees are diseased, dead or dangerous. <p>vi) In order to protect soil erosion, Council may specify stocking rates where it deems appropriate. If, in the opinion of Council or the Department responsible for agriculture, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of</p>	Ancillary Dwelling	(P)	Bed & Breakfast	(D)	Holiday accommodation	(A)	Holiday House	(P)	Home Business	(D)	Home Occupation	(P)	Home Office	(P)	Industry – Cottage	(D)	Rural Pursuit	(D)	Single House	(P)						
Ancillary Dwelling	(P)																										
Bed & Breakfast	(D)																										
Holiday accommodation	(A)																										
Holiday House	(P)																										
Home Business	(D)																										
Home Occupation	(P)																										
Home Office	(P)																										
Industry – Cottage	(D)																										
Rural Pursuit	(D)																										
Single House	(P)																										

LOCATION OF ZONE	PERMITTED USES AND CONDITIONS OF DEVELOPMENT																				
	<p>vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the land-owner may be required to remove, or Council may, at the expense of the landowner, remove livestock from the lot.</p>																				
<p><u>Rural Residential Zone No. 3 (RR3)</u> Nelson Locations 711 & 695 & Part Location 8391 Terry Road, Boyup Brook</p>	<p>i) Subdivision to be generally in accordance with the Subdivision Guide Plan adopted for Special Rural Zone No. 3 by the Council.</p> <p>ii) The minimum lot size that shall be recommended shall be 2ha.</p> <p>iii) No further fragmentation of lots shall be recommended.</p> <p>iv) Uses permitted within the zone are:- <i>AMD 15 GG 12/5/15</i></p> <table data-bbox="901 719 1321 965"> <tr><td>Ancillary Dwelling</td><td>(P)</td></tr> <tr><td>Bed & Breakfast</td><td>(D)</td></tr> <tr><td>Holiday accommodation</td><td>(A)</td></tr> <tr><td>Holiday House</td><td>(P)</td></tr> <tr><td>Home Business</td><td>(D)</td></tr> <tr><td>Home Occupation</td><td>(P)</td></tr> <tr><td>Home Office</td><td>(P)</td></tr> <tr><td>Industry – Cottage</td><td>(D)</td></tr> <tr><td>Rural Pursuit</td><td>(D)</td></tr> <tr><td>Single House</td><td>(P)</td></tr> </table> <p>All other uses are not permitted.</p> <p>v) No trees or substantial vegetation shall be felled or removed from the site except where -</p> <p>a) required for approved development works; b) required for approved development works; c) trees are diseased, dead or dangerous.</p> <p>vi) In order to protect the natural environment and to prevent soil erosion Council may specify stocking rates where it deems appropriate. If, in the opinion of Council or the Department responsible for agriculture, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the landowner may be required to remove, or Council may, at the expense of the landowner, remove livestock from the lot.</p> <p>vii) As a condition of planning consent on lots created, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and within the front setback.</p> <p>viii) The subdivider will contribute to the provision of bush fire fighting facilities to the specification and satisfaction of the Bush Fires Board and Council at the time of Subdivision.</p>	Ancillary Dwelling	(P)	Bed & Breakfast	(D)	Holiday accommodation	(A)	Holiday House	(P)	Home Business	(D)	Home Occupation	(P)	Home Office	(P)	Industry – Cottage	(D)	Rural Pursuit	(D)	Single House	(P)
Ancillary Dwelling	(P)																				
Bed & Breakfast	(D)																				
Holiday accommodation	(A)																				
Holiday House	(P)																				
Home Business	(D)																				
Home Occupation	(P)																				
Home Office	(P)																				
Industry – Cottage	(D)																				
Rural Pursuit	(D)																				
Single House	(P)																				
<p><u>Rural Residential Zone No. 4 (RR4)</u> Lot 1 of Nelson Location 1302 Abels Road, Boyup Brook</p>	<p>i) Subdivision to be generally in accordance with the Subdivision Guide Plan adopted for Special Rural Zone No. 4 by the Council.</p> <p>ii) The minimum lot size that shall be recommended shall be 7ha.</p> <p>iii) No further fragmentation of lots shall be recommended.</p> <p>iv) Uses permitted within the zone are:</p>																				

Rural Residential Zone No. 4 (RR4) cont.
 Lot 1 of Nelson Location 1302 Abels Road, Boyup Brook

- Ancillary Dwelling (P)
- Bed & Breakfast (D)
- Holiday accommodation (A)
- Holiday Home (P)
- Home Business (D)
- Home Occupation (P)
- Home Office (P)
- Industry – Cottage (D)
- Rural Pursuit (D)
- Single House (P)

All other uses are not permitted.

- v) In order to protect the natural environment and to prevent soil erosion Council may specify stocking rates where it deems appropriate. If, in the opinion of Council or the Department responsible for agriculture, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the landowner may be required to remove, or Council at the expense of the landowner, remove livestock from the lot.
- vi) No dwelling house, outbuilding or structure shall be constructed unless it is within a building envelope defined on the Subdivision Guide Plan.
- vii) 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.
- viii) As a condition of planning consent on lots created, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless otherwise stipulated by Council.
- ix) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are advised of the special provisions which apply to this Special Rural Zone and such other provisions of the Scheme that may affect it.
- x) No trees or substantial vegetation shall be felled or removed from the site except where -
 - a) required for approved development works;
 - b) required for fire prevention purposes by regulation or by-law; or
 - c) trees are diseased, dead or dangerous.
- xi) All buildings constructed shall, by virtue of materials and design, be reasonably fire resistant. The Council shall from time to time specify its standards for fire resistant buildings.
- xii) The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 2.0 metres.
- xiii) Notwithstanding the requirements of Table No. 2, no building or outbuilding shall be erected closer than 20 metres to any street or road boundary or 15 metres in respect of any other boundary.

Rural Residential Zone No 5 (RR5)
Nelson Location 1044 Banks Road, Boyup Brook

AMD 7 GG 14/4/2000

- i) Subdivision to be generally in accordance with the Subdivision Guide Plan adopted for Special Rural Zone No 5 by the Council.
- ii) The minimum lot size that shall be recommended shall be 3 ha.
- iii) No further fragmentation of lots shall be recommended.
- iv) Uses permitted within this zone are:- *AMD 15 GG 12/5/15*

Ancillary Accommodation	(P)
Bed & Breakfast	(D)
Holiday accommodation	(A)
Holiday Home	(P)
Home Business	(D)
Home Occupation	(P)
Home Office	(P)
Industry – Cottage	(D)
Rural Pursuit	(d)
Single House	(P)
Veterinary Centre	(A)

All other uses are not permitted.
- v) In order to protect the natural environment and to prevent soil erosion Council may specify stocking rates where it deems appropriate. If, in the opinion of the Council or Agriculture Western Australia, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively the landowner may be required to remove, or Council may, at the expense of the landowner, remove livestock from the lot.
- vi) The siting of any dwelling house, outbuilding or structure on lots created will be subject to Council approval. Council shall take into account the factors of outlook, screening by existing vegetation, practicalities of building, privacy and conservation or existing vegetation when considering approval for such siting.
- vii) As a condition of development approval Council may require the developer to plant and maintain thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless stipulated by Council.
- viii) No trees or substantial vegetation shall be felled or removed from the site except where -
 - a) required for approved development works;
 - b) required for fire prevention purposes by regulation or by-law; or
 - c) trees are diseased, dead or dangerous.
- ix) Notwithstanding the provisions of Clause 5.3, no building, outbuilding or fence shall be constructed of materials or be of a colour which, in the opinion of the Council is detrimental to the character of the natural landscape of the locality.
- x) All buildings constructed shall, by virtue of materials and design, be reasonably fire resistant. The Council shall from time to time specify its standards for fire resistant buildings.

<p><u>Rural Residential Zone No 5</u> Nelson Location 1044 Banks Road, Boyup Brook (Cont'd)</p>	<p>xi) The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 2.0 metres.</p> <p>xii) Council shall request at the subdivision stage appropriate bush fire reduction measures.</p>																						
<p><u>Rural Residential Zone No. 6 (RR6)</u> Nelson Locations 735 and 1284 Banks Road, Nelson Location 1073 Zig Zag Road and Portion of Nelson Location 1302 Zig Zag Road, Boyup Brook</p> <p>AMD 7 GG 14/4/2000</p>	<p>i) Subdivision to be generally in accordance with Subdivision Guide Plan adopted for Special Rural zone No 6 by the Council.</p> <p>ii) The minimum lot size that shall be recommended shall be 2 ha except where it is proposed to connect lots to a reticulated water supply in which case the minimum lot size that shall be recommended shall be 1ha.</p> <p>iii) No further fragmentation of lots shall be recommended.</p> <p>iv) Uses permitted within the zone are:-</p> <table data-bbox="901 795 1324 1097"> <tr><td>Ancillary Accommodation</td><td>(P)</td></tr> <tr><td>Bed & Breakfast</td><td>(D)</td></tr> <tr><td>Holiday accommodation</td><td>(A)</td></tr> <tr><td>Holiday Home</td><td>(P)</td></tr> <tr><td>Home Business</td><td>(D)</td></tr> <tr><td>Home Occupation</td><td>(P)</td></tr> <tr><td>Home Office</td><td>(P)</td></tr> <tr><td>Industry – Cottage</td><td>(D)</td></tr> <tr><td>Rural Pursuit</td><td>(D)</td></tr> <tr><td>Single House</td><td>(P)</td></tr> <tr><td>Veterinary Centre</td><td>(A)</td></tr> </table> <p>All other uses are not permitted.</p> <p>v) In order to protect the natural environment and to prevent soil erosion Council may specify stocking rates where it deems appropriate. If, in the opinion of Council or Agriculture Western Australia, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock therefrom. Alternatively, the landowner may be required to remove, or Council may at the expense of the landowner, remove livestock from the lot.</p> <p>vi) Buildings, structures and on-site effluent disposal systems may not be constructed within the 'building exclusion area' which is defined as being -</p> <ul data-bbox="869 1556 1165 1668" style="list-style-type: none"> • 30m from road; • 20m from side boundaries; • 25m from rear boundaries; • 30m from <p>i) the centreline of water courses;</p> <p>ii) heavily vegetated areas as may be defined by Council; and</p> <p>iii) skylines.</p> <p>vii) Where, for the purpose of retaining natural flora, sound environmental reasons or the physical constraints of a site dictate, Council may vary the 'building exclusion area' as defined in provision (vi) above.</p> <p>viii) As a condition of planning consent on lots denuded of natural vegetation, Council shall require the planting and maintenance of thirty (30) native trees capable of growing to at least 3 metres in height on each lot significantly denuded of vegetation. The planting shall be concentrated around the proposed buildings and between the street alignment and the building setback line unless otherwise stipulated by Council.</p>	Ancillary Accommodation	(P)	Bed & Breakfast	(D)	Holiday accommodation	(A)	Holiday Home	(P)	Home Business	(D)	Home Occupation	(P)	Home Office	(P)	Industry – Cottage	(D)	Rural Pursuit	(D)	Single House	(P)	Veterinary Centre	(A)
Ancillary Accommodation	(P)																						
Bed & Breakfast	(D)																						
Holiday accommodation	(A)																						
Holiday Home	(P)																						
Home Business	(D)																						
Home Occupation	(P)																						
Home Office	(P)																						
Industry – Cottage	(D)																						
Rural Pursuit	(D)																						
Single House	(P)																						
Veterinary Centre	(A)																						

<p><u>Rural Residential Zone No. 6 (RR6)</u> Nelson Locations 735 and 1284 Banks Road, Nelson Location 1073 Zig Zag Road and Portion of Nelson Location 1302 Zig Zag Road, Boyup Brook (Cont'd)</p>	<p>ix) No trees or substantial vegetation shall be felled or removed from the site except where -</p> <p>a) required for approved development works; b) required for fire prevention purposes by regulation or by-law; or c) trees are diseased, dead or dangerous.</p> <p>x) Notwithstanding the provisions of Clause 5.3, no building, outbuilding or fence shall be constructed of materials or be of a colour, which in the opinion of the Council, is detrimental to the character of the natural landscape of the locality.</p> <p>xi) All buildings constructed shall, by virtue of materials and design, be reasonably fire resistant. The Council shall from time to time specify its standards for fire resistant buildings.</p> <p>xii) The minimum vertical clearance between the bottom of any approved on-site effluent disposal system and the highest known ground water table or bedrock shall be 2.0 metres.</p> <p>xiii) On-site disposal of effluent shall be to the specification and satisfaction of Council and the Health Department of Western Australia.</p>																				
<p><u>Rural Residential Zone No. 7 (RR7)</u> Lots 720 and 721 DP 100786 Boyup Brook - Bridgetown Road, Boyup Brook. AMD 12 GG 17/4/2009</p>	<p>1. The objective of Special Rural Area No. 7 is to allow for "small holdings" in proximity to the Boyup Brook Townsite. These uses are not to conflict with any other adjacent rural residential development.</p> <p>2. Subdivision of Special Rural Area No. 7 shall generally be in accordance with a Subdivision Guide Plan approved by the Council and endorsed by the WAPC.</p> <p>3. The minimum lot size shall be 2ha. No further subdivision of the "vineyard lot" as depicted on the Subdivision Guide Plan may occur until such time as the existing vineyard use has ceased.</p> <p>4. Building envelopes for each lot shall be shown on the proposed plan of subdivision to the satisfaction of Council. All buildings shall be located within the defined 'building envelope'. Council may approve a variation to the building envelope plan for any particular lot subject to giving notice adjoining landowners in accordance with Clause 3.5.</p> <p>5. Uses permitted within the zone are:-</p> <table data-bbox="893 1556 1332 1825"> <tr><td>Ancillary Accommodation</td><td>(P)</td></tr> <tr><td>Bed & Breakfast</td><td>(D)</td></tr> <tr><td>Holiday Home</td><td>(P)</td></tr> <tr><td>Home Business</td><td>(D)</td></tr> <tr><td>Home Occupation</td><td>(P)</td></tr> <tr><td>Home Office</td><td>(P)</td></tr> <tr><td>Industry – Cottage</td><td>(D)</td></tr> <tr><td>Intensive Agriculture</td><td>(A)</td></tr> <tr><td>Rural Pursuit</td><td>(A)</td></tr> <tr><td>Single House</td><td>(P)</td></tr> </table> <p>6. Intensive Agriculture shall only be permitted on the "vineyard lot" as shown on the Subdivision Guide Plan.</p> <p>7. All other uses not mentioned above are uses which are not permitted under the Scheme.</p>	Ancillary Accommodation	(P)	Bed & Breakfast	(D)	Holiday Home	(P)	Home Business	(D)	Home Occupation	(P)	Home Office	(P)	Industry – Cottage	(D)	Intensive Agriculture	(A)	Rural Pursuit	(A)	Single House	(P)
Ancillary Accommodation	(P)																				
Bed & Breakfast	(D)																				
Holiday Home	(P)																				
Home Business	(D)																				
Home Occupation	(P)																				
Home Office	(P)																				
Industry – Cottage	(D)																				
Intensive Agriculture	(A)																				
Rural Pursuit	(A)																				
Single House	(P)																				

Rural Residential Zone No. 7 (RR7)

Lots 720 and 721 DP 100786 Boyup Brook - Bridgetown Road, Boyup Brook.

AMD 12 GG 17/4/2009

8. In considering any application for an "A" use the Council will have specific regard to:
- The objective of Special Rural Area No. 7;
 - The likely effect on adjoining properties;
 - The capability of the land for the proposed use; and

may impose such conditions as it considers necessary to ensure that this objective is complied with.

9. No development or use within Special Rural Area No. 7 shall cause injury to or prejudicially affect the amenity of the locality by reason of appearance or the emission of smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or otherwise.

10. Where the Council considers that a development or use does prejudicially affect the amenity of the locality it may serve a notice on the owner or occupier of the land pursuant to this clause, requiring such activity to cease or to be modified to Council's satisfaction.

11. In order to protect the natural environment and to prevent soil erosion Council may specify stocking rates where it deems appropriate. If, in the opinion of Council or Agriculture Western Australia, the activities of livestock on any lot are contributing to erosion, pollution or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock there from. Alternatively, the landowner may be required to remove, or Council may at the expense of the landowner, remove livestock from the lot.

12. Notwithstanding the provisions of Clause 26 no building, outbuilding or fence shall be constructed of materials or be of a colour, which in the opinion of the Council, is detrimental to the character of the natural landscape of the locality.

13. The landscaping areas shown on the Subdivision Guide Plan shall be established, enhanced and managed in accordance with a Landscaping Plan approved by the Council and the Department of Water and Department of Environment. The landscaping shall be established by the subdivider, to the satisfaction of the Council prior to the clearance of the subdivision being given.

14. No indigenous tree or substantial vegetation located outside of an approved building envelope may be felled or removed without the prior approval of Council. In considering an application Council will have regard to whether:
- The trees are dead, diseased or dangerous;
 - The clearing is for the purpose of a firebreak or for fuel reduction purposes; and
 - The clearing is required for any approved development works.

15. A Fire Management Plan shall be prepared and implemented in accordance with 'Planning for Bush Fire Protection', to the satisfaction of the Council and Fire and Emergency Services of Western Australia. It shall include provision of, and access to, a strategic water supply for fire fighting, and implementation of appropriate Building Protection zones. Driveways longer than 50 metres in length shall be constructed to the satisfaction of Council to allow for access by fire service vehicles.

16. Driveways longer than 50m in length shall be constructed to the satisfaction of Council to allow for access by fire service vehicles.

<p><u>Rural Residential Zone No. 7 (RR7)</u> Lots 720 and 721 DP 100786 Boyup Brook - Bridgetown Road, Boyup Brook.</p> <p>AMD 12 GG 17/4/2009</p>	<p>17. On-site disposal of effluent shall be to the specification and satisfaction of Council and the Department of Health.</p> <p>18. No subdivided lots shall be permitted to have direct vehicular access to the Boyup Brook—Bridgetown Road. This does not apply to the existing access points for the house and vineyard pending the subdivision of these areas in accordance with the Guide Plan.</p> <p>19. Council may request, to the Western Australian Planning Commission, that any subdivision approval include a requirement for a notification to be placed on the Certificates of Title of the proposed lots, pursuant to Section 70A of the Transfer of Lands Act 1893 (as amended) advising of the operation of the existing vineyard and that rural activity may have a nuisance effect on amenity.</p> <p>20. Battle-axe access ways are to be constructed to the requirements and satisfaction of the Council.</p>																		
<p><u>Rural Residential Zone No. 8 (RR8)</u> Lots 734 Banks Road, Boyup Brook</p> <p>AMD 13 GG 26/10/2012</p>	<p>1. Plan of Subdivision</p> <p>(a) Subdivision of 'Special Rural No. 8' shall be generally in accordance with an approved Structure Plan approved by Council and endorsed by the WAPC.</p> <p>(b) The minimum lot size shall be not less than 2 hectares.</p> <p>2. Objectives of Zone</p> <p>(a) The objectives of the 'Special Rural No. 8' zone are to –</p> <ul style="list-style-type: none"> • Provide for rural residential lifestyle opportunities in close proximity to Boyup Brook town centre; • Provide for the further subdivision of the land in a manner that respects the site's characteristics, constraints and opportunities; • Provide for development in accord with the objectives of the Local Rural Strategy; and • Minimize the visual impact of development and further subdivision. <p>3. Structure Plan</p> <p>(a) A Structure Plan is to be submitted to and approved by the Shire of Boyup Brook and endorsed by the WAPC prior to the subdivision or development of the land.</p> <p>(b) The Structure Plan is to have regard to the following issues –</p> <ul style="list-style-type: none"> • The proposed road layout and impacts on the district and local road network; • Proposed road connections for district purposes; • The remnant vegetation protection areas; • Topographic conditions, particularly drainage implications; • Traffic and other connections and distribution of land uses; • Bushfire hazard and proposed fire management measures; • Building envelopes; and • Landscaping areas. <p>4. Permissibility of Uses</p> <p>Uses permitted within the zone are:-</p> <table border="0" style="margin-left: 40px;"> <tr><td>Ancillary dwelling</td><td>(P)</td></tr> <tr><td>Bed & Breakfast</td><td>(D)</td></tr> <tr><td>Holiday accommodation</td><td>(A)</td></tr> <tr><td>Holiday Home</td><td>(P)</td></tr> <tr><td>Home Business</td><td>(D)</td></tr> <tr><td>Home Occupation</td><td>(P)</td></tr> <tr><td>Home Office</td><td>(P)</td></tr> <tr><td>Industry – Cottage</td><td>(D)</td></tr> <tr><td>Single House</td><td>(P)</td></tr> </table> <p>(a) All other uses not mentioned above are uses which are not permitted under the Scheme.</p>	Ancillary dwelling	(P)	Bed & Breakfast	(D)	Holiday accommodation	(A)	Holiday Home	(P)	Home Business	(D)	Home Occupation	(P)	Home Office	(P)	Industry – Cottage	(D)	Single House	(P)
Ancillary dwelling	(P)																		
Bed & Breakfast	(D)																		
Holiday accommodation	(A)																		
Holiday Home	(P)																		
Home Business	(D)																		
Home Occupation	(P)																		
Home Office	(P)																		
Industry – Cottage	(D)																		
Single House	(P)																		

	<p>(b) In considering any application for an 'SA' use the Council will have specific regard to –</p> <ul style="list-style-type: none"> • The objective of the 'Special Rural Zone No. 8'; • The likely effect on adjoining properties; • The capability of the land for the proposed use; <p>And may impose such conditions as it considers necessary to ensure that this objective is complied with.</p> <p>5. Keeping of Livestock/Animals</p> <p>(a) Intensive agricultural pursuits such as piggeries are not permitted. The keeping of livestock for domestic purposes shall be restricted to fenced pastured areas of a lot. The owner shall be responsible for the construction and maintenance of stock proof fencing to protect remnant vegetation and revegetation areas. Animal numbers shall not exceed the stocking rates recommended by the Department responsible for agriculture. The keeping of animals shall not result in the removal or damage of vegetation or trees and/or result in soil degradation and/or dust nuisance.</p> <p>(b) Where in the opinion of Council the continued presence of animals on any portion of land is likely to contribute, or is contributing to dust nuisance and/or soil degradation, notice may be served on the owner of the land requiring immediate removal of those animals specified in the notice.</p> <p>(c) Where notice has been served on an owner in accordance with this Clause the Council may also require the land to be rehabilitated to its satisfaction within 90 days of serving the notice.</p> <p>(d) In the event that such action is not undertaken, Council may carry out the works as deemed necessary, with all costs being borne by the owner.</p> <p>6. Location of Buildings and Structures</p> <p>(a) All buildings shall be located within the defined "building envelope". Council may approve a variation to the building envelope plan for any particular lot subject to giving notice to adjoining landowners</p> <p>(b) All buildings and structures shall be located outside of the 'Remnant Vegetation Protection' areas marked on an approved Structure Plan.</p> <p>(c) All buildings are to be setback a minimum of 15 metres from Banks Road and 30 metres from all other lot boundaries, unless depicted otherwise on an approved Structure Plan.</p> <p>7. Building Design, Materials and Colour</p> <p>(a) Dwellings and outbuildings shall be designed and constructed of materials, which allow them to blend into the landscape of the site. Walls and roofs shall not be constructed of reflective materials such as unpainted 'zincalume' and 'offwhite' colours. Council will be supportive of walls and roofs with green, brown or red toning in keeping with the amenity of the area.</p> <p>(b) Water tanks shall be painted or coloured an appropriate shade to blend into the landscape or suitably screened with vegetation to the satisfaction of Council.</p> <p>8. Vegetation Protection and Revegetation</p> <p>(a) Vegetation in the "Remnant Vegetation Protection" areas may be cleared where –</p> <ul style="list-style-type: none"> • The trees are dead, diseased or dangerous; • The clearing is for the purpose of a firebreak or for fuel reduction purposes; and • The clearing is for the purpose of a firebreak or for fuel reduction purposes; and <p>(b) The landscaping areas shown on the Structure Plan shall be established, enhanced and managed in accordance with a Landscaping plan approved by the Council and the Department of Water and Department of Environment and Conservation.</p>
--	---

	<p>9. Effluent Disposal</p> <p>(a) The disposal of liquid and/or solid wastes shall be carried out with an effluent disposal system approved by Council and the Health Department of WA. Systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Effluent disposal areas for new dwellings shall be setback a minimum of 50 metres from a natural watercourse. A reduced setback will only be acceptable where it can be demonstrated that the characteristics of the site (i.e. soil type, vegetation, topography, habitat, etc) will provide sufficient nutrient absorption to allow for a reduced setback.</p> <p>(b) Council shall require the use of amended soil type effluent disposal systems, such as ATU Systems where a 100 metre setback from the edge of the creek line cannot be achieved.</p> <p>(c) At subdivision a geotechnical report shall be provided to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.</p> <p>10. Access</p> <p>(a) All driveways and underground infrastructure shall be designed and constructed so as to avoid erosion impacts and storm water runoff to the satisfaction of Council.</p> <p>11. Fire Management</p> <p>(a) A fire management plan is to be prepared and implemented to the satisfaction of the Shire of Boyup Brook and FESA.</p> <p>(b) A Fire Management Plan is to be prepared in conjunction with a Landscaping Plan.</p> <p>(c) To provide appropriate fire management the existing plantation, or parts thereof, shall be harvested prior to the subdivision of the land.</p> <p>(d) All dwellings shall be constructed in accordance with Australian Standard AS3959 (2009) as amended.</p> <p>12. Notification of Prospective Owners</p> <p>(a) Council may require the subdivider to make arrangements satisfactory to Council to ensure prospective purchasers of land within Special Rural No. 8 are given a copy of these Special Provisions prior to entering into an agreement to acquire any property.</p> <p>13. Battleaxe lots</p> <p>(a) Battleaxe access ways are to be constructed to the requirements and satisfaction of the Council.</p> <p>14. Banks Road Upgrade</p> <p>(a) Council may request the Western Australian Planning Commission that any subdivision approval include a requirement that the applicant is to contribute to the upgrading of Banks Road to a sealed standard to access the subdivision, consistent with the Council W.07 Road Contribution policy.</p>
--	--

SCHEDULE 3 – RURAL SMALL HOLDINGS ZONE

SPECIAL PROVISION AREAS

Location of Zone	Permitted Uses and Conditions of Development
<p>Rural Small Holdings Zone 1 (RSH 1) Lot 8 and 9 Boyup Brook-Kojonup Road, Boyup Brook</p> <p><i>AMD 14 GG 27/3/2015</i></p>	<p>a) The objective of the RSH 1 zone is to primarily provide for residential development in a rural setting and secondly for rural pursuits, home based business and minor tourist users.</p> <p>b) A Structure Plan, if required is to be submitted to and approved by the Shire of Boyup Brook and endorsed by the WAPC prior to subdivision or development of the land.</p> <p>c) The Structure Plan is to address the matters in Schedule 12 and</p> <ul style="list-style-type: none"> • The recommendations of any approved district structure plan for SPA4 identified on the Scheme Map. • The standard of the intersection with Kojonup Road for the ultimate development in SPA4 and any associated land requirements for this; • Building envelopes/exclusion areas; and • The setback of effluent disposal systems from the river; and • Landscaping and stream protection including any rehabilitation works. <p>d) Subdivision and Development shall generally be in accordance with the endorsed Structure Plan. The minimum lot sizes shall be 4ha.</p> <p>e) Landscaping and/or revegetation/rehabilitation areas shown on the Structure Plan shall be established and maintained in perpetuity in accordance with a Landscaping Plan approved by Council.</p> <p>f) Water management and drainage designs should incorporate the principles of water sensitive urban design and give due regard to water reuse and efficiency measures.</p> <p>g) The onsite disposal of effluent shall be approved by Council and the Health Department of WA. Effluent systems shall be designed and located to minimise nutrient export and/or release into any waterway or groundwater. Any subdivision application shall be accompanied by a geotechnical report to demonstrate that the areas where septic tank systems are proposed to be used are capable of disposing of effluent within each lot.</p> <p>h) Council may require the subdivider to make arrangements satisfactory to Council to ensure prospective purchasers of land within RSH 1 are given a copy of these Special Provisions prior to entering into an agreement to acquire any property.</p>

<p><u>Rural Small Holdings Zone 1 (RSH 1)</u> Lot 8 and 9 Boyup Brook-Kojonup Road, Boyup Brook AMD 14 GG 27/3/2015</p>	<p>i) No lots shall be permitted to have direct vehicular access to the Boyup Brook-Kojonup Road unless it is required for emergency access as recommended in a fore management plan.</p> <p>j) No development or use within RSH 1 shall cause injury to or prejudicially affect the amenity of the locality by reason of appearance or the emission of smoke, fumes, noise, vibration, odour, vapour, dust, waste water, waste products or otherwise.</p> <p>k) The intersection of the new subdivision access road with Boyup Brook-Kojonup Road will be required to be located, designed and constructed to the specification and satisfaction of Main Roads WA. Also, any road reserve widening which may be required for construction of the subdivision road intersection will be required to be ceded free of cost to the crown by the subdivider.</p>
<p><u>Rural Small Holdings Zone 2 (RSH2)</u> Lot 913 Fern Valley Road and Lot 7876 Terry Road, Boyup Brook AMD 17 GG 9/4/2020 AMD 23 GG 16/5/2023</p>	<p>a) The objective of the RSH2 zone is to primarily provide for residential development in a rural setting and secondly for rural pursuits, home based business and minor tourist uses.</p> <p>b) If required a Structure Plan' to guide subdivision and zoning is to be prepared in accordance with the requirements of Schedule 1 of the Scheme and Part 4 of the Deemed Provisions for Local Planning Schemes, forming Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015.</p> <p>c) The onsite disposal of effluent shall be in accordance with the Government Sewerage Policy and approved by Council and the Health Department of WA. Effluent systems shall be designed and located to minimise nutrient export and or release into any waterway or groundwater.</p> <p>d) Development shall be setback a minimum of 50m from the Blackwood River, with a minimum setback of 30m to creeklines. Effluent disposal shall be setback a minimum of 100m from any watercourse.</p>

SCHEDULE 4- EXEMPTED ADVERTISEMENTS

<u>LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT</u>	<u>EXEMPTED SIGN TYPE AND NUMBER</u> (Includes the change of poster on poster signs and applies to non-illuminated signs unless otherwise stated)	<u>MAXIMUM AREA OF EXEMPTED SIGN</u>
Dwellings	One professional name-plate as appropriate.	0.2m ²
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m ²
Place of Worship, club premises, community purpose, civic use	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m ²
Cinemas, 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 sign not to exceed 5m ²
Shop, Bulky goods 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 Bylaws.	N/A
Industrial, Warehouse/storage	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 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 advertisement shall not exceed 15m ² . Maximum permissible total area shall not exceed 10m ² and individual advertisement signs shall not exceed 6m ² .
Recreation private	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, or on behalf of any such body, and	N/A

SCHEDULE 4 - EXEMPTED ADVERTISEMENTS

<u>LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT</u>	<u>EXEMPTED SIGN TYPE AND NUMBER</u> (Includes the change of poster on poster signs and applies to non-illuminated signs unless otherwise stated)	<u>MAXIMUM AREA OF EXEMPTED SIGN</u>
	<p>b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council of a municipality, and</p> <p>c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.</p>	N/A
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at or upon a railway station.	No sign shall exceed 2m ² in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows): <ul style="list-style-type: none"> i) Dwellings ii) Multiple Dwellings, Shop, Commercial and Industrial projects 	<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>	2m ² 5m ²

SCHEDULE 4 – EXEMPTED ADVERTISEMENTS

<u>LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT</u>	<u>EXEMPTED SIGN TYPE AND NUMBER</u> (Includes the change of poster on poster signs and applies to non-illuminated signs unless otherwise stated)	<u>MAXIMUM AREA OF EXEMPTED SIGN</u>
iii) Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height	One sign as for (i) above.	10m ²
	One additional sign showing the name of the project builder.	5m ²
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 within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2m ²
Property Transactions Advertisement signs displayed or the duration of the period over which property transactions are offered and negotiated as follows:		
a) Dwellings	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.	Each sign shall not exceed an area of 2m ²
b) Multiple Dwellings, shops, Commercial and Industrial Properties	One sign as for (a) above.	Each sign shall not exceed an area of 5m ²
c) Large properties comprised of shopping centres buildings in excess of four storeys and rural properties in excess of 5 ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10m ²
Display Homes	i) One sign for each dwelling	2m ²
Advertisement signs displayed for the period over which homes are on display for public inspection	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.	5m ²

SCHEDULE 5 - NON-CONFORMING USES

<u>Non-Conforming Use</u>	<u>Property Description</u>	<u>Remarks</u>
1. Dwelling	Lot 333 Abel Street, Boyup Brook. Zoned : Light Industrial	Developed before Scheme 1.
2. Transport Depot	Location 211 Inglis Street Boyup Brook Zoned : Residential	Developed before Scheme 1.
3. Transport Depot	Lot 39 Barron Street Boyup Brook Zoned : Residential	Developed before Scheme 1.
4. Dwelling	Lot 2 Jayes Road Boyup Brook Zoned : Light Industrial	Developed before Scheme 1.
5. Dwelling	Lot 200 Jayes Road Boyup Brook Zoned : Light Industrial	Developed before Scheme 1.

ADOPTION

Adopted by resolution of the Council of the Shire of Boyup Brook at the Ordinary meeting of the Council held on the 16th day of December 1994.

.....
Shire President

.....
Chief Executive Officer

FINAL APPROVAL

Adopted for final approval by resolution of the Shire of Boyup Brook at the Ordinary meeting of the Council held on the 15th day of August 1997.

.....
Shire President

.....
Chief Executive Officer

Recommended/Submitted for Final Approval

.....
Chairperson of the Western Australian
Planning Commission

.....
Date

Final Approval Granted

.....
Minister for Planning

.....
Date 22 September 1997