

# SHIRE OF DENMARK

## Local Planning Scheme No. 3

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Updated to include AMD 154 GG 01/10/2024

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Department of Planning,  
Lands and Heritage

Prepared by the  
Department of Planning, Lands and Heritage

Original Town Planning Scheme Gazettal  
25 March 1994

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## SHIRE OF DENMARK TPS 3 - TEXT AMENDMENTS

AMD NO	GAZETAL DATE	UPDATED		DETAILS
		WHEN	BY	
3	18-NOV-95	9.1.95	RA	Adding Appendix 1 - Interpretations. Table On insert Relocated Dwelling. Adding a new Clause 5.31 - relocated Dwelling.
1	16-DEC-95	12.1.95	RA	Appendix 6 - No 11. - Denmark Airport Estate - Plantagenet Location 6715, McIntosh Road, Denmark
16	23/7/96	11/9/95	EB	Add to App 5 - Denmark Estate Lot 521
19	14/1/97	28/1/97	DH	Appendix 6 - adding "16. Cussons road Special Rural Zone Denmark Pt Lot 401 Cussons Road, Denmark".
11	24/6/97	30/6/97	DH	Appendix 2 - adding 14. Lot 411 Lapkos Road, Denmark. Appendix 2 - adding 15. Lot 57 Cnr. Ocean Beach Road & Campbell Road, Denmark. Part 6 - adding new clause 8.7 Delegation. Appendix 1 - adding new interpretation "Winery". Part 3 - adding "Winery" & use classes into Zoning Table.
14	12/1/96	12/8/97	DH	Appendix 2 - adding Pt lot 613 Scotsdale Road, Denmark. Appendix 6 - adding A15. Golden Hill Special Rural Zone.
27	15/8/97	19/8/97	DH	Appendix 14 - Adding No. 2 Warham Road, Special Residential Zone
33	26/8/97	8/9/97	DH	appendix 13 - Adding "Pt Hay Location 1425, comprising Lot 102 Peppermint Way, Peaceful Bay" to Schedule of Tourist Zones.
28	3/10/97	8/10/97	DH	Appendix 14 - adding No 3 - Reeves Special Residential Zone. Appendix 13 - adding Lot 337 South Coast Highway, Denmark (shown as Lot 21 on the Subdivision and Development Guide Plan).
21	21/10/97	22/10/97	DH	Appendix 6 - adding A17. McLeod Road (west) Special Rural zone Denmark Lot 669 McLeod Road, Denmark.
22	21/10/97	22/10/97	DH	Appendix 6 - adding A19. McLeod Road Special Rural Zone Denmark Lot 577 McLeod Road, Denmark
23	11/11/97	11/11/97	DH	Appendix 13 - replace references to Lot 2 with "Lot 6". Appendix 13 - replace references to <i>Karri Tops Holiday Village</i> with <i>Karri Mia Resort</i> . Appendix 13 - renumber provisions from numbers (i), (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix) and (x) to numbers (ii), (iii), (iv), (v), (vi), (vii), (viii), (ix), (x) and (xi) respectively. Appendix 13 - adding new provision (i). Appendix 13 - adding provision (xii)
37	14/11/97	19/11/97	DH	Appendix 6 - adding "21. Myers Road Special Rural Zone".
47	19/12/97	22/12/97	DH	Appendix 2 - adding "Pt. Denmark Location 940 South coast Highway Denmark" with additional use and conditions of additional use.
39	19/12/97	22/12/97	DH	Appendix 13 - Tourist Zones - adding "4. Lot 6 of Plantagenet Locations 118 and 736 Ocean Beach Road" and uses and conditions of use.
42	13/2/98	17/2/98	DH	Appendix 14 - adding "No. 5 Pt Lot 942 Warham Road, Special Residential Zone" and with proposed uses and special provisions.
49	29/5/98	25/5/98	DH	Contents Page - adding "appendix 15 - Statutory Declaration - Ancillary accommodation". Table 1 - amending by changing symbols for Boarding House in Commercial Zone from 'P' to 'SA', Caravan Park in Rural Zone from 'AA' to 'SA' and Holiday Accommodation in Residential zone from blank to 'SA'. Table 1 - adding new use class "Tree Felling" and inserting symbol 'AA' in all zone columns except Special Rural and Special Residential. Table 2 - amending by changing maximum plot ratio in commercial zone from A0.5:1" to A1.1", in Rural zone increasing front setback from A15 to 50" metres, and adding footnote "(C) This setback may be varied by Council where it is considered the depth, shape or topography of a lot warrants such a variation". Part 5 - adding new clauses 5.3.6.1 to 5.3.6.4. Part 5 - deleting clause 5.16(d). Part 5 - adding new clause 5.34 Disposal of Green Waste. Part 6 - deleting clause 6.1.2(d) and renumbering "(e)", "(f)" and A(g)".

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				<p>Appendix 1 - deleting "four persons" and replacing with "six persons".</p> <p>Appendix 1 - altering interpretation of "Development".</p> <p>Appendix 1 - altering interpretation of "Holiday Accommodation".</p> <p>Appendix 1 - adding interpretation "Locality".</p> <p>Appendix 1 - adding interpretation "Tree Felling".</p> <p>Appendix 2 - adding additional use site No. "16. Lot 42 of Locations 3221 and 6967 South Coast Highway".</p> <p>Appendix 5 - deleting at zone No. 15 (Golden Hill Special Rural Zone) by deleting November 1994 and replacing with "May 1995".</p> <p>Appendix 6 - amending Special Rural Zone Number 13 (McNabb Road) by deleting Special Provision (vii) and inserting new (vii).</p> <p>Appendix 11 - amending Parking Standards at land use 15 Retail Shops from 1 per 12.5m2 to "1 per 40m2 gla (1)".</p> <p>Adding new Appendix 15 - Statutory Declaration - Ancillary Accommodation.</p> <p>Appendix 6 - including in column B proposed uses under the "Permitted at Council's Discretion" column for all Special Rural Zones by adding "Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling".</p> <p>Appendix 2 - Schedule of Additional use Sites - renumber Site No 14 Lot 940 South Coast Highway to Site No 16.</p>
41	12/6/98	18/6/98	DH	Appendix 14 - adding No. 4 Pt Lot 340 Mt Shadforth Road, Special Residential together with proposed uses and special provisions.
29	4/9/98	10/9/98	DH	<p>Appendix 6 - adding "20. Suttons Road Special Rural Zone; Part Lot 569 corner of Scotsdale and Sutton Roads, Denmark".</p> <p>Appendix 13 - adding "6. Pt Lot 569 Corner of Scotsdale and Sutton Roads, Denmark".</p>
54	2/10/98	6/10/98	DH	<p>Appendix 1 - adding interpretation "Cellar Sales".</p> <p>Appendix 1 - altering interpretation "Winery" by inserting the words "and includes Cellar Sales" after the word "products".</p> <p>Table 1 - inserting use class "Cellar Sales" after "Caravan Park" as a "SA" classification in the Rural and Tourist zone columns.</p>
35	23/10/98	27/10/98	DH	<p>Adding new Appendix 15 - Landscape Protection Zone and inserting special provisions relating to Landscape Protection Zone No. 1, Lot 1 of Pt Lot 414 and 420 Lapko Road, Denmark.</p> <p>Part 3 - inserting a new Clause "5.34 Landscape Protection Zone Provisions" and inserting a purpose and intent under this clause.</p> <p>Table 1 - introducing a new zone "Landscape Protection Zone" with the notation within the Landuse Classes "Refer to Appendix 15".</p>
45	23/10/98	29/10/98	DH	<p>Appendix 15 - Landscape Protection Zone - adding "No. 2 Sunrise Road Landscape Protection Zone" under Particulars of Land, and inserting related provisions.</p> <p>Appendix 13 - adding "5 Portion of Lot 550 Cnr. South Coast Hwy &amp; Sunrise Road Denmark" and related conditions of use.</p>
43	20/10/98	29/10/98	DH	Appendix 6 - adding "22 Myers Road Special Rural Zone - Lot 5 Myers Road, Denmark".
53	20/10/98	29/10/98	DH	Appendix 2 - adding "18 Plantagenet Location 2320, South Coast Highway, Kent River".
48	22/1/99	28/1/99	DH	Part 5 - adding new clause A5.3.7 Portions of Lots 671 and 672 Zimmermann Street@.
20	12/2/99	16/2/99	DH	Appendix 6 - adding "18. Limbourne Road Special Rural Zone" together with relevant special provisions.
55	5/3/99	10/3/99	DH	<p>Appendix 2 - deleting Lot 411 from the Schedule of Additional use Sites.</p> <p>Appendix 13 (Tourist Zones) - adding "Portion of Lot 411 South Coast Highway, Denmark" to schedule with Tourist Uses and Conditions of Use.</p>
51	25/5/99	27/5/99	DH	Appendix 13 - adding "6. Pt Lot 14 & Lot 73 Inlet Drive, Denmark".
36	10/12/99	13/12/99	DH	<p>Appendix 14 - amending "1. Harington Break Special Residential Zone" by replacing existing Clause (c)(i), amending Clause (vi)(d) and adding Clauses (xvii) and (xviii).</p> <p>Appendix 6 - deleting "14. Harington Break Special rural Zone" and associated provisions.</p>
32	15/2/00	17/2/00	DH	Appendix 2 - adding particulars of land "Lot 1, Loc 1976 and 5390 South Coast Highway" with relevant additional uses and conditions of use.
60	24/3/00	3/4/00	DH	<p>Part 3 - alter second sub-clause "(h) A to read A(i)".</p> <p>Table 1 - adding new use class "Extractive Industry" after "Educational</p>

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				<p>Establishment" and insert the symbol "AA" in the Rural Zone column.</p> <p>Part 5 - adding to clause 5.27 "5.27.3".</p> <p>Part 5 - renumbering second Clause "5.34", "Landscape Protection Zone Provisions" to read "5.35".</p> <p>Part 5 - in renumbered second clause 5.35 change references from "Appendix 15" to read "appendix 16" in sub clauses (c) and (d).</p> <p>Appendix 1 - adding new interpretation "Building Envelope".</p> <p>Appendix 1 - amending interpretation of "Horticulture".</p> <p>Appendix 1 - amend the interpretation of "Rural Pursuit" in part (a) to delete the words "vegetable, fruit".</p> <p>Appendix 2 - Schedule of Additional use Sites - In Site no. 1 delete the text in columns "A" and "B".</p> <p>Appendix 2 - Schedule of Additional use Sites - second site number 16 (Lot 42 South Coast Highway - amend to read Site Number "19".</p> <p>Appendix 6 - Zone Number 22 (Myers Road Special Rural Zone) - Special Provisions Column, Part iii)b), second dot point - delete the words "by clause 5.1 "Table 2 - Development Standards" where they first occur.</p> <p>Appendix 12 - Parking Design Standards - 1.90 degree parking - alter the dimensions for length of car bays from "5" to "5.5" twice and alter the distance dimension from "16.5" to "17.5".</p> <p>Appendix 13 - renumber the second Tourist Zone Number "6" (part lot 14 and lot 73 Inlet Drive) to be Number "8".</p> <p>Appendix 15 - renumber the second Appendix 15 (Landscape Protection Zone Provisions relating to Specified Areas) to be Appendix "16".</p>
61	7/4/00	11/4/00	DH	Appendix 7 - amending Appendix 7 (Schedule of Places of Heritage Value) to delete current list of 41 places and insert list of 61 places in Council's Municipal Heritage Inventory.
63	31/10/00	8/11/00	DH	Appendix 8 - amending Rural Multiple Occupancy Zone No. 1; Plantagenet Location 2005 Bell Road, William Bay by replacing existing Special Provision.
62	6/2/01	8/2/01	DH	Appendix 6 - adding "23. Seaview Special Rural Zone for Plantagenet Location 5089 South Coast Highway, Denmark".
59	23/3/01	26/3/01	DH	Part 5 - amending the existing clause 5.3.5
68	1/6/01	31/5/01	DH	<p>Part 3 - inserting new zone "Professional office" within Clause 3.1.1.</p> <p>Part 3 - inserting a purpose and intent of the professional Office Zone as follows:</p> <p>"(j) Professional Office Zone - to provide for a mixture of residential and professional office uses where both low intensity professional office and associated commercial uses can coexist with residential uses, where the residential nature, amenity and density of the street can be maintained, where places of heritage value are protected and where the built form of the area is enhanced."</p> <p>Table 1 - inserting new column headed "Professional Office" with the following uses noted as follows:</p> <p>"Aged or Dependant Persons Dwelling - AA; Child Minding Centre - SA; Club Premises - SA; Consulting Rooms - P; Cottage Industry - AA; Grouped Dwelling - AA; Holiday Accommodation - SA; Home Occupation - AA; Office - P; Public Worship - SA; Relocated Dwelling - AA; Residential Building - AA; Restaurant - SA; Shop - IP; Single House - P".</p> <p>Table 2 - inserting into Clause 5.1 Development Standards new row relating to the Professional Office Zone.</p> <p>Part 5 - inserting new clause "5.36 Professional Office Zone Provisions".</p>
66	26/10/01	30/10/01	DH	<p>Appendix 14 - adding "No. 6 Sprindale Beach Special Residential Zone".</p> <p>Appendix 13 - adding Tourist Zone area "Area 9 - Portion of Plantagenet Loc 1935 South Coast Highway, Sprindale Denmark".</p> <p>Appendix 2 - adding Additional Use area "Area 21. Portion of Plantagenet Loc 1935 South Coast Highway, Springdale Denmark".</p>
69	20/11/01	20/11/01	DH	<p>Appendix 14 - amending Special Residential Provisions for Pn Lot 340 Mt Shadforth Road by:</p> <p>Deleting in Section (c)(i) "...Plan of Subdivision (Plan No. 91/22/14) Special Residential Zone No. 4 dated February 1998..." and substituting "Plan of Subdivision (Plan No. 91/2219B) Special Residential Zone No. 4 dated September 2000..."</p> <p>Deleting in Section (c)(iii), "The total number of lots shold be 42 with a 2,400m2 minimum area and average area of 6,600m2" and substituting</p>

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				<p><i>"The total number of lots should be 60 with a 2,400m<sup>2</sup> minimum area and an average area of 4,200m<sup>2</sup>".</i></p> <p>Amending Section (c)(v)a) by deleting sub-sections (i) and (ii) and substituting the following:</p> <p>i) from the front of a lot: 10 metres</p> <p>ii) from the rear of a lot: 8 metres</p> <p>iii) from the side of a lot: 6 metres</p>
(Cont'd)				<p>Deleting in Section (c)(xiv) "tree planting" and substituting <i>"screen planting of endemic native vegetation consisting trees and understorey bushes together with acceptable verge tree planting"</i>.</p>
72	29/1/02	31/1/02	DH	Appendix 6 - adding "24. Limbourne Road Special Rural Zone" together with proposed uses and special provisions.
58	24/5/02	29/5/02	DH	<p>Appendix 14 - adding Special Residential Zone and provisions for "7. Weedon Hill Special Residential Zone, Lot 4 Ocean Beach Road, Weedon Hill".</p> <p>Adding Subdivision Guide Plan for Weedon Hill Special Residential Zone, Lot 4 Ocean Beach Road"</p>
76	24/5/02	29/5/02	DH	<p>Table 1 - introducing new use class "Medical Centre" after Market and insert the symbol "AA" in the Commercial and Professional Office Zones columns.</p> <p>Part 5 - delete Clause 5.3.7.</p> <p>Part 6 - Insert new Clause "6.1.3 Amending or revoking planning consent".</p> <p>Part 6 - Inserting a new Clause "6.1.4 Unauthorised existing developments".</p> <p>Part 6 - adding an additional sentence after the first sentence of Clause 6.5.4 to read "The date of determination is to be the date given in the Notice of Approval/Refusal of Planning Consent".</p> <p>Appendix 7 - In Place No. 56 delete "Cnr Price/Mitchell Street" from Address column and insert "South Coast Highway".</p>
75	9/7/02	9/7/02	DH	Appendix 2 - inserting additional use site (No. 22) Portion Lot 5 Ocean Beach Road, Denmark to allow for "Private Institution".
73	1/4/03	31/3/03	DH	<p>Appendix 6 - delete reference in Special Provision (i) to Subdivision Guide Plan No. 9/43/6A and replace with revised Subdivision Guide Plan No. 00-55-04 WR.</p> <p>Appendix 6 - amending Special Provision (vi)(d).</p> <p>Appendix 6 - amending Special Provision (vi)(e).</p> <p>Appendix 6 - amending Special Provision (x).</p> <p>Appendix 13 - amend Site No. 6 Pt Lot 569, corner of Scotsdale Road and Sutton Roads by:</p> <p>Deleting reference in the Conditions of Tourist Use to Subdivision Guide and Tourist Development Plan (No. 92/43/6A) and replacing it with the revised Subdivision Guide &amp; Tourist Development Plan No. 00-66-04 WR.</p> <p>Appendix 13 - amend Site No. 6 Pt Lot 569, corner of Scotsdale Road and Sutton Roads by:</p> <p>Amending condition ii) by deleting uses listed a) to h) and replacing with new uses.</p> <p>Appendix 13 - amend Site No. 6 Pt Lot 569, corner of Scotsdale Road and Sutton Roads by:</p> <p>amending condition xiii).</p> <p>Appendix 13 - amend Site No. 6 Pt Lot 569, corner of Scotsdale Road and Sutton Roads by:</p> <p>Inserting new additional conditions ix) and x) and renumbering the succeeding conditions consecutively.</p>
79	30/5/03	6/5/03	DH	Appendix 2 - inserting Additional Use Site '23. Pt Location 2035 Inlet Drive, Denmark' with specified additional uses and conditions of use.

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85	3/9/04	6/9/04	DH	<p>Table 1 – introducing new use class “Gallery/Restaurant” after “Fuel Depot” and insert the symbol “SA” in the Tourist, Commercial, Professional Office. Rural and Rural Multiple Occupancy zones columns.</p> <p>Table 1 – introducing new use class “Home Business” after “Holiday Accommodation” and inserting the symbol “SA” in the Residential zone column.</p> <p>Table 1 – inserting the symbol “SA” in the Rural zone column for the use class “Public Amusement”.</p> <p>Table 1 – introducing new class “Telecommunications Infrastructure” after “Tavern” and insert the symbol “AA” in the Residential, Tourist, Commercial, Industrial, Professional Offices, Rural and Rural Multiple Occupancy zones columns.</p> <p>Appendix 1 – adding interpretation “Gallery/Restaurant” after “Funeral Parlour”.</p> <p>Appendix 1 – adding interpretation “Home Business” after “Holiday Accommodation”.</p>
				<p>Appendix 1 – adding interpretation “Telecommunications Infrastructure” after “Tavern”.</p> <p>Appendix 1 – modifying interpretation of “Holiday Accommodation”.</p> <p>Appendix 1 – modifying interpretation of “Restaurant”.</p> <p>Appendix 6 – In Special Rural Zone No. 10 (Lantzke Road) introduce “Permitted at Council’s Discretion Subject to Advertising (SA): . Gallery/Restaurant on the basis that it is limited to a maximum floor area of 900m<sup>2</sup>.”</p> <p>Appendix 16 – in Landscape Protection Zone – all areas so zoned in the proposed uses column adding the following: “Permitted at Council’s Discretion Subject to Advertising (SA): . Gallery/Restaurant on the basis that it is limited to a maximum floor area of 250m<sup>2</sup>.”</p> <p>Part 3 – introducing the zone description “SPECIAL RESIDENTIAL” after “INDUSTRIAL”.</p> <p>Part 5 – modifying Clause 5.3.5(a).</p> <p>Part 5 – modifying Clause 5.3.5(b).</p> <p>Part 5 – in Clause 5.3.6.1 inserting new clause number and heading “5.3.6 Ancillary Accommodation”.</p> <p>Part 5 – delete clause numbers “5.3.6.1”, “5.3.6.2”, “5.3.6.3” and “5.3.6.4” and replace with “(a)”, “(b)”, “(c)” and “(d)” respectively.</p> <p>Part 5 – delete “endorsed by the Shire Clerk” from Clause 5.4.2.</p> <p>Part 5 – In clause 5.4.2 delete “State” and replace with “WA”.</p> <p>Part 5 – In clause 5.5.2 delete “No” from last line.</p> <p>Part 5 – delete “Authority of WA” from line two and inset “Corporation” in Clause 5.9.</p> <p>Part 5 – in Clause 5.25.1 after “land” in line three insert “provided”.</p> <p>Part 5 – In Clause 5.30.3 delete “(i)” and “(ii)” and replace with “(a)” and “(b)”.</p> <p>Part 5 – In Clause 5.30.7 delete “(i)” and “(ii)” and replace with “(a)” and “(b)”.</p> <p>Part 5 – In Clause 5.30.8.2 delete “(i)”, “(ii)” and “(iii)” and replace with “(a)”, “(b)” and “(c)”.</p> <p>Part 5 – In Clause 5.30.10 delete “(i)” and “(ii)” and replace with “(a)” and “(b)”.</p> <p>Part 5 – In Clause 5.33 delete the numbers “5.33.1”.</p>
90	21/10/05	2/11/05	DH	<p>Appendix 6 – amending provisions relating to specified areas for SR22 to include Proposed Uses “Holiday accommodation” and “Health Retreat” after “Rural Pursuit”.</p> <p>Appendix 6 – add new provision in SR22.</p> <p>Appendix 6 – changing Particulars of Land in SR22 from “Lot 5 Myers Road” to “Lots 80 &amp; 81 Myers Road”.</p>
88	13/1/06	23/1/06	DH	<p>Appendix 1 – introducing interpretation “Windfarm or Wind Energy Facility”.</p> <p>Appendix 17 – adding new schedule “Appendix 17 – Schedule of Public Use Reserves”.</p> <p>Part 2 – insert the words “Specific public use of reserves and associated conditions of use or development are set out in Appendix 17”.</p>
81	31/1/06	2/2/06	DH	Appendix 16 – adding special provision area “4. Lot 2 Pt 4328 Lights Road, Denmark” together with proposed uses and special provisions.
87	28/3/06	11/4/06	DH	Appendix 14 – adding Special Residential Zone 11 “Lot 341 Cussons Road West, Denmark” together with relative provisions.
77	2/5/06	9/5/096	DH	<p>Appendix 1 – adding definition for “Community Purpose”.</p> <p>Appendix 16 – adding Landscape Protection Area “3. Peace Street Landscape Protection Zone – Lot 2 Peace Street, West Denmark” together with related proposed uses and special provisions.</p>

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80	12/12/06	18/12/06	DH	Appendix 14 - introducing special Residential Zone SRes 9 being "Lot 369 Kearsley Street, Denmark" together with proposed uses and special provisions.
93	9/2/07	15/2/07	DH	Appendix 17 - adding Public Use Reserve "P2 3.5ha consisting of Lot 1079 and portion of Lot 1078 Scotsdale Road" together with relevant public use and conditions of public use.
91	24/7/07	30/7/07	DH	Appendix 13 - inserting Tourist Zone "T10 Portion of Lot 14 South Coast Highway, cnr Tindale Road, Kent River" together with relevant uses and Conditions of Use.
78	23/1/09	28/1/09	DH	Appendix 14 - amending Specified Area No. 9 by inserting in column 1 "Lot 371 Horsley Road, Denmark" and modifying relevant clauses as specified.
98	20/3/09	28/4/09	DH	Part 5 - adding subclauses (f) & (g) to Clause 5.3.5. Appendix 1 - adding definition for "Detailed Area Plan/s (DAP/s).
89	30/10/09	4/11/09	DH	Appendix 14 - adding Special Residential Zone No. 12 "Lot 999 Kearsley Road, Denmark and lot 106 McLean Road, Denmark".
105	20/11/09	14/12/09	DH	Schedule 16 - adding Landscape Protection zone "5. Howe Road Landscape Protection Zone - Lots 101 & 103 Howe road, Denmark" together with proposed uses and special provisions.
109	9/2/10	10/3/10	NM	Amended viii, xi, xii and xiii of Appendix 13 – Schedule of Tourist Zones. Deleted the existing legal description of the land under the column entitled "Particulars of Land" and replacing it with "Lots 83, 84 and 85 Mt Shadforth Road, Denmark".
102	28/05/10	08/06/10	NM	Inserted "Lot 5 South Coast Highway, Denmark" into Appendix 13 – 'Schedule of Tourist Zones' Inserted "McLean's Mill Special Residential – Pt Lot 5 Cussons Road, West Denmark" into Appendix 14 – 'Special Residential Zones'.
108	03/07/10	06/07/10	NM	Replaced Item T8 within Appendix XIII – Schedule of Tourist Zones.
104	03/07/10	06/07/10	NM	Modified Special Provisions i, iv, vi and x, within Appendix VI – Special Rural Zones no. 4 "Mt Shadforth Special Rural Zone".
121	19/11/10	29/11/10	NM	Replaced existing conditions (i), (iv), (vii), (ix), (x) and (xi) within Appendix No. XIII – Schedule of Tourist Zones Area T10. Inserted new conditions (xix), (xx), (xxi) and (xxii) into T10 within Appendix No. XIII – Schedule of Tourist Zones. Inserted "Caravan Park, private Recreation, Reception Centre, Gallery/Restaurant and Office and Shop (max 150m <sup>2</sup> ) into T10 Appendix No. XIII – Schedule of Tourist Zones.
106	23/08/11	25/08/11	NM	Inserted Special Residential No. 13 into Appendix No. XIV – Special Residential Zones.
124	27/09/11	06/10/11	NM	Inserted "Holiday home (standard)" and "holiday home (large)" into Table 1 – Zoning Table and Appendix 1 – Interpretations. Modified "Holiday Accommodation" within Appendix 1 – Interpretations. Inserted a new clause "5.38 Permissibility of Holiday Homes in the Special Residential, Special Rural and Landscape Protection zones.
125	01/05/12	15/05/12	NM	Inserted clause 5.37 – Fire Protection and Bush Fire Control.
119	6/8/13	15/8/13	NM	Renumbered clauses 5.3.5 (f) and (g) to 5.3.6 (a) and (b). Renumbered clause 5.3.6 to 5.3.7. Renumbered clause 5.3.7 to 5.3.8.
122	12/11/13	12/11/13	NM	Inserted Special Residential Zone No. 15 into Appendix XIV – Special Residential Zone Provisions.
131	02/04/15	29/04/15	MLD	Deleted and replaced the information contained within 'Appendix XIII – Schedule of Tourist Zones – Tourist Zone 1',
137	22/05/15	4/6/15	MLD	Rezone No.1670 (Lot 3) South Coast Highway, Shadforth from 'Rural' to 'Special Rural – SR 25' and amend the Scheme maps accordingly. Insert Special Rural Zone No.25 provisions in Appendix VI – Special Rural Zone.
138	07/07/15	13/07/15	NG	Rezone No.10 (Lot 402) Myers Road, Shadforth from 'Rural' to 'Special Rural SR26' and amend the Scheme maps accordingly. Insert Special Rural Zone No.26 provisions in Appendix VI- Special Rural Zone.

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133	25/10/16	12/12/16	AC	Rezone No. 1597 (Lot 1) Valley of the Giants Road, Bow Bridge from the 'Rural' zone to part 'Tourist (T12)' zone and part 'Parks and Recreation' local scheme reserve and amend the Scheme Maps accordingly. Appendix XIII – Schedule of Tourist Zones – Insert Tourist T12 provisions.
141	29/12/17	10/01/18	GM	Inserted new 'General Industry' and 'Special Use' zones to Clause 3.1.1. Inserted Clause 3.1.3(k) – General Industry Zone. Inserted Clause 3.1.3(l) – Special Use Zone. Amended Table 1 – Zoning Table: <ul style="list-style-type: none"> <li>added the use class of 'Caretaker's Dwelling';</li> <li>added new 'General Industry' and 'Special Use' zones.</li> </ul> Amended Table 2 – Development Standards by adding 'General Industry' and 'Special Use' zones. Added Clause 5.39 – General Industry Zone Provisions. Added Clause 5.40 – Special Use Zone Provisions. Added a new Appendix XVIII – Special Use Zones. Inserted Special Use (SU1) zone provisions in 'Appendix XVIII – Special Use Zones'. Updated the Table of Contents accordingly. Added 'General Industry' and 'Special Use' zones to the Scheme Map legend accordingly as per the Scheme Amendment Map. Rezoned No. 99 (Lot 556) McIntosh Road, Hay from 'Public Use' reserve' to 'General Industry' zone and amending the Scheme Map accordingly. Rezoned No. 652 (Lot 2) South Coast Highway, Hay from 'Rural' to part 'General Industry' zone and part 'Special Use (SU 1)' zone and amending the Scheme Map accordingly.
143	01/06/18	05/06/18	MLD	Rezone No. 6676 (Lot 150) South Coast Highway, Nornalup, from 'Rural' to 'Residential (R5)' zone. Amend scheme map accordingly
139	19/06/18	26/06/18	MLD	Amend the Scheme Map to remove the 'Agricultural Research Station (AR)' denotation over Lot 7648 Kernutts Road, Hay.
145	7/5/19	8/5/19	MLD	Removing Condition XXIV from the 'Tourist (T1)' zone provisions under Appendix XIII - Schedule of Tourist Zones.
140	19/01/2021	28/01/2021	MLD	Rezoning No. 738 (Lot 1) Ocean Beach Road, Ocean beach, from 'Rural' zone to Tourist (T13)' zone and amending the Scheme Maps accordingly. Inserting Tourist T13 provisions in Appendix XIII – Schedule of Tourist Zones.
150	12/1/2021	7/12/2021	HB	Delete Clause 5.3.7 from the text of Local Planning Scheme No. 3.
151	5/5/2023	23/5/2023	GL	Appendix XIII – Schedule of Tourist Zones – Tourist Zone 1 Conditions (ii), of the Scheme text by deleting 'Subdivision of Lot 84 (proposed Lot 2) shall be by way of strata title only.' Appendix XIII – Schedule of Tourist Zones – Tourist Zone 1 Conditions (ii), of the Scheme text by inserting 'Subdivision of Lot 2 shall be of strata title only, except to create a single freehold lot for the portion of the site containing lots SR19-SR26 (inclusive) as shown on the Karri Mia Development Plan: 09-16-DP9t), or any minor variation thereto approved by council.'
153	15/12/2023	11/01/2024	GL	Insert a definition for 'Brewery' in Appendix 1 – Interpretations. Replace 'microbrewer' across all sites within Appendix Xiii – Schedule of Tourist Zone with 'brewery'.
146	22/12/2023	11/01/2024	GL	Rezone Lot 621 Harlwin St and Lot 1 South Coast Hwy, Denmark from Rural to Urban Development. Amend the Scheme map accordingly. At cl 3.1.1 after SPECIAL USE, insert URBAN DEVELOPMENT At cl 3.1.3 Purpose and Intent of Zones, insert Urban Development Zone. Table 1- Zoning Table, insert column with Urban Development Zone. Insert Table 2 in 5.1 Development Standards. At 5.3.1 insert 'with the exception of Urban Development zone' before 'where residential development is permitted'. Insert 5.41 URBAN DEVELOPMENT ZONE PROVISIONS Insert Appendix XIX – ADDITIONAL REQUIREMENTS THAT APPLY TO LAND IN SCHEME AREA
144	19/03/2024	21/03/2024	GL	Update the provisions in Appendix VI – Schedule of Special Rural Zones



AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
148	21/05/2024	30/05/2024	GL	<p>Rezone No.40 (Lot 305 Wentworth Rd, Ocean Beach, from 'Rural' to 'Tourist (T15)' zone.</p> <p>Introduce the definitions: 'Brewery' and 'Tourist Development'.</p> <p>Amend the Scheme Map accordingly.</p> <p>Insert Tourist (T15) and associated provisions into Appendix XIII – Schedule of Tourists Zones of the Scheme Text.</p>

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
149	14/06/2024	20/06/2024	GL	<p>Rezone portion Lot 9010 Beaufortia Gardens, Hay, Shire of Denmark, from the Tourist (T9) Zone to Special Residential (SRes6) Zone;</p> <p>Reserve portion Lot 9010 from Tourist (T9) Zone to the Parks &amp; Recreation Reserve;</p> <p>Reserve portion Lot 9010 Beaufortia Gardens, Hay, Shire of Denmark, from the Special Residential (SRes6) Zone to the Parks &amp; Recreation Reserve;</p> <p>Rezone portion Reserve 52123, from the Tourist (T9) Zone to the Parks &amp; Recreation Reserve;</p> <p>Rezone portion Lots 180, 181, 182 &amp; 184 Beaufortia Gardens from Tourist (T9) Zone to the Special Residential (SRes6) Zone;</p> <p>Rezone Lots 193, 194, 195 &amp; 196 Rimelea View from the Tourist (T9) Zone to the Special Residential (SRes6) Zone;</p> <p>Reserve portion of Beaufortia Gardens, Tassel Place and Pimelea View from the Tourist (T9) Zone and the Special Residential (SRes6) Zone to Road Reserve;</p> <p>Reserve a portion of PIN 1195438 from the Special Residential (SRes6) zone to Parks and Recreation Reserve.</p> <p>Delete Tourist Zone (T9) from Appendix XIII;</p> <p>Modify Appendix XIV – Sres 6 Special Provisions;</p> <p>Add the following SRes 6 Special Provisions in Appendix XIV:</p> <p>xii) For the purpose of subdivision and development of land contained within that area generally bound by Beaufortia Gardens to the east, Wilson Inlet to the south, Pimelea View and Lot 196 to the north, and Reserve 12232 to the west, the following additional provisions shall apply, noting in the event of any conflict these additional provisions will prevail:</p> <p>(a) The Special Residential lots should comply with the onsite sewerage requirements of the State Planning Framework including demonstrating capability for 1 hectare lot sizes within a sewerage sensitive area.</p> <p>(b) In addition to the minimum setback requirements prescribed under provision ii) (a) above, all buildings, site works and retaining walls shall beset back a minimum of 20 metres from the western boundary with Reserve 12232. No further reduction in this setback will be permitted.</p> <p>(c) Subdivision proposals for the site shall be accompanied by the following supporting documents prepared consistent with State and local planning frameworks and any locally specific management documents:</p> <ol style="list-style-type: none"> <li>1) A site-specific Flora and Fauna Assessment.</li> <li>2) An Urban Water Management Plan approved by Department of Water and Environmental Regulation.</li> <li>3) A Site and Soil Evaluation report to inform appropriate lot design and yield, method of on-site effluent disposal, building envelopes, remediation works (where applicable) approved by Department of Water and Environmental Regulation and Department of Health.</li> <li>4) A Foreshore Management Plan that addresses, amongst other matters: <ul style="list-style-type: none"> <li>- protection of vegetation and fauna habitat, erosion control, weed management, walkways/ bike paths and access controls, revegetation, setbacks and parking and any other matters appurtenant to or impacting adjacent foreshore area approved by Department of Water and Environmental Regulation.</li> </ul> </li> <li>5) A Landscape Management Plan for the balance of the development area to address the provision of street trees, identification, and protection of trees to be retained, areas for replanting, the protection of fauna habitat, a preference for use of locally indigenous native species in domestic gardens and public reserves, fertilizer/nutrient input, mechanisms for implementation and timing, lighting to incorporate dark sky principles and consideration of estate covenants.</li> <li>6) A Bushfire Management Plan that addresses and responds to the requirements and recommendations of the Flora and Fauna Assessment, Foreshore Management Plan, and Landscape Management Plan</li> <li>7) A Construction Management Plan to address such matters as erosion and sediment transport control and dieback control (including land-based movement and groundwater movement).</li> </ol> <p>(d) All buildings, retaining walls and effluent disposal systems are to be contained within an approved building envelope.</p> <p>(e) No clearing of significant trees or endemic vegetation shall be permitted unless:</p> <p>Such clearing is approved in conjunction with a development application granted by the Shire of Denmark.</p> <p>Trees are diseased or dangerous as confirmed in writing by a qualified arborist and verified by the Shire of Denmark.</p> <p>Such works have been mandated under the Shire of Denmark's Fire Management Notice.</p> <p>Amend the Scheme maps accordingly</p>

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	
147	1/10/2024	10/10/2024	GL	Rezone No. 2446 (Lot 3 South Coast Highway, William Bay, from 'Rural' to Tourist (t14)' zone and amending the Scheme Maps accordingly. Insert Tourist T14 provisions in Appendix XIII – Schedule of Tourist zone. Introduce the 'Workforce Accommodation' land use definitions into Appendix I – Interpretations of the Scheme Text: Amend the Scheme Map accordingly.
154	1/10/2024	17/10/2024	GL	Replacing 'Pt Lot 613 Scotsdale Road, Denmark' with 'Lot 110 on Plan 21633 (No.222) Scotsdale Road, Scotsdale' and add 'Lot 1 on Diagram 87539 (No.23) Riverbend Lane, Scotsdale', in Additional Use Site No.12(A12) in the second column (Particulars of the Land) in Appendix 2 Schedule of Additional Use Sites. Amending the Scheme Map accordingly. Amending the conditions of Additional Use No.12 to remove condition 1 and renumbering the conditions accordingly.

**SHIRE OF DENMARK**  
**TOWN PLANNING SCHEME NO 3**  
**(District Zoning Scheme)**

The Denmark Shire Council, under and by virtue of the powers conferred upon it in that behalf by the *Town Planning and Development Act 1928* (as amended), hereby makes the following Town Planning Scheme for the purposes laid down in the Act.

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# **PART I - PRELIMINARY**

## **1.1 CITATION**

This Town Planning Scheme may be cited as the Shire of Denmark Town Planning Scheme No 3 District Zoning Scheme hereinafter called 'The Scheme' and shall come into operation on the publication of the Scheme in the Government Gazette.

## **1.2 RESPONSIBLE AUTHORITY**

The authority responsible for implementing the Scheme is the Council of the Shire of Denmark hereinafter called 'The Council'.

## **1.3 SCHEME AREA**

The Scheme applies to the whole of the Shire of Denmark.

## **1.4 CONTENTS OF THE SCHEME**

The Scheme comprises this Scheme Text and the Scheme Map.

## **1.5 ARRANGEMENT OF SCHEME TEXT**

The Scheme Text is divided into the following parts:

PART 1 - PRELIMINARY  
PART 2 - RESERVES  
PART 3 - ZONES  
PART 4 - NON-CONFORMING USES  
PART 5 - GENERAL PROVISIONS  
PART 6 - PLANNING CONSENT  
PART 7 - PLACES OF HERITAGE VALUE  
PART 8 - ADMINISTRATION

## **1.6 SCHEME OBJECTIVES**

The general objectives of the Scheme are:

- (a) to reserve land used or likely to be used for public or community purpose;
- (b) to protect the alignment of proposed roads and road widening from appropriate developments;
- (c) to zone land for various purposes in order to promote orderly and proper development of the shire;
- (d) to provide for the protection of the natural environment and landscape from inappropriate development;
- (e) to recognise and protect buildings and places of importance to the townscape and cultural heritage;
- (f) to provide for such development as is required to accommodate the lifestyles appropriate to the area;
- (g) to set aside as reserves for public use land required for active or passive recreational purposes;
- (h) to provide a framework to facilitate the broadening of the economic base of the scheme area;



- (i) to protect the natural resources of the region, particularly the rural land from inappropriate use and development; and
- (j) to provide for the subdivision and development of land in a manner suited to the economic activity of the region.

## **1.7 REVOCATION OF EXISTING SCHEME**

The Shire of Denmark Town Planning Scheme No 2 as amended, which came into operation by publication in the Government Gazette on July 4, 1980 is hereby revoked.

## **1.8 INTERPRETATION**

- 1.8.1 Except as provided in Clause 1.8.2 and 1.8.3 the words and expressions of the Scheme have their normal and common meaning.
- 1.8.2 In the Scheme unless the context otherwise requires, or unless it is otherwise provided herein, words and expressions have the respective meanings given to them in Appendix 1 and the Residential Planning Codes.
- 1.8.3 Where a word or term is defined in the Residential Planning Codes then notwithstanding anything else in the Scheme that word or term when used in respect of residential development has the meaning given to it in the Residential Planning Codes.

## **PART II - RESERVES**

### **2.1 RESERVED LAND**

The Scheme hereby creates the following reserves:

ROAD;

DRAINAGE AND WATERBODIES;

PARKS AND RECREATION;

PUBLIC USE.

The lands shown as reserves on the Scheme Map, are lands reserved under the Scheme for the purposes shown on the Scheme Map.

Specific public use of reserves and associated conditions of use or development are set out in Appendix 17. *AMD 88 GG 13/1/06*

### **2.2 MATTERS TO BE CONSIDERED BY COUNCIL**

Where an application for planning consent is made with respect to reserved land, the Council shall have regard to the ultimate purpose intended for the reserve and the Council shall, in the case of land reserved for the purposes of a public authority, confer with that authority before granting its consent.

### **2.3 COMPENSATION**

- 2.3.1 Where the Council refuses planning consent for the development of reserved land on the grounds that the land is reserved for local authority purposes or for other purposes shown on the Scheme Map, or grants consent subject to conditions that are unacceptable to the applicant, the owner of the land may, if the land is injuriously affected thereby claim compensation for such injurious affection.
- 2.3.2 Claims for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing planning consent or granting it subject to conditions that are unacceptable to the applicant.
- 2.3.3 In lieu of paying compensation the Council may purchase the land affected by such decision of the Council at a price representing the unaffected value of the land at the time of refusal of planning consent or of the grant of consent subject to conditions that are unacceptable to the applicant.

## PART III - ZONES

### 3.1 ZONES

3.1.1 There are hereby created the several zones set out hereunder:

RESIDENTIAL;

TOURIST;

COMMERCIAL;

INDUSTRIAL;

SPECIAL RESIDENTIAL;

*AMD 85 GG 3/9/04*

SPECIAL RURAL;

RURAL;

RURAL - MULTIPLE OCCUPANCY;

LANDSCAPE PROTECTION;

PROFESSIONAL OFFICE;

GENERAL INDUSTRY;

*AMD 141 GG 29/12/17*

SPECIAL USE.

*AMD 141 GG 29/12/17*

URBAN DEVELOPMENT

*AMD 146 GG 22/12/23*

3.1.2 The zones are delineated and depicted on the Scheme Map according to the legend thereon.

#### 3.1.3 Purpose and Intent of the Zones

The primary purpose and intent of the various zones is to allocate land for the following purposes:

- a) Residential Zone - primarily for low density residential uses with Group Dwellings and selected non-residential uses permitted with approval of the Council;
- b) Tourist Zone - for tourist accommodation and associated services;
- c) Commercial Zone - for the major service, retail, office and entertainment uses in the townsite;
- d) Industrial Zone - for most industrial activities carried out in the Shire of Denmark;
- e) Special Residential Zone - to permit the creation of lots between 2,000sqm and 2 hectares in suitable locations as determined by Council so as to provide for arrange of residential opportunities and lot sizes within Denmark.

To ensure that development proposals are appropriate to the natural, physical, social and landscape conditions of the zone and subject to applicable standards and controls.

- f) Special Rural Zone - for rural small holdings in accordance with the State Planning Commission's Rural Land Use Planning Policy and the Council's Local Rural Strategy;
- g) Rural Zone - for the range of normal rural activities conducted in the Shire and to protect such land from inappropriate uses;
- h) Rural - Multiple Occupancy Zone - for rural sites considered suitable for and used for development of a single intensive rural pursuit by people living on one common property at a higher density than that normally associated with traditional rural living. Council will require participants to be involved in and maintain the rural pursuit on a co-operative basis.
- i) Landscape Protection Zone - for retreat type subdivision and development where it can be demonstrated that such development will be compatible with the protection of, and where appropriate rehabilitation of, the floral, faunal and landscape qualities of the zone, particularly in terms of:
- Landscape quality and scenic values;
  - Revegetation and regeneration;
  - Surface and ground water quality;
  - Waterway environment; turbidity, salination and nutrient enrichment;
  - Native flora and fauna; and
  - Wild fire protection
- j) Professional Office Zone - to provide for a mixture of residential and professional office uses where both low intensity professional office and associated commercial uses can coexist with residential uses, where the residential nature, amenity and density of the street can be maintained, where places of heritage value are protected and where the built form of the area is enhanced.
- k) General Industry Zone - 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, light and odour within the zone.  
*AMD 141 GG 29/12/17*
- l) Special Use Zone - 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.  
*AMD 141 GG 29/12/17*
- m) Urban Development Zone – to provide an intention of future land use and a basis for more detailed structure planning in accordance with the provisions of this Scheme.
- To provide for a range of residential densities to encourage a variety of residential accommodation.
- To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development.  
*AMD 146 GG 22/12/23*

### **3.2 ZONING TABLE**

- 3.2.1 The Zoning Table (Table No 1) indicates, subject to the provisions of the Scheme, the several uses permitted in the various zones by cross reference between the list of use classes and the list of zones.
- 3.2.2 The symbols used in the cross reference in the Zoning Table have the following meanings:
- 'P' means that the use is permitted in the zone provided the relevant standards and requirements laid down in the Scheme are complied with;
  - 'AA' means that the Council may, at its discretion, permit the use in the zone;
  - 'SA' means that the Council may, at its discretion, permit the use in the zone after giving notice of application in accordance with Clause 6.4; and
  - 'IP' means a use that is not permitted unless the Council decides such use is incidental to the predominant use.
- 3.2.3 Where no symbol appears in the cross reference of a use class against a zone in the Zoning Table a use of that class is not permitted in that zone.
- 3.2.4 Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.
- 3.2.5 If the use of land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:
- a) determine that the use is not consistent with the purpose and intent of the particular zone and is therefore not permitted; or
  - b) determine by absolute majority that the proposed use may be consistent with the purpose and intent of the zone and thereafter follow the procedure set out in Clause 6.4 in considering an application for planning consent.

### **3.3 ADDITIONAL USE SITES**

Notwithstanding anything contained within the Zoning Table the land specified in Appendix 2 may subject to compliance with any condition specified in the Appendix with respect to the land, be used for the purpose set against that land. The use so specified is in addition to the other uses permitted in the zone in which the land is situated unless any of those uses is excluded or modified by a condition specified in the Appendix.

**TABLE 1 - ZONING TABLE**

USE CLASSES	ZONES												
	RESIDENTIAL	TOURIST	COMMERCIAL	INDUSTRIAL	RURAL	SPECIAL RURAL	RURAL MULTIPLE OCCUPANCY	SPECIAL RESIDENTIAL	LANDSCAPE PROTECTION	PROFESSIONAL OFFICE	GENERAL INDUSTRY	SPECIAL USE	URBAN DEVELOPMENT <small>AMD 146 GG 22/12/23</small>
Aged or Dependent Persons Dwelling <small>AMD 146 GG 22/12/23</small>	AA	AA	AA		AA	REFER TO APPENDIX 6 & CLAUSE 5.38		REFER TO APPENDIX 14 & CLAUSE 5.38	REFER TO APPENDIX 15 & CLAUSE 5.38	AA		REFER TO APPENDIX XVIII	AA
Aquaculture		AA			AA		AA						
Boarding House <small>AMD 146 GG 22/12/23</small>	AA	P	SA		AA								SA
Caravan Park		AA			SA								
Caretaker's Dwelling <small>AMD 141 GG 29/12/17</small>		AA	AA		AA					AA			
Cellar Sales		SA			SA								
Child Minding Centre	SA	SA	AA				AA			SA			
Club Premises		P	P		SA					SA			
Consulting Rooms	SA	SA	P		SA					P			
Cottage Industry	AA	AA			AA		AA			AA			
Education Establishment	SA	IP			SA		AA						
Extractive Industry					AA								
Fast Food Outlet		SA	AA										
Feedlot Farming					SA								
Fuel Depot <small>AMD 141 GG 29/12/17</small>				AA	AA		AA				AA		
Gallery/Restaurant <small>AMD 85 GG 3/9/04</small>		SA	SA		SA		SA			SA			
Garden Centre			AA	P	AA		AA						
General Industry <small>AMD 141 GG 29/12/17</small>				AA							AA		
Grouped Dwelling	AA	AA	AA				P			AA			
Holiday Accommodation	SA	AA	AA		SA		SA			SA			
Holiday Home (large) <small>AMD 146 GG 22/12/23</small>	SA	AA			SA		SA						SA
Holiday Home (standard) <small>AMD 146 GG 22/12/23</small>	SA	AA			SA		SA						SA
Home Business <small>AMD 85 GG 3/9/04</small>	SA												
Home Occupation <small>AMD 146 GG 22/12/23</small>	AA	AA	AA		AA		AA			AA			P

**TABLE 1 - ZONING TABLE (CONT'D)**

USE CLASSES	ZONES												URBAN DEVELOPMENT <small>AMD 146 GG 22/12/23</small>
	RESIDENTIAL	TOURIST	COMMERCIAL	INDUSTRIAL	RURAL	SPECIAL RURAL	RURAL MULTIPLE OCCUPANCY	SPECIAL RESIDENTIAL	LANDSCAPE PROTECTION	PROFESSIONAL OFFICE	GENERAL INDUSTRY	SPECIAL USE	
Horticulture					AA		SA						
Hotel		SA	SA		SA	REFER TO APPENDIX 6 & CLAUSE 5.38		REFER TO APPENDIX 14 & CLAUSE 5.38	REFER TO APPENDIX 15 & CLAUSE 5.38			REFER TO APPENDIX XVIII	
Kennels					SA								
Light Industry				P			IP						
Market		AA	P	AA	AA		AA						
Medical Centre <small>AMD 76 GG 24/5/02</small>			AA							AA			
Motel		SA	SA		SA								
Noxious Industry <small>AMD 141 GG 29/12/17</small>					SA						SA		
Office <small>AMD 141 GG 29/12/17</small>			P	IP	IP					P	IP		
Piggery					SA								
Poultry Farming					SA		AA						
Private Recreation		P	AA	AA	AA		AA						
Private Tree Plantation					AA		AA						
Public Amusement <small>AMD 85 GG 3/9/04</small>		AA	AA	AA	SA								
Public Worship	SA	SA	SA		AA		AA			SA			
Relocated Dwelling <small>AMD 146 GG 22/12/23</small>	AA	X	X	X	AA		AA			AA			AA
Residential Building	AA				SA					AA			
Restaurant	SA	AA	P		AA		SA			SA			
Rural Industry <small>AMD 141 GG 29/12/17</small>				SA	SA						SA		
Rural Pursuit					P		P						
Service Industry <small>AMD 141 GG 29/12/17</small>			AA	P							AA		
Service Station <small>AMD 141 GG 29/12/17</small>		AA	AA	AA	SA						AA		
Shop <small>AMD 141 GG 29/12/17</small>		AA	P	IP			IP			IP	IP		

**TABLE 1 - ZONING TABLE (CONT'D)**

USE CLASSES	ZONES													URBAN DEVELOPMENT <small>AMD 146 GG 22/12/23</small>
	RESIDENTIAL	TOURIST	COMMERCIAL	INDUSTRIAL	RURAL	SPECIAL RURAL	RURAL MULTIPLE OCCUPANCY	SPECIAL RESIDENTIAL	LANDSCAPE PROTECTION	PROFESSIONAL OFFICE	GENERAL INDUSTRY	SPECIAL USE		
Showroom		P	P	P		REFER TO APPENDIX 6 & CLAUSE 5.38		REFER TO APPENDIX 14 & CLAUSE 5.38	REFER TO APPENDIX 15 & CLAUSE 5.38			REFER TO APPENDIX XVIII		
Single House <small>AMD 146 GG 22/12/23</small>	P	P	AA	IP	P		AA			P			P	
Tavern		SA	SA		SA									
Telecommunications Infrastructure <small>AMD 85 GG 3/9/04; AMD 141 GG 29/12/17 AMD 146 GG 22/12/23</small>	AA	AA	AA	AA	AA		AA			AA	AA		SA	
Transport Depot <small>AMD 141 GG 29/12/17</small>				P	AA						AA			
Tree Felling <small>AMD 146 GG 22/12/23</small>	AA	AA	AA	AA	AA		AA						AA	
Vehicle Repairs <small>AMD 141 GG 29/12/17</small>			AA	P							AA			
Vehicle Sales and Hire			AA	P										
Vehicle Wrecking <small>AMD 141 GG 29/12/17</small>				P							AA			
Veterinary Establishment <small>AMD 141 GG 29/12/17</small>				AA	AA						SA			
Warehouse <small>AMD 141 GG 29/12/17</small>			AA	P							AA			
Winery	X	SA	SA	SA	SA	X	SA	X						



## **PART IV - NON-CONFORMING USES**

### **4.1 NON-CONFORMING USE RIGHTS**

No provision of the Scheme shall prevent the continued use of any land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme, or the carrying out of any development thereon for which, immediately prior to that time, a permit or permits, lawfully required to authorise the development to be carried out, were duly obtained and are current.

### **4.2 EXTENSION OF NON-CONFORMING USE**

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

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

Notwithstanding anything contained in the Zoning Table the Council may grant its planning consent to the change of use of any land from a non-conforming use to another use if the proposed use is, in the opinion of the Council, less detrimental to the amenity of the locality than the non-conforming use and is, in the opinion of the Council, closer to the intended uses of the zone or reserve.

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

4.4.1 When a non-conforming use of any land or building has been discontinued for a period of six months or more such land or building shall not thereafter be used otherwise than in conformity with the provisions of the Scheme.

4.4.2 The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

### **4.5 DESTRUCTION OF BUILDINGS**

If any building is, at the Gazettal date, being used for a non-conforming use, and is subsequently destroyed or damaged to an extent of 75 percent or more of its value, the land on which the building is built shall not thereafter be used otherwise than in conformity with the Scheme, and the buildings shall not be repaired or rebuilt, altered or added to for the purpose of being used for a non-conforming use or in a manner or position not permitted by the Scheme.

## PART V - GENERAL PROVISIONS

### 5.1 DEVELOPMENT STANDARDS

Subject to the provisions of the Scheme the standards for development in the various zones, except for development provided for in the Residential Planning Codes, are set out in Table 2 - Development Standards.

**TABLE 2 - DEVELOPMENT STANDARDS**

ZONE	MINIMUM SETBACK			MAXIMUM PLOT RATIO	MAXIMUM SITE COVERAGE	LANDSCAPING (PERCENT)
	FRONT (M)	SIDE (M)	REAR (M)			
RESIDENTIAL	7.5(A)	3.0(A)	7.5(A)	0.5:1(A)	0.3(A)	10(A)
TOURIST	(B)	(B)	(B)	(B)	(B)	10
COMMERCIAL	NIL	NIL	6.0	1:1	(B)	10
INDUSTRIAL	(B)	(B)	(B)	0.4:1	(B)	10
SPECIAL RURAL	20	(B)	(B)	(B)	(B)	(B)
RURAL	50	(B)	(B)	(B)	(B)	(B)
RURAL MULTIPLE OCCUPANCY	50	10	10	(B)	(B)	(B)
SPECIAL RESIDENTIAL	15	10	10	(B)	(B)	(B)
PROFESSIONAL OFFICE	6 (D)	1 (D)	6 (D)	0.5:1	0.5	10
GENERAL INDUSTRY <i>AMD 141 GG 29/12/17</i>	15	5	10	0.6:1	(B)	2.5
SPECIAL USE <i>AMD 141 GG 29/12/17</i>	(B)	(B)	(B)	(B)	(B)	(B)
URBAN DEVELOPMENT <i>AMD 146 GG 22/12/23</i>	7.5(A)	3.0(A)	7.5(A)	0.5:1(A)	0.3(A)	10(A)

- (A): These standards only apply to developments not covered under the Residential Planning Codes.  
 (B): As determined by Council.  
 (C): This setback may be varied by Council where it is considered the depth, shape or topography of a lot warrants such a variation.  
 (D): For relaxations to minimum setbacks refer to clause 1.5 of the "Residential Planning Codes".

### 5.2 RESIDENTIAL DEVELOPMENT - RESIDENTIAL PLANNING CODES

- 5.2.1 For the purpose of this Scheme 'Residential Planning Codes' means the Residential Planning Codes set out in Appendix 2 to the Statement of Planning Policy No 1, together with all amendments thereto.
- 5.2.2 A copy of the Residential Planning Codes as amended shall be kept and made available for public inspection at the offices of the Council.
- 5.2.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

### 5.3 RESIDENTIAL PLANNING CODES - VARIATIONS AND EXCLUSIONS

*AMD 85 GG 3/9/04, AMD 146 GG 22/12/23*

- 5.3.1 With the exception of the Urban Development zone, where Residential development is

permitted in areas not allocated a density code on the Scheme Map, such development shall in all respects be in accordance with the requirements of the R2 Code of the Residential Planning Codes.

- 5.3.2 No more than two single houses shall be permitted on any lot in the Rural Zone, unless the written approval of Council is granted. Approval will not be granted if, in the opinion of Council, the use is deemed to conflict with Rural Multiple Occupancy zoning.
- 5.3.3 Where Residential development is proposed in conjunction with other development in the Commercial Zone, Council shall determine the appropriate density code to apply for development requirement purposes.
- 5.3.4 No provision of the Residential Planning Codes shall prevent the approval of a single house on a lot created prior to the Gazettal Date of the Scheme in the Residential Zone.
- 5.3.5 In areas with dual or split codings such as R5/15, R10/20 and R2.5/20 or similar as marked in the Scheme Maps, the development standards of the lower density code shall apply, except that Council may permit development to the higher coding relevant to that land subject to:
  - a) the development being connected to the reticulated sewerage system;  
*AMD 85 GG 3/9/04*
  - b) the development is of a high standard in terms of design and aesthetics and with the aim of minimizing visual impacts of the development where land being adjacent to a foreshore reserve;  
*AMD 85 GG 3/9/04*
  - c) in areas consisting of large landholdings or several landholdings, the development being consistent with a conceptual structure plan that has been adopted by Council;
  - d) that conceptual structure plan for the overall area should address issues such as protection of significant stands of remnant vegetation, overall road connectivity, drainage infrastructure, public open space, dual use paths, protection of wetland areas through water sensitive design principles, adjacent land uses, amenity and variety in lot sizes; and
  - e) in determining the extent of the conceptual structure plan area Council will have consideration for the following matters: street pattern, existing lot layout, extent of the split R Coding, existing development, physical features, servicing infrastructure and so on.
- 5.3.6 a) Where a local Structure Plan has been adopted by Council and endorsed by the Western Australian Planning Commission for Urban Settlement Unit/s as contained within the Local Planning Strategy, it shall be used to guide subdivision and development within that area.  
*AMD 98 GG 20/3/09; AMD 119 GG 6/8/13*
- b) Where an adopted Local Structure Plan nominates an area as being suitable for development at a higher residential density than that shown on the Scheme Maps, a Detailed Area Plan shall be required to be prepared demonstrating high quality urban design principles. On Council's adoption of a Detailed Area Plan, a copy of the plan shall be forwarded to the Western Australian Planning Commission for its endorsement.  
*AMD 98 GG 20/3/09; AMD 119 GG 6/8/13*
- 5.3.7 ~~Ancillary Accommodation~~  
*DELETED BY AMD 150 GG 12/11/2021*  
*AMD 85 GG 3/9/04; AMD 119 GG 6/8/13*
- 5.3.8 ~~Portions of Lots 671 and 672 Zimmermann Street.~~ *DELETED BY AMD 76 GG 24/5/02*

## 5.4 SPECIAL RURAL ZONE PROVISIONS

- 5.4.1 The Scheme provisions for a specific Special Rural Zone shall include a Plan of Subdivision which shall form part of the Scheme and future subdivision within any

specific area shall be in accordance with the approved Plan of Subdivision, and a description of the land together with any special provisions relating to the land shall be set forth in Appendix 6.

The Plan of Subdivision shall show amongst other things as the Council may require:

- a) the proposed ultimate subdivision including lot sizes and dimensions;
- b) areas to be set aside for public open space, pedestrian accessways, bridle paths and community facilities;
- c) any physical features to be conserved, including building envelopes, means of access to building envelopes and areas for vegetation preservation or tree planting;
- d) the proposed staging of the development if relevant;
- e) strategic fire breaks and location of fire fighting facilities; and
- f) contours, water and natural drainage courses.

5.4.2 Subdivision of land within a Special Rural Zone shall be in accordance with the Plan of Subdivision. Minor amendments to the Plan of Subdivision that do not reduce general lot sizes may be permitted subject to approval of the WA Planning Commission.

*AMD 85 GG 3/9/04*

5.4.3 All buildings within the Special Rural Zone shall be constructed within building envelopes shown on the Subdivision Guide Plan. Council may approve minor variations to the building envelope provided the variation will have no adverse impact on the amenity or environment of the area.

5.4.4 No development in the Special Rural Zone shall take place within 30 metres of a natural watercourse or waterbody without the approval of the Council.

## **5.5 RURAL - MULTIPLE OCCUPANCY ZONE PROVISIONS**

5.5.1 The development of any land included in the Rural - Multiple Occupancy Zone shall be in accordance with an approved plan showing:

- a) the location of all existing structures, contours, vegetation cover, water and natural drainage courses;
- b) the location of all proposed building areas, internal road layout, services and firebreaks;
- c) details of the proposal including a description of the land uses proposed, the staging of the proposal, the ultimate population, all services to be provided and a bushfire management plan.

5.5.2 In addition to such other provisions of the Scheme as may affect it, any land included in the Rural - Multiple Occupancy Zone shall be subject to any special provisions listed against it in Appendix 8.

*AMD 85 GG 3/9/04*

## **5.6 DOMESTIC WATER SUPPLIES**

No dwelling house shall be constructed in the Scheme Area unless it is connected to the Water Corporation reticulated supply or to an approved supply of potable water or a roof catchment water tank having a capacity of 92,000 litres is incorporated into the approved plan.

*AMD 85 GG 3/9/04*

## **5.7 USE OF SETBACKS**

The setback areas within any zone shall not be used for any purpose other than one or more of

the following:

- (a) a means of access;
- (b) landscaping;
- (c) trade display provided no more than 10 percent of the area is used, and not located within three metres of the street;
- (d) the loading and unloading of goods;
- (e) the parking of vehicles for staff, clients or customers of the development.

## **5.8 SETBACKS TO ROADS TO BE WIDENED**

Any development proposed on a lot with frontage to a road proposed to be widened shall be set back from the street alignment of the road as if the road had been widened as proposed.

## **5.9 SEWERAGE**

All grouped dwellings and holiday accommodation developments shall be connected to Water Corporation reticulated sewer or a suitable alternative effluent disposal system, which is approved by the Health Department and the Environmental Protection Authority.

*AMD 85 GG 3/9/04*

## **5.10 ADVERTISING SIGNS**

No advertising signs shall be erected in the Residential Zone without the approval of the Council. All applications for the provision of advertisements must be made on the form attached as Appendix 9 Control of Advertisements. Appendix 10 shows advertising that is exempt from Council's approval requirements.

## **5.11 AMENITY**

No buildings shall be constructed of materials, design, colour or texture of which in the opinion of the Council is detrimental to the amenity or character of the locality.

## **5.12 NUISANCE**

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

## **5.13 LOADING AND UNLOADING OF VEHICLES**

Unless otherwise approved by the Council all loading and unloading of materials, and parking of vehicles associated with any commercial and industrial uses shall be contained within the boundaries of the site on which the uses are located.

## **5.14 LOADING BAYS**

An area for the loading and unloading of commercial vehicles shall be provided separate from parking areas and access ways on each lot developed for commercial or industrial purposes.

## **5.15 PARKING OF COMMERCIAL VEHICLES**

5.15.1 No commercial vehicle in excess of 3 tonnes tare weight shall be permitted to be parked on any residential lot except for the purpose of activity normally associated with dwelling house uses without the approval of the Council.

5.15.2 Council shall not grant its approval under Clause 5.15.1 unless:

- a) provision is made for the vehicle to be housed in a garage or parked behind the building line;

- b) the vehicle together with its load does not exceed three metres in height; and
- c) the Council is satisfied the use will not prejudicially affect the amenity of the neighbourhood due to emissions of any nature.

#### **5.16 FACTORY UNIT BUILDINGS**

All factory buildings shall:

- (a) be constructed so that no occupancy has a floor area less than 100 square metres or either its width or length is less than eight metres;
- (b) have an adjacent open yard area no smaller than one-third of the floor area of the occupancy;
- (c) together with its open yard, have direct access to a service access road not less than six metres in width.

#### **5.17 REFUSE STORAGE AREAS**

All commercial and industrial development shall provide at least one refuse storage area readily accessible to service vehicles and screened from view from a public street by a closed fence, wall or screen landscaping no less than 1.8 metres in height.

#### **5.18 INDUSTRIAL FENCES**

Unless the Council approves otherwise, the minimum standard fence for lots used for industrial purposes shall be 1.8 metre high link mesh security fence.

#### **5.19 OUTDOOR STORAGE OF MATERIALS**

All outdoor areas used for the storage of motor vehicle bodies, timber, steel products or any other products or wastes in connection with a commercial or industrial use shall be screened from view from any public street by a closed wall or fence, or screen landscaping as approved by Council.

#### **5.20 VEHICLE ACCESS WAYS**

- 5.20.1 The Council may refuse to permit more than one vehicular entrance or exit from any lot or may require separate entrances and exits.
- 5.20.2 All vehicle access ways, other than in the Residential Zone shall be constructed so that all vehicles may enter and leave a lot in forward gear.
- 5.20.3 All vehicle access ways shall be constructed and paved to the specification and satisfaction of the Council.

- 5.20.4 No vehicle access way shall be located within the corner truncation of any lot having two or more street frontages.

## **5.21 OFF STREET PARKING**

- 5.21.1 With the exception of rural uses, sufficient off street parking shall be provided to accommodate the normal parking requirements of that use as determined by the Council, in accordance with Parking Standards and Design Standards in Appendices 11 and 12.
- 5.21.2 Parking areas shall be laid out, paved, drained and marked to the satisfaction of the Council.
- 5.21.3 Any parking area with ten or more parking bays shall include landscaped areas equal to ten percent of the area of the carpark.

## **5.22 JOINT USE OF PARKING FACILITIES**

- 5.22.1 The Council may permit land uses to share parking facilities provided it is satisfied:
- a) no conflict will occur as a result of the joint use of the parking facilities; and
  - b) the peak demands for parking from the activities sharing the parking area do not coincide.
- 5.22.2 Where the Council permits the joint use of parking facilities, it may require the landowners involved to enter into a legal agreement with each other land owner for reciprocal rights to the parking facilities.

## **5.23 CASH PAYMENT IN LIEU OF PROVIDING A PARKING AREA**

The Council may accept a cash payment in lieu of the provision of on site parking provided:

- (a) such cash payment is not less than the estimated cost to the owner of providing and constructing the parking area otherwise required by the Scheme plus the value, as estimated by the Council, of that area of his land which would have been occupied by the parking area;
- (b) before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have purchased land and/or provided a public car park nearby or have firm proposals to provide such a public car park within a period of four years of the time of agreeing to accept the cash payment;
- (c) payments made under this Clause shall be paid into a special fund to be used for the provision of public car parking facilities and the Council may use this Fund to provide public parking facilities anywhere within the commercial centre of the town or in close proximity of the site in respect of which a cash-in-lieu arrangement is made;
- (d) If an owner shall object to the amount of the costs of values determined by Council pursuant to sub-clause (a), the matter may be referred to arbitration.

## **5.24 LANDSCAPING**

- 5.24.1 Landscaping shall be provided in accordance with the provisions set out in Table 2 - Development Standards.
- 5.24.2 Landscaping shall be provided and maintained in accordance with a landscape plan approved by the Council.
- 5.24.3 Landscaping shall be provided by the applicant within 30 days of completion of the development and shall be maintained by the occupier.

- 5.24.4 The Council may accept a cash payment in lieu of the provision of landscaped areas with regard to developments in the Commercial Zone provided:
- a) the cash payment is not less than the estimated cost to the owner of providing and developing the landscaping otherwise required by the Scheme plus the value, as estimated by the Council, of the area of land which would have been occupied by the landscaping; and
  - b) the Council has adopted a comprehensive landscape plan for the area providing for the expenditure of cash payments received in accordance with this Clause.

## **5.25 TREE PRESERVATION**

- 5.25.1 For the purposes of tree preservation or protection of amenity, the Council may require the submission of a plan showing acceptable building envelopes on land provided; *AMD 85 GG 3/9/04*
- a) the area, shape and location of the building envelope shall be as determined by the Council but not less than 1,000 square metres or greater than 3,000 square metres in area.
  - b) land within a nominated building envelope may be cleared of all substantial vegetation for the purposes of the erection of dwellings, outbuildings and landscaping.
  - c) the clearing of land outside a nominated building envelope on a lot shall be limited to Parkland Clearing, and to that necessary for the erecting of boundary fences or the construction of an access road, or for fire protection purposes approved by Council.
- 5.25.2 For the purposes of tree preservation and the protection of vegetation to maintain water quality and to prevent erosion the Council may also require:
- a) the protection of trees in the townsites and along road verges;
  - b) the protection of vegetation on land with slopes of 25% or greater; and
  - c) the protection of vegetation for up to 30 metres each side of rivers, streams, creeks or drainage lines and up to 100 metres in the case of estuaries.

## **5.26 TREE PLANTING**

The Council may by notice served upon individual landowners require trees to be planted where it is considered there is insufficient vegetation, and require the preservation of any tree or group of trees and thereafter no landowner, occupier, developer, contractor, other person or subdivider shall cut, remove, or otherwise destroy any tree or trees so specified unless the Council withdraws the notice or order.

## **5.27 DEVELOPMENT OF LAND SUBJECT TO DAMPNES OR FLOODING**

- 5.27.1 Where, in the opinion of the Council, the dampness of the site on which a building is proposed to be constructed so warrants the Council may require that one or all of the following measures shall be carried out:
- a) the subsoil shall be effectively drained;
  - b) the surface of the ground beneath the building shall be regraded or filled and provided with adequate outlets to prevent any accumulation of water beneath the building;
  - c) the surface of the ground beneath the building shall be covered with an approved damp-resisting material.



5.27.2 A building shall not be constructed upon any land defined by the Council as being liable to flooding or inundation.

5.27.3 For the purposes of the Wilson Inlet waters, land liable to flooding or inundation shall be set at below a 2.5 metre AHD level as the anticipated maximum water level. No development will be approved below this level unless in exceptional circumstances and adequate justification is provided.

## **5.28 DEVELOPMENT ON LAND ABUTTING A RESIDENTIAL ZONE**

Any non-residential development on land abutting a Residential Zone shall conform to such standards as the Council determines. These standards shall be assessed on the basis of the potential nuisance of the proposed development on the residential area.

## **5.29 DEVELOPMENT OF OTHER STRUCTURES**

Development standards, including the height, area, setbacks and construction materials, for the following structures shall be determined by the Council; an outbuilding; carport or garage; pergola; shadehouse or conservatory; shed or workshop; any accommodation designed to house livestock, including a kennel; stable; aviary; fowlhouse and pigeon loft.

## **5.30 CONTROL OF ADVERTISEMENTS**

5.30.1 Council's objectives in the control of advertising signs is:

to secure the orderly and proper planning and the amenity of the Scheme Area through the control of advertisements by the examination and determination of applications for advertising signs in the light of:

- the impact of new advertisements upon residential, rural and recreational areas;
- the potential of any proposed advertisement to enhance or detract from the visual amenity and character of an area; and
- the potential for the rationalisation, consolidation or removal of existing advertisements where amenity is already impaired by poor, excessive or derelict advertising.

5.30.2 Power to Control Advertisements

5.30.2.1 For the purpose of this Scheme, the erection, placement and display, and, subject to the provisions of Clause 5.30.6, the continuance of advertisements is development within the definition of the Act requiring, except as otherwise provided, the prior approval of the Council. Such a planning consent is required in addition to any licence pursuant to Council's Signs, Billposting and Hoardings Bylaws.

5.30.2.2 Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Part 6 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 9 giving details of the advertisement(s) to be erected, placed or displayed on the land.

5.30.3 Existing Advertisements

Advertisements which:

- a) were lawfully erected, placed or displayed prior to the approval of this Scheme;  
or

AMD 85 GG 3/9/04

- b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of this Scheme hereinafter in this Part referred to as 'existing advertisements'; may, except as otherwise provided, continue to be displayed or be erected and displayed in accordance with the licence or approval as appropriate. *AMD 85 GG 3/9/04*

#### 5.30.4 Consideration of Applications

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

#### 5.30.5 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 5.30.2.1 the Council's prior consent is not required in respect of those advertisements listed in Appendix 10 which for the purpose of this Part are referred to as 'exempted' advertisements.

#### 5.30.6 Discontinuance

Notwithstanding the Scheme objectives and Clause 5.30.5 where in the opinion of the Council, an exempted or existing advertisement so seriously conflicts with the objectives of this Part, it may by notice in writing require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement.

#### 5.30.7 Derelict or Poorly Maintained Signs

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

- a) repair, repaint or otherwise restore the advertisement to a standard specified by Council in the notice; or *AMD 85 GG 3/9/04*
- b) remove the advertisement. *AMD 85 GG 3/9/04*

#### 5.30.8 Notices

5.30.8.1 'The advertiser' shall be interpreted as any one or any group comprised of the owner, occupier, licensee or other person having interest in or drawing benefit from the display of the advertisement concerned.

5.30.8.2 Any notice served pursuant to Clauses 5.30.6 and 5.30.7 shall be served upon the advertiser and shall specify:

- (a) the advertisement(s) the subject of the notice; *AMD 85 GG 3/9/04*
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice; *AMD 85 GG 3/9/04*
- (c) the period, not being less than 28 days, within which the action specified shall be completed by the advertiser. *AMD 85 GG 3/9/04*

- 5.30.8.3 Any person upon whom a notice is served pursuant to this Part may within a specified period of 28 days from the date of the notice appeal to the Hon Minister for Planning or the Town Planning Appeal Tribunal in accordance with Part V of the Act, and where any such appeal is lodged the effect of the notice shall be suspended until the decision to uphold, quash or vary the notice is known and shall thereafter have effect according to that decision.

5.30.9 Scheme to Prevail

Where the provisions of this Part are found to be at variance with the provisions of the Council's Signs, Billposting and Hoardings Bylaws, the provisions of the Scheme shall prevail.

5.30.10 Enforcement Penalties

Any advertiser who:

- a) erects, places or displays or who permits to be erected, placed or displayed an advertisement otherwise than in accordance with the provisions of this Part; or  
*AMD 85 GG 3/9/04*
- b) fails to comply with any notice issued pursuant to this Part; commits an offence and is liable to the remedies available to the Council pursuant to Section 10 of the Act.  
*AMD 85 GG 3/9/04*

**5.31 RELOCATED DWELLINGS**

- (a) A Relocated Dwelling may not be transported to and placed on a lot within the District and thereafter occupied as a residential dwelling (whether in whole or in part) except with the approval of Council and in accordance with any conditions contained in such an approval.
- (b) In considering whether or not to grant approval for a Relocated Dwelling the Council shall have special regard to:
  - (i) the existing appearance and proposed external materials and finishes of the dwelling; and any proposed alterations thereto;
  - (ii) the amenity of the locality, including the existing residential dwellings;
  - (iii) the visual prominence of the site;
  - (iv) any proposed landscaping or screening of the site; and
  - (v) all applicable statutes, by-laws and regulations relating to dwelling houses applicable both to the Relocated Dwelling and the Lot upon which it is to be located following transportation.
- (c) In granting an approval for a Relocated Dwelling the Council may impose conditions which:
  - (i) require landscaping to be established within a specified time and thereafter maintained; and
  - (ii) require the applicant or owner to provide a bond or bank guarantee to Council as surety for the completion of the Relocated Dwelling to a standard of presentation acceptable to Council within a specified time frame. Should Council require the provision of a bond, such monies so received shall be deposited in an interest bearing Trust account and upon the satisfactory completion of the necessary works, such monies owing shall be refunded.

## **5.32 SPECIAL RESIDENTIAL ZONE PROVISIONS**

The following provisions shall apply generally to all land included in the Special Residential zone, in addition to any provisions which are more specifically applicable to such land under this Scheme:

### **Submission Requirements**

- (a) Before making provision for a Special Residential Zone, Council will prepare, or require the owner(s) of the land to prepare a submission supporting the creation of the Special Residential Zone and such submission shall include:
  - (i) A statement as to the purpose or intent for which the zone is being created.
  - (ii) The reasons for selecting the particular area the subject of the proposed zone.
  - (iii) A plan or plans showing contours at such intervals as to adequately depict the landform of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, lakes, rivers, creeks, swamps, orchards, wells and significant improvements.
  - (iv) A plan or proposed subdivision for the zone clearly demonstrating that landform, vegetation and physical constraints have been taken into account in terms of lot size, lot shape, road layout, strategic firebreaks and open space.
  - (v) A plan outlining the proposed staging of the subdivision and of any development, including criteria to be met before successive stages are implemented.

### **Plan of Subdivision**

- (b) An application for rezoning to create a specific Special Residential Zone shall include a Plan of Subdivision showing:
  - (i) The proposed ultimate subdivision including approximate lot sizes and dimensions, and proposed road reserve widths.
  - (ii) Areas to be set aside for Public Open space, pedestrian accessways, community facilities and other matters considered appropriate by Council.
  - (iii) The proposed staging of the subdivision where relevant.

### **Scheme Provisions**

- (c) Scheme provisions for a specific Special Residential Zone shall be set out in Appendix 14 specifying any special provisions appropriate to secure the objectives of the zone, including a statement of the purpose of the zone.
- (d) In addition to specific provisions set out in Appendix 14 and other provisions of the scheme as many affect it, land which is included within a Special Residential Zone shall be subject to the following provisions:
  - (i) Not more than one single dwelling house shall be erected on each lot.
  - (ii) The Council may determine a minimum standard of road boundary fencing after considering the purpose or intention for which the Special Residential zone was created.
  - (iii) Where approved by Council, all other boundary fencing shall be of a rural and open nature and shall exclude asbestos, sheet iron and any other material which in the opinion of Council would detract from the semi-rural amenity of the area.

### **5.33 TOURIST ZONE PROVISIONS**

All tourist zones shall require development to be in accordance with a Development Plan approved by Council and conditions of development shall be in accordance with Appendix 13 - Schedule of Tourist Zones.

*AMD 85 GG 3/9/04*

### **5.34 DISPOSAL OF GREEN WASTE**

The Council may require as a condition of planning consent or may request the Commission to impose as a condition of subdivision the on-site processing and disposal of all green waste associated with a particular development and/or subdivision to an appropriate standard.

### **5.35 LANDSCAPE PROTECTION ZONE PROVISIONS**

The following provisions shall apply generally to all land included in the Landscape Protection Zone, in addition to any provisions which are more specifically applicable to such land under this Scheme:-

#### **Submission Requirements**

- (a) Before making provisions for a Landscape Protection Zone, Council will prepare, or require the owner(s) of the land to prepare a submission supporting the creation of the Landscape Protection Zone and such submission shall include:
  - (i) A statement as to the purpose or intent for which the zone is being created.
  - (ii) The reasons for selecting the particular area the subject of the proposed zone including a full explanation of the sites' environmental and landscape features it is proposed to protect.
  - (iii) A plan or plans showing contours at such intervals as to adequately depict the landform of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, lakes, rivers, creeks, swamps, orchards, wells and significant improvements.
  - (iv) A comprehensive assessment of all planning, engineering, environmental and landscape considerations which are deemed to be relevant to the subdivision and development of the land.
  - (v) A plan or proposed subdivision for the zone clearly demonstrating that any landform, vegetation and physical constraints have been met in terms of lot size, lot shape, road layout, strategic firebreaks, open space and environmental management proposals.
  - (vi) A plan outlining the proposed staging of the subdivision and of any development, including criteria to be met before successive stages are implemented.
  - (vii) Demonstration that the development proposal will result in the maintenance or enhancement of the areas social, landscape and environmental features with specific discussion of the following issues, where deemed necessary:
    - visual amenity;
    - infrastructure servicing and human servicing;
    - building envelopes/development areas;
    - rare or endangered flora and/or fauna;
    - protection of landscape features;
    - public use areas/reserves;
    - wild fire management measures;
    - exotic pests/weeds;
    - specific landuses and activities on land;
    - dieback control;
    - solid and liquid waste disposal;

- revegetation/regeneration installation, maintenance and control;
- adverse environmental impacts, including any offsite impacts; and
- building standard and design considerations;

#### **Subdivision Guide Plan**

- (b) An application for rezoning to create a specific Landscape Protection zone shall include a subdivision Guide Plan showing:
- (i) The proposed ultimate subdivision including approximate lot sizes and dimensions, and proposed road reserve widths.
  - (ii) Areas to be set aside for Public Open Space, pedestrian accessways, community facilities and other matters considered appropriate by Council.
  - (iii) Any land based environmental management measures proposed.

#### **Scheme Provisions**

- (c) Scheme provisions for a specific Landscape Protection zone shall be set out in Appendix 16 specifying any special provisions appropriate to secure the objectives of the zone, including a statement of the purpose of the zone.
- (d) In addition to specific provisions set out in Appendix 16 and other provisions of the Scheme as may affect it, land which is included within a Landscape Protection zone shall be subject to the following provisions:
- (i) No more than one single dwelling house shall be erected on each lot.
  - (ii) The Council may determine whether road boundary fencing is required and its minimum standard after considering the purpose of intent for which the Landscape Protection zone was created.
  - (iii) Where approved by Council, all other boundary fencing shall be of a rural and open nature and shall exclude asbestos, sheet iron and any other material which in the opinion of Council would detract from the environmental and landscape amenity of the area.

### **5.36 PROFESSIONAL OFFICE ZONE PROVISIONS**

- 5.36.1 The minimum lot area of the relevant R Code of the Residential Planning Codes shall apply along with the development standards outlined in "Table 2 - Development Standards"
- 5.36.2 Notwithstanding Clause 5.30, a non-illuminated 0.5m<sup>2</sup> advertising sign located within the property boundary no higher than 1.5m from natural ground level to the top of the sign describing the nature, function and or activities of the site use shall be deemed exempt. All other advertising shall require the prior approval of Council.
- 5.36.3 In order to preserve a residential presentation to the street, Council shall require the facades fronting the street and roof pitches demonstrate architectural sympathy to the residential facades in the relevant street block. Garden areas in front of buildings should be retained and car parking areas provided to the rear of buildings wherever possible. High screen wall or fences will not be permitted with Council's preference being low open style picket fencing or similar to a maximum height of 1200mm in front of the front setback line of the building.
- 5.36.4 Council shall of permit uses and/or activities that require services and/or create any emissions (including noise, dust, smoke, vibration, odour or waste products) that could cause injury to or prejudicially affect the residential amenity of the neighbourhood.

## **5.37 FIRE PROTECTION AND BUSH CONTROL**

*AMD 125 GG 01/05/12*

Council's objectives in implementing fire protection and bush fire control measures are to -

- Identify areas within the Shire where bush fires pose a threat to life and property;
- Require that all land use and development proposals incorporate appropriate fire protection requirements;
- Implement the relevant WAPC Bushfire Protection policies and guidance.

5.37.1 Council may require all planning proposals (including scheme amendments, structure plans and subdivisions) to include a fire hazard assessment and report prepared in accordance with the methodology and classifications (as determined by Council) contained in the WAPC Bushfire Protection policies and guidance at the time of application.

5.37.2 Council shall require all planning proposals to incorporate appropriate fire protection measures which may include -

- The requirements of the Shire's Annual Fire Regulation Notice (as amended from time to time);
- The provision of an adequate fire fighting water supply and equipment including, but not limited to, fire hydrants, standpipes and hose connections;
- The provision of fire access tracks for access and egress of 2WD vehicles and access for emergency service vehicles;
- Fire prevention and suppression measures to be implemented by all landowners on land to which the development relates, including the implementation of building protection zones and hazard separation zones, collectively forming the low fuel zone;
- Incorporation of construction standards for buildings including those in AS3959 Construction of Buildings in Bushfire Prone Areas (as updated from time to time) and the Building Codes of Australia;
- In areas identified by the Council where bushfires pose a threat to life and property, allocation of land for a fire fighting building or payment of a financial contribution to the implementation of additional fire protection measures within the local area.

5.37.3 Council may request the WAPC to impose conditions on subdivision proposals requiring the implementation of appropriate fire protection measures.

5.37.4 Notwithstanding any other fire protection provisions contained within Appendix VI - Special Rural Zone, Appendix XIII - Schedule of Tourist Zones, Appendix XIV - Special Residential Zones and/or Appendix XVI - Landscape Protection Zone of the scheme, all development shall comply with the requirements of the Shire's Annual Fire Regulation Notice (as amended from time to time).

5.37.5 In the event of any inconsistency between an existing scheme provision and/or approved Fire Management Plan or similar and the Shire's Annual Fire Regulation Notice, the provisions that, in the opinion of the Council, provide the greater fire risk protection and mitigation measures shall be implemented by the responsible party.

## **5.38 PERMISSIBILITY OF HOLIDAY HOMES IN THE SPECIAL RESIDENTIAL, SPECIAL RURAL AND LANDSCAPE PROTECTION ZONES**

- 5.38.1 Notwithstanding any other use class permissibility contained within Appendix VI - Special Rural Zone, Appendix XIV - Special Residential Zones and/or Appendix XVI - Landscape Protection Zone of the scheme, Holiday Home (standard) or Holiday Home (large) shall be classified as an SA use.

AMD 124 GG 27/09/11

## **5.39 GENERAL INDUSTRY ZONE PROVISIONS**

AMD 141 GG 29/12/17

- 5.39.1 Minimum lot size for 'General Industry' zoned lots shall be 4000m<sup>2</sup>.

- 5.39.2 In considering an application for subdivision and/or development approval within the General Industry zone, the local government shall have regard, but not limited to, the following matters including the preparation and approval of the following supporting documents:

- (i) preparation of an Urban Water Management Plan endorsed by the applicable agency;
- (ii) preparation of a Landscape Plan to identify areas of vegetation retention and/or revegetation of the lot and on adjoining road reserve/s;
- (iii) preparation of a Bushfire Management Plan endorsed by the applicable agency;
- (iv) land use buffer considerations in accordance with the Environmental Protection Authority's Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses;
- (v) provision of reticulated water;
- (vi) heights of buildings/structures, risks (including bushfire risk), hazards health and amenity associated with the proposed use being located in proximity to existing and approved adjoining and surrounding land uses including the airport;
- (vii) water usage requirements of the proposed industry;
- (viii) pollutants such as oil, grease and suspended solids not to be permitted to enter natural drainage systems; and
- (ix) the practicability and effectiveness of any other amelioration measures which form part of the proposed development.

- 5.39.3 The use of zincalume as a roof and/or wall material for buildings is prohibited.

## **5.40 SPECIAL USE ZONE PROVISIONS**

AMD 141 GG 29/12/17

- 5.40.1 Scheme provisions for a specific Special Use zone shall be as set out in Appendix XVIII.

- 5.40.2 The Table 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.



- 5.40.3 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.

## **5.41**

146 GG 22/12/23

## **URBAN DEVELOPMENT ZONE PROVISIONS**

AMD

- (1) A structure plan is required to be prepared and approved in accordance with Part 4 of the Deemed Provisions and any applicable additional requirements specified in Appendix XIX of this scheme.
- (2) Subdivision and development in the Urban Development zone shall be in accordance with a structure plan prepared and approved in accordance with Part 4 of the Deemed Provisions, unless the proposed subdivision and development is approved by the decision-maker in accordance with Part 4, clause 27(2) of the Deemed Provisions.

## **PART VI - PLANNING CONSENT**

### **6.1 PLANNING CONSENT**

6.1.1 Subject to Clause 6.1.2 a person shall not commence or carry out development of any land within the Scheme Area without first having applied for and obtained the planning consent of the Council.

6.1.2 The planning consent of the Council is not required for:

- a) the use of reserved land for the purpose for which it is reserved under the Scheme where the land is owned by or vested in the Council or a Public Authority;
- b) the use of land vested in a Public Authority, for any purpose for which it may be lawfully used by that Authority;
- c) the erection of a boundary fence except as otherwise required by the Scheme;
- d) the carrying out of any works on, in, over or under a street or road by a Public Authority acting pursuant to the provisions of any Act;
- e) the carrying out of works for the maintenance, improvement or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;
- f) the carrying out of works urgently necessary in the public safety or for the safety or security of plant or equipment or for the maintenance of essential services.

6.1.3 Amending or revoking planning consent *AMD 76 GG 24/5/02*

The Council may, on written application from the owner of the land in respect of which planning consent has been granted, revoke or amend the planning consent, prior to the commencement of the use or development subject of the planning consent.

6.1.4 Unauthorised existing developments *AMD 76 GG 24/5/02*

6.1.4.1 The Council may grant planning consent to a use or development already commenced or carried out regardless of when it was commenced or carried out, if the development conforms to the provisions of the Scheme.

6.1.4.2 Development which was unlawfully commenced is not rendered lawful by the occurrence of any subsequent event except the granting of planning consent, and the continuation of the development unlawfully commenced is taken to be lawful upon the grant of planning consent.

### **6.2 DISCRETION TO MODIFY DEVELOPMENT STANDARDS**

6.2.1 If a development, other than a residential development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed by the Scheme with respect to that development the Council may, notwithstanding the non-compliance, approve the application unconditionally or subject to such conditions as it thinks fit.

6.2.2 The discretion conferred by Clause 6.2.1 may only be exercised by the Council where it is satisfied that:

- a) approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenity of the locality;

- b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality; and
- c) the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

### **6.3 APPLICATION FOR PLANNING CONSENT**

6.3.1 Every application for planning consent shall be made generally in the form set out in Appendix 3 to the Scheme and shall comprise:

- a) a site plan or plans;
- b) plans, elevations and sections of any buildings proposed to be erected or altered and of any buildings it is intended to retain; and
- c) such other information as the Council may reasonably require to enable the application to be determined.

6.3.2 Unless otherwise determined by the Council in a particular case, a site plan shall be to a scale of not less than 1:500 and shall show:

- a) street names, lot number(s), north point and the dimensions of the site;
- b) the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on site;
- c) any physical features including trees, which may be affected by the proposed development;
- d) the existing and proposed means of access for pedestrians and vehicles to and from the site;
- e) the location, number, dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas; and
- f) the location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which development is proposed.

### **6.4 PUBLIC NOTICE**

6.4.1 The Council shall not grant its planning consent for the following classes of applications unless notice of the application is first given in accordance with the provisions of Clause 6.4.2:

- a) an application for planning consent which involves an "SA" use as determined by Clause 3.2;
- b) an application for planning consent which involves a use not mentioned in the Zoning Table as determined by Clause 3.2.5;
- c) any application for planning consent of which the Council decides public notice should be given;
- d) an application for planning consent to carry out development specified in Clause 7.2.

- 6.4.2 Where the Council is required or decides to give notice of an application as specified in Clause 6.4.1 the Council shall cause one or more of the following to be carried out:
- a) the owners and occupiers of land the Council considers likely to be affected by the application to be served with a notice in accordance with Clause 6.4.3;
  - b) a notice in accordance with Clause 6.4.3 to be published in a newspaper circulating in the Scheme Area; and
  - c) a sign displaying a notice in accordance with Clause 6.4.3 to be erected in a conspicuous position on the land for a period of 21 days.
- 6.4.3 The notice referred to in Clause 6.4.2 shall be generally in the form contained in Appendix 4 to the Scheme and shall state that the submissions may be made to the Council within twenty one days of the date of the notice.
- 6.4.4 After the expiration of twenty one days from the giving of public notice in accordance with Clause 6.4.2 the Council shall consider the subject of the notice together with any submissions received and make its determination.
- 6.4.5 Any costs incurred by the Council pursuant to Clause 6.4.2 shall be recoverable from the applicant.

## **6.5 DETERMINATION OF APPLICATIONS**

- 6.5.1 In determining an application for planning consent the Council may consult with any authority, person or group which, in the circumstances, it thinks appropriate.
- 6.5.2 In determining an application for planning consent the Council shall have regard for such of the following as are appropriate:
- a) the purpose for which the subject land is reserved, zoned, used or approved for use under the Scheme;
  - b) the purpose for which land in the locality is reserved, zoned, used or approved for use under the Scheme;
  - c) the size, shape and characteristics of the land;
  - d) the provisions of the Scheme and any Council policy affecting the land;
  - e) any comments received from any authority consulted by the Council;
  - f) any submissions received in response to giving public notice of the application;
  - g) the orderly and proper planning of the locality; and
  - h) the preservation of the amenity of the locality.
- 6.5.3 In determining an application for planning consent the Council may refuse its consent or grant its consent subject to such conditions as it deems fit.
- 6.5.4 The Council shall issue its decision in respect of an application for planning consent in the form prescribed in Appendix 5 to the Scheme or in accordance with Clause 6.6. The date of determination is to be given in the Notice of Approval/Refusal of Planning Consent.
- 6.5.5 Where the Council approves an application for planning consent under this Scheme the Council may limit the time for which that consent remains valid and where no time limit is specified the consent shall be deemed to expire after two years from the date of approval.

## **6.6 IN PRINCIPLE DECISIONS**

- 6.6.1 The Council's determination on an application for planning consent under the Scheme shall for all intents and purposes be an in principle decision, and shall not in any way be taken as an approval or an authority to commence any development in those cases where:
- a) an applicant stipulated that his application for planning consent is made in principle or uses other words indicating that intention and the Council makes a determination thereon; or
  - b) the Council upon receiving an application for planning consent makes a decision thereon, but issues its decision otherwise than by the form referred to in Clause 6.5.4.
- 6.6.2 Any decision by the Council made pursuant to Clause 6.6.1 shall not in any way bind the Council or fetter its discretion when dealing substantially with an application concerning the same development.

## **6.7 TIME LIMITED CONDITIONS**

The Council may, where it deems appropriate, grant planning approvals which:

- (a) if not implemented within the period of time specified in each such approval, shall thereafter cease to be valid; or
- (b) permit the use and development of land to occur for limited periods of time after the expiration of which periods, as specified in each such approval, the use of the land shall cease and the site shall be restored to its former condition.

## **6.8 DEEMED REFUSAL**

- 6.8.1 Where the Council has not within sixty days of the receipt by it of an application for planning consent either conveyed its decision to the applicant or given notice of the application in accordance with Clause 6.4.2 the application may be deemed to have been refused.
- 6.8.2 Where the Council has given notice of an application for planning consent in accordance with Clause 6.4 and where the Council has not within ninety days of receipt by it of the application conveyed its decision to the applicant, the application may be deemed to have been refused.
- 6.8.3 Notwithstanding that an application for planning consent may be deemed to have been refused under Clauses 6.8.1 or 6.8.2 the Council may issue a decision in respect of the application at any time after the expiry of the period specified in those Clauses.

## **PART VII - PLACES OF HERITAGE VALUE**

### **7.1 DECLARATION OF PLACES**

The Council may declare places of historic, architectural, scientific or other interest to be Places of Heritage Value and such places shall be listed in the schedule in Appendix 7.

### **7.2 DEVELOPMENT APPROVAL**

A person shall not without the approval of the Council at or on a place of Heritage Value, carry out any development including, but without limiting the generality of the foregoing:

- (a) the erection, demolition or alteration of any building or structure (not including farm fencing, wells, bore or troughs and minor drainage works ancillary to the general rural pursuits in the locality);
- (b) the removal, felling, lopping, topping or damaging of trees associated with Places of Heritage Value;
- (c) the erection of advertising signs; and
- (d) clearing of land.

### **7.3 PUBLIC NOTICE**

The provisions of Clause 6.4 apply to applications for the approval of the Council under Clauses 7.1 and 7.2.

### **7.4 RESTORATION**

The Council may give its approval to the restoration of a building declared to be a Place of Heritage Value notwithstanding that the work involved does not comply with the Building Code of Australia or with the development provisions of this Scheme.

### **7.5 ACQUISITION**

Having regard to the desirability of preserving and retaining a place of Heritage Value involved in an application to develop land the Council may effect the retention of the building, object or place by the purchase, resumption of the affected property or payment of an agreed sum in compensation to the owner and may enter into an agreement with the owner for that purpose.

### **7.6 COMPENSATION**

A person whose land or property is injuriously affected by a decision of the Council refusing an application for its consent to do any of the things mentioned in Clause 7.2, or granting its consent subject to conditions not acceptable to the applicant, may, if the refusal or conditions relate to the preservation of the place and if the claim is made within six months of the decision of the Council, claim compensation from the Council.

## **PART VIII - ADMINISTRATION**

### **8.1 POWERS OF THE SCHEME**

The Council in implementing the Scheme has, in addition to all other powers vested in it the power to:

- (a) enter into any agreement with any owner, occupier or other person having an interest in land affected by the provisions of the Scheme in respect of any matters pertaining to the Scheme;
- (b) acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act;
- (c) deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with law and for such purpose may make such agreements with other owners as it considers fit;
- (d) through the person of an Officer of the Council, authorised by the Council for the purpose, at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed;
- (e) withhold or grant with or without conditions planning consent to applications received in accordance with the Scheme as provided for in Clause 6.5; and
- (f) accept cash payments in lieu of the provision of on-site parking or landscaping as provided for in Clauses 5.23 and 5.24.

### **8.2 TOWN PLANNING SCHEME POLICIES**

8.2.1 In order to achieve the objectives of the Scheme, the Council may make Town Planning Scheme Policies relating to parts or all of the Scheme Area and relating to one or more of the aspects of the control of development and land use.

8.2.2 A Town Planning Scheme Policy shall become operative only after the following procedures have been completed:

- a) the Council having resolved to adopt a draft Town Planning Scheme Policy, shall advertise a summary of the draft policy once a week for two consecutive weeks in a newspaper circulating in the area giving details of where the policy may be inspected and where, in what form, and during what period (being not less than 21 days) submissions may be made to the Council;
- b) the Council shall review its draft Town Planning Scheme Policy in the light of any representations made and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the policy;
- c) following final adoption of a Town Planning Scheme Policy, details thereof shall be advertised publicly and a copy kept with the Scheme documents for inspection during normal office hours.

8.2.3 A Town Planning Scheme Policy may only be altered or rescinded by:

- a) the preparation and final adoption of a new policy pursuant to this clause, specifically worded to supersede an existing policy; or
- b) the publication of a formal notice of rescission by the Council in a newspaper circulating in the area.

- 8.2.4 A Town Planning Scheme Policy shall not bind the Council in respect of any application for planning consent but the Council shall take into account the provisions of the policy and the objectives which the policy was designed to achieve before making its decision.

### **8.3 OFFENCES**

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

### **8.4 NOTICES**

- 8.4.1 Twenty-eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.
- 8.4.2 The Council may recover expenses under Section 10(2) of the Act in a Court of competent jurisdiction.

### **8.5 CLAIMS FOR COMPENSATION**

Except where otherwise provided in the Scheme, the time limit for the making of claims for compensation pursuant to Section 11 (1) of the Act is six months after the date of publication of the Scheme in the Government Gazette.

### **8.6 APPEALS**

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

### **8.7 DELEGATION**

- 8.7.1 The Council may, either generally or in a particular case or cases, by resolution passed by an absolute majority of the Council, delegate to the following eligible persons the authority to deal with an application for Planning Approval made under this Scheme:-
- Chief Executive Officer, Manager - Planning and Development, Shire Engineer, Manager - Community Services.
- 8.7.2 Any delegation made under sub-clause 8.7.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.
- 8.7.3 A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.



- 8.7.4 The performance of the function by a delegate under sub-clause 8.7.1 shall be deemed to be the performance of the function by the Council in all circumstances where the Council is able to delegate its powers.
- 8.7.5 Without affecting the generality of the provisions of this clause, where in the exercise of any power under this Scheme the Council is required to form any opinion or view or have any state of mind or to consider to have due regard to any matter, then that requirement shall be satisfied if a person exercising delegated authority in respect of that power performs the function.
- 8.7.6 A resolution to revoke or amend a delegation under this Clause may be passed by a simple majority.
- 8.7.7 An officer or member exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of any power by the Council, insofar as such provisions are reasonably applicable.
- 8.7.8 A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.

## APPENDICES

### APPENDIX I - INTERPRETATIONS

<b>Abattoir</b>	means land and buildings used for the slaughter of animals and the treatment of carcasses, offal and by-products.
<b>Act</b>	means the <i>Town Planning and Development Act, 1928</i> (as amended).
<b>Advertisement</b>	means any word, letter, model, sign, placard, board, notice, device or representation, whether illuminated or not, in the nature of and employed wholly or partly for the purposes of, advertisement, announcement or direction, and includes any hoarding or similar structure used, or adapted for use, for the display of advertisements, and advertising sign shall be construed accordingly.
<b>Aquaculture</b>	means the use of land for the purpose of rearing and breeding of fish or crustaceans under controlled conditions for sale.
<b>Boarding House</b>	means a building in which provision is made for lodging or boarding more than six persons, exclusive of the family of the keeper, for hire or reward, but does not include: <ul style="list-style-type: none"> <li>(a) premises the subject of an Hotel, Limited Hotel or Tavern Licence granted under the provision of the <i>Liquor Act 1970</i> (as amended);</li> <li>(b) premises used as a boarding school approved under the <i>Education Act, 1928</i> (as amended);</li> <li>(c) a single house or grouped dwelling;</li> <li>(d) any building that is the subject of a strata title issued under the provisions of the <i>Strata Titles Act 1985</i> (as amended).</li> </ul>
<b>Brewery</b> AMD 153 GG 15/12/23	means premises the subject of a producer's licence authorising the production of beer, cider or spirits granted under the <i>Liquor Control Act 1988</i> .
<b>Builder's Yard</b>	means land and buildings used for the storage of building material, pipes or other similar items related to any trade; and may include manufacture, assembly and dismantling processes incidental to the predominant use.
<b>Building Envelope</b>	means an area of land within a lot marked on a plan approved by the Council within which all buildings, effluent disposal facilities and any other development such as rain water tanks, retaining walls, stone walls or any other form of revetment to retain building structures on the lot must be contained.
<b>Building Setback</b>	means the shortest horizontal distance between a boundary or other specified point and the position of a building.
<b>Caravan</b>	means a vehicle as defined under the <i>Road Traffic Act 1974-82</i> maintained in condition suitable for licence under the Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.
<b>Caravan Park</b>	means an area of land specifically set aside for the parking of caravans and park homes or for the erection of camps on

	bays or tent sites allocated for that purpose.
<b>Caretaker's Dwelling</b>	means a building used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office or recreation area carried on or existing on the same site.
<b>Cellar Sales</b>	means the demonstration and/or sale of wine products derived from an established vineyard and/or orchard on the owner's property and includes the sale of ancillary products.
<b>Child Minding Centre</b>	means land and buildings used or designed for the daily or occasional care of children in accordance with the <i>Child Welfare (Care Centres) Regulations, 1968</i> (as amended) but does not include a family care centre as defined by those Regulations.
<b>Club Premises</b>	means land and buildings used by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of <i>the Liquor Act, 1970</i> (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.
<b>Commission</b>	means the State Planning Commission constituted under the <i>State Planning Commission Act, 1985</i> .
<b>Community Purpose</b> <i>AMD 77 GG 2/5/06</i>	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.
<b>Consulting Rooms</b>	means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors or persons ordinarily associated with a practitioner in the prevention, investigation or treatment of physical or mental injuries or ailments, and the two practitioners may be of the one profession or any combination of professions or practices.
<b>Cottage Industry</b>	<p>means an industry which produces arts and craft goods which cannot be carried out under the provisions relating to a 'home occupation' and that:</p> <ul style="list-style-type: none"> <li>(a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection, due to the emission of light, noise, vibration, steam, soot, ash, dust, grit, oil, liquid wastes or waste products;</li> <li>(b) where operated in a Residential Zone, does not entail the employment of any person not a member of the occupier's family normally resident on the land;</li> <li>(c) is conducted in an outbuilding which is compatible to the zone and its amenity and does not occupy an area in excess of 55m<sup>2</sup>;</li> <li>(d) does not require the provisions of any essential service main of a greater capacity than normally required in the zone in which it is located; and</li> <li>(e) does not display a sign exceeding 0.2m<sup>2</sup> in area.</li> </ul>

<b>Day Care Centre</b>	means land and buildings used for the daily or occasional care of children in accordance with the <i>Child Welfare (Care Centres) Regulations, 1968</i> (as amended).
<b>Development</b>	shall have the same meaning given to it in and for the purposes of the Act and for the purposes of this Scheme shall include clearing of more than 0.5ha of remnant vegetation.
<b>Detailed Area Plan/s (DAP/s)</b> AMD 98 GG 20/3/09	means design guidelines that are prepared by subdivision proponents for all lots below 350m <sup>2</sup> and for other lots as appropriate, and which address matters raised in the relevant requirements of Element 3 Lot Layout of the Western Australian Planning Commission's "Liveable Neighbourhoods" document. WAPC Approval may be given to the subdivision subject to approval of the DAP/s.
<b>District</b>	means the Municipal District of the Shire of Denmark.
<b>Drive-in Theatre</b>	means land and buildings used to make provision for an audience to view the entertainment while seated in motor vehicles.
<b>Dry Cleaning Premises</b>	means land and buildings used for the cleaning of garments and other fabrics by chemical processes.
<b>Educational Establishment</b>	means a school, college, university, technical institute, academy or other educational centre, but does not include a reformatory.
<b>Extractive Industry</b>	means an industry which involves: <ul style="list-style-type: none"> <li>(a) the extraction of sand, gravel, clay, turf, soil, rock, stone, minerals, or similar substance from the land, and also the storage, treatment or manufacture of products from those materials when carried out on the land from which any of those materials is extracted or on land adjacent thereto; or</li> <li>(b) the production of salt by the evaporation of sea water.</li> </ul>
<b>Façade</b>	means the exposed faces of a building towards roads or open spaces or the frontal outwards appearance of the building.
<b>Factory Unit Building</b>	means an industrial building designed, used or adapted for use as two or more separately occupied production or storage areas.
<b>Family Care Centre</b>	means land and buildings used for the purpose of a Family Care Centre as defined in the <i>Child Welfare (Care Centres) Regulations, 1968</i> (as amended).
<b>Fast Food Outlet</b>	means land and buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation, primarily off the premises.
<b>Feedlot Farming</b>	means the use of land for the holding of livestock at high densities while being conditioned for sale.

<b>Fuel Depot</b>	means land and buildings used for the storage and sale in bulk of solid, liquid or gaseous fuel, but does not include a service station.
<b>Funeral Parlour</b>	means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.
<b>Gallery/Restaurant</b> AMD 85 GG 3/9/04	means premises used for the display, or display and sale, of materials of an artistic, cultural or historical nature, and includes a museum or art gallery and the manufacture, creation of art or craft pieces together with the incorporation of a restaurant for the sale of food and beverages in conjunction with the operation of the centre.
<b>Garden Centre</b>	means land and buildings used for the display and sale of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings.
<b>Gazettal Date</b>	means the date on which this Scheme is published in the Government Gazette.
<b>General Industry</b>	means an industry other than a cottage, extractive, hazardous, light, noxious, rural or service industry.
<b>Gross Leasable Area</b>	means in relation to a building, the area of all floors capable of being occupied by a tenant for his exclusive use, which area is measured from the centre lines of joint partitions or walls and from the outside faces of external walls or the building alignment, including shop fronts, basements, mezzanines and storage areas.
<b>Health Studio</b>	means land and buildings designed and equipped for physical exercise, recreation and sporting activities including outdoor recreation.
<b>Holiday Accommodation</b> AMD 85 GG 3/9/04; AMD 124 GG 27/09/11	means one or more dwellings on one lot which by way of trade or business, are made available for occupation by persons other than the proprietor for holiday purposes and includes those premises known as bed and breakfast but does not include a dwelling that is used as a rental property for tenancing for residential accommodation or Holiday Home (standard) or Holiday Home (large).
<b>Holiday Home (large)</b> AMD 124 GG 27/09/11	means premises conforming to the definition of holiday home (standard) with the exception that the premises provide short stay accommodation for more than six people but not more than 12 at any one time.
<b>Holiday Home (standard)</b> AMD 124 GG 27/09/11	means a single house (excluding ancillary accommodation), which may also be used for short stay accommodation for no more than six people (but does not include a bed and breakfast, guesthouse, chalet and short stay accommodation unit).
<b>Home Business</b> AMD 85 GG 3/9/04	means a business, service or profession carried out in a dwelling or on land around a dwelling by an occupier of the dwelling which –  (a) does not employ more than 2 people not members of the occupier's household; (b) will not cause injury to or adversely affect the amenity of the neighbourhood;

	<ul style="list-style-type: none"> <li>(c) does not occupy an area greater than 50 square metres;</li> <li>(d) does not involve the retail sale, display or hire of goods of any nature;</li> <li>(e) in relation to vehicles and parking, does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood, and does not involve the presence, use or calling of a vehicle more than 3.5 tonnes tare weight;</li> <li>(f) does not involve the use of an essential service of greater capacity than normally required in the zone;</li> <li>(g) notwithstanding clauses (c) and (e), approval may be granted in the Residential zone for trucks with a tare weight of up to 10 tonnes, providing it does not adversely affect the amenity of the surrounding area.</li> </ul>
<b>Home Occupation</b>	<p>means a business or activity carried on with the written permission of the Council within a house by a person resident in the dwelling house to which it is appurtenant that:</p> <ul style="list-style-type: none"> <li>(a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury, or prejudicial affection due to the emission of light, noise, vibration, electrical interference, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, liquid wastes or waste products or the unsightly appearance of the dwelling house or domestic outbuilding or on the land on which the business is conducted;</li> <li>(b) does not entail employment of any person not a member of the occupier's family;</li> <li>(c) does not occupy an area greater than twenty square metres;</li> <li>(d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located;</li> <li>(e) does not display a sign exceeding 0.2m<sup>2</sup> in area;</li> <li>(f) in the opinion of the Council it is compatible with the principal uses to which land in the zone it is located may be put and will not in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area;</li> <li>(g) does not entail the presence, use or calling of a vehicle or more than two tonnes tare weight;</li> <li>(h) does not entail the presence of more than one commercial vehicle and does not include provision for the fuelling or repairing of motor vehicles within the curtilage of the dwelling house or domestic outbuilding;</li> <li>(i) does not entail the offering for sale or display of motor vehicles machinery or goods (other than goods manufactured or serviced on the premises); and</li> <li>(j) does not entail a source of power other than an electric motor of not more than 0.373 kilowatts (0.5hp).</li> </ul>
<b>Horticulture</b>	<p>includes both annual and perennial varieties. Annual refers to the commercial market gardening of all varieties of shallow rooted vegetables that can be sown and harvested within a twelve month period and the soil is cultivated at least once a year. Perennial refers to the commercial production of all</p>

	<p>varieties of long lived fruit and nut species, generally deep rooting and where land is only cultivated deeply at the initial planting stage.</p> <p>This interpretation includes all forms of commercial flower and wildflower cultivation and production commonly referred to as floriculture.</p>
<b>Hospital</b>	means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.
<b>Hotel</b>	means land and buildings providing accommodation for the public the subject of an Hotel licence granted under the provisions of the <i>Liquor Act, 1970</i> (as amended).
<b>Incidental Use</b>	means the use of land in conjunction with and ancillary to the predominant use of the land.
<b>Industry</b>	<p>means the carrying out of any process in the course of trade or business, for and incidental to one or more of the following:</p> <ul style="list-style-type: none"> <li>(a) the winning, processing or treatment of minerals;</li> <li>(b) the making, altering, repairing, or ornamentation, painting, finishing, cleaning, packing or canning or adapting for sale, or the breaking up or demolition of any article or part of an article;</li> <li>(c) the generation of electricity or the production of gas;</li> <li>(d) the manufacture of edible goods; and</li> </ul> <p>includes the sale of goods from any of these processes conducted on the site.</p>
<b>Kennels</b>	means land and buildings used for the boarding, keeping or breeding of dogs or cats where such premises are registered or required to be registered.
<b>Light Industry</b>	<p>means an industry:</p> <ul style="list-style-type: none"> <li>(a) in which the processes carried on, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products; and</li> <li>(b) the establishment of which will not or the conduct of which does not impose an undue load on any existing or projected service for the supply or provision of water, gas, electricity, sewerage facilities, or any like services.</li> </ul>
<b>Locality</b>	means in the vicinity of a facility or activity and for the purposes of this Scheme shall be within a distance of 50km from that facility or activity. Council may however interpret the term locality to mean any other greater or smaller distance it considers appropriate or relevant. When Council is considering a request for approval for a greater distance than 50km it will have regard to the scale of the activity and its benefits to the local community and economy in terms of its continued operation.

<b>Market</b>	means land and buildings used for a fair, a farmers' or producers' market, or a swap meet in which the business or selling carried on or the entertainment provided is by independent operators or stallholders carrying on their business or activities independently of the market operator save for the payment where appropriate of a fee or rental.
<b>Medical Centre</b>	means a building (other than a hospital) that contains or is designed to contain facilities not only for the practitioner or practitioners mentioned in the interpretation of consulting rooms but also for ancillary services such as chemists, pathologists and radiologists.
<b>Microbrewery</b> AMD 108 GG 03/07/10	means premises used for the purposes of brewing and sale of boutique hand crafted beers with a limited capacity (as determined by Council) in conjunction with an existing tourist operation.
<b>Motel</b>	means land and buildings used or intended to be used to accommodate patrons in a manner similar to a Hotel or Boarding House but in which special provision is made for the accommodation of patrons with motor vehicles.
<b>Motor Vehicle Wrecking</b>	means the storage, breaking up or dismantling of motor vehicles and includes the sale of secondhand motor vehicle accessories and spare parts .
<b>Noxious Industry</b>	means an industry in which the processes involved constitute an offensive trade within the meaning of the <i>Health Act, 1911-1979</i> (as amended), but does not include a fish shop, dry cleaning premises, marine collectors yard, laundromat, piggery or poultry farm.
<b>Office</b>	means a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, banks, typist and secretarial services, and services of a similar nature.
<b>Owner</b>	in relation to any land includes the Crown and every person who jointly or severally whether at law or in equity: <ul style="list-style-type: none"> <li>(a) is entitled to the land for an estate in fee simple in possession; or</li> <li>(b) is a person to whom the Crown has lawfully contracted to grant the fee simple of the land; or</li> <li>(c) is a lessee or licensee from the Crown; or</li> <li>(d) is entitled to receive or is in receipt of, or if the land were let to a tenant, would be entitled to receive the rents and profits thereof, whether as a beneficial owner, trustee, mortgagee in possession, or otherwise.</li> </ul>
<b>Park Home</b>	means a movable dwelling, not being a vehicle as defined under the <i>Road Traffic Act 1974-82</i> but constructed and maintained on its own chassis and wheels and capable of mobility at all times although stabilised by jacks and provided with skirtings and being so designed and constructed as to permit independent occupancy for dwelling purposes.



<b>Park Home Park</b>	means an area of land set aside exclusively for the parking of park homes occupied for residential purposes whether for short or long stay purposes but includes the provision of buildings and uses incidental to the predominant use of the land including ablution blocks, recreation areas, office and storage space and as approved by Council, a shop or kiosk and refuelling facilities, but the term shall be interpreted to exclude the parking of caravans, camper trailers and the erection of tents or camps.
<b>Piggery</b>	shall have the same meaning given to it in and for the purposes of the <i>Health Act, 1911-1979</i> (as amended).
<b>Plot Ratio</b>	shall have the same meaning given to it in the Residential Planning Codes.
<b>Potable Water</b>	means water in which the level of physical, chemical and bacteriological constituents do not exceed the maximum permissible levels set out in 'International Standards for Drinking Water - Third Edition, World Health Organisation - 1971'.
<b>Poultry Farming</b>	means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production which does not constitute an offensive trade within the meaning of the <i>Health Act, 1911-1979</i> (as amended).
<b>Private Recreation</b>	means land and buildings used for recreation which are not normally open to the public without charge.
<b>Public Amusements</b>	means land and buildings used for the amusement or entertainment of the public, with or without charge.
<b>Public Recreation</b>	means land used for a public park, public gardens, foreshore reserve, playground or other grounds used for recreation which are normally open to the public without charge.
<b>Public Utility</b>	means any work or undertaking constructed or maintained by a public authority or the Council as may be required to provide water, sewerage, electricity, gas, drainage, communications, or other similar services.
<b>Place of Public Worship</b>	means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary, or higher education, or a residential training institution.
<b>Radio &amp; TV Installation</b>	means land and buildings used for transmission, relay and reception of radio or television signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.
<b>Reception Centre</b>	means land and buildings used for functions on formal or ceremonious occasions, but not for unhosted use for general entertainment purposes.
<b>Relocated Dwelling</b>	means a residential dwelling which has been previously constructed on a building site whether within the District or elsewhere and whether occupied or not.

<b>Restaurant</b> AMD 85 GG 3/9/04	means a building wherein food is prepared for sale and consumption within the building and the expression shall include a licensed restaurant, and a restaurant at which food for consumption outside the building is sold where the sale of food for consumption outside the building is not the principal part of the business, but does not include a "Gallery/Restaurant".
<b>Restoration</b>	means any work or process on, at, or in respect of a building structure or place which wholly or partly brings back the building structure or place to its original condition or which reinstates its historic or natural character either by rebuilding or repairing its fabric or by removing accretions or additions.
<b>Rural Industry</b>	means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant or equipment used for rural purposes in the locality.
<b>Rural Pursuit</b>	<p>means the use of land for any of the purposes set out hereunder and shall include such buildings normally associated therewith:</p> <ul style="list-style-type: none"> <li>(a) the growing of cereals or food crops except for domestic purposes;</li> <li>(b) the rearing or agistment of goats, sheep, cattle, deer or beasts of burden;</li> <li>(c) the stabling, agistment or training of horses;</li> <li>(d) the growing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens;</li> <li>(e) the sale of produce grown solely on the lot;</li> </ul> <p>but does not include the following except as approved by the Council:</p> <ul style="list-style-type: none"> <li>(i) the keeping of pigs;</li> <li>(ii) poultry farming;</li> <li>(iii) the processing, treatment or packing of produce;</li> <li>(iv) the breeding, rearing or boarding of domestic pets.</li> </ul>
<b>Service Industry</b>	means a light industry carried out on land or in buildings which may have a retail shop front and from which goods manufactured on the premises may be sold; or land and buildings having a retail shop front and used as a depot for receiving goods to be serviced.
<b>Service Station</b>	means land and buildings used for the supply of petroleum products and motor vehicle accessories and for carrying out greasing, tyre repairs and minor mechanical repairs and may include a cafeteria, restaurant or shop incidental to the primary use; but does not include transport depot, panel beating, spray painting, major repairs or wrecking.
<b>Shop</b>	means a building wherein goods are kept, exposed or offered for sale by retail, and includes a convenience store but does not include a bank, fuel depot, market, service station, milk depot, marine collector's yard, timber yard or land and buildings used for the sale of vehicles or for any purpose

	falling within the definition of industry.
<b>Showroom</b>	means land and buildings wherein goods are displayed and may be offered for sale by wholesale and/or by retail excluding the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware, and items of personal adornment.
<b>Street Alignment</b>	means the boundary between the land comprising a street and the land that abuts thereon, but where a new street alignment is prescribed under Section 364 of the <i>Local Government Act, 1960</i> (as amended) means the new alignment so prescribed.
<b>Tavern</b>	means land and buildings the subject of a Tavern licence granted under the provisions of the <i>Liquor Act, 1970</i> (as amended).
<b>Telecommunications Infrastructure</b> AMD 85 GG 3/9/04	means land used to accommodate any part of the infrastructure of a telecommunications network and includes any line, equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure used, or for use in or in connection with, a telecommunications network.
<b>Tourist Development</b> AMD 148 GG 21/5/24	Means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide – (i) Short-term accommodation for guests; and (ii) Onsite facilities for the use of guests; and (iii) Facilities for the management of the development.
<b>Trade Display</b>	means land and buildings used for the display of trade goods and equipment for the purposes of advertisement.
<b>Transport Depot</b>	means land and buildings used for the garaging of motor vehicles used or intended to be used for carrying goods or persons for hire or reward or for any consideration, or for the transfer of goods or persons from one such motor vehicle to another of such motor vehicles and includes maintenance, management and repair of the vehicles used, but not of other vehicles.
<b>Tree Felling</b>	means the removal of trees within areas of 0.5ha or more in remnant vegetation.
<b>Vehicle Repairs</b>	means land and buildings used for the Mechanical repair and overhaul of motor vehicles including tyre recapping, retreading, panel-beating, spray painting and chassis reshaping.
<b>Vehicle Sales and Hire</b>	means the display and sale or hire of new or used vehicles and may include, with the approval of Council, the servicing or vehicles sold from the site.
<b>Veterinary Establishment</b>	means land and buildings in which a Veterinary surgeon or Veterinarian treats sick animals and includes the accommodation of sick animals.
<b>Warehouse</b>	means buildings wherein goods are stored and may be offered for sale by wholesale.

<b>Windfarm or Wind Energy Facility</b> AMD 88 GG 13/1/06	means premises used to generate electricity by wind force and includes any turbine, building or other structure used in, or in conjunction with, the generation of electricity by wind force but does not include turbines principally to supply electricity for a domestic property, rural use of the land or anemometers.
<b>Winery</b>	means land and buildings used for the handling, storage and/or processing of grapes and/or fruit into wine products and includes Cellar Sales.
<b>Wholesale</b>	means the sale of any goods to any person or persons other than the ultimate consumer of those goods by a person or his trustee, registered as a 'wholesale merchant' for Sales Tax purposes under the provisions of the Sales Tax Assessment No 1, 1930 (as amended).
<b>Workforce Accommodation</b> AMD 147 GG 1/10/2024	means premises, which may include modular or relocatable buildings, used – <ul style="list-style-type: none"> <li>(a) Primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and</li> <li>(b) For any associated catering, sporting and recreation facilities for the occupants and authorised visitors.</li> </ul>
<b>Zone</b>	means a portion of the Scheme area shown on the Scheme Map by distinctive colouring, patterns, symbols, hatching, or edging for the purpose of indicating the restrictions imposed by the Scheme on the erection and use of buildings or for the use of land, but does not include land reserved by the Scheme.
<b>Zoological Gardens</b>	means land and buildings used for the keeping, breeding or display of fauna and the term includes Zoo but does not include kennels or keeping, breeding or showing of domestic pets.

## APPENDIX II - SCHEDULE OF ADDITIONAL USE SITES

	PARTICULARS OF THE LAND	ADDITIONAL USE	CONDITIONS OF ADDITIONAL USE
A1.	<i>DELETED BY AMD 60 GG 24/3/2000</i>		
A2.	Pt Hay Location 477 South Coast Highway, Bow Bridge	Local Shopping, Bottle Shop	
A3.	Plantagenet Location 2433 Boat Harbour Road	Holiday Accommodation	To be located SW corner fronting Boat Harbour Road Max of 4 units
A4.	Plantagenet Location 3299 Bell Road	Boarding House	Max of 4 rooms
A5.	Pt of Denmark Lot Estate 401 between South Coast Highway and Cussons Road adjoining Denmark Estate Lot 402	Holiday Accommodation	Max of 4 chalets
A6.	Denmark Lot 231 & 232 North Street	Winery	
A7.	Pt Hay Location 1758 Nunn Road	Holiday Accommodation	Max of 4 chalets in NW corner of property
A8.	Pt Lot 955 McLeod Road	Holiday Accommodation	Max of 4 chalets in SE corner of property
A9.	Pt Denmark Estate lot 496 Barry Road	Holiday Accommodation	<p>Maximum of four (4) chalets as depicted on the Development Plan No. 94/7/1 or variation there to, subject to Council approval.</p> <p>All existing vegetation to be retained other than in areas for chalet and associated development as depicted on Plan No. 94/7/1.</p> <p>One-site effluent disposal to be in accordance with the Health Department and Council requirements.</p> <p>Suitable fire control measures including provision of a standpipe and 20 metre low fuel buffers around all buildings will be required to the satisfaction of Council.</p> <p>All development to be in accordance with Council Policy TP.9 'Second Dwellings/Additional Houses and Chalet Developments on Rural Zoned lots'.</p> <p>The development of part of Pt. lot 496 Baird Road for the purposes of holiday accommodation is undertaken with the full knowledge that intensive agricultural pursuits are conducted adjacent to the proposed chalet site and that current and future land uses and development shall be designed and conducted in such a manner so as not to create conflict from these landuses and adversely impact on the amenity of the area to the satisfaction of Council.</p> <p>Upgrading of access/egress points and Roberts Road to the satisfaction of Council.</p>
A10.	Location 1839 South Coast Highway Nornalup	Caravan Park, Camping Area, Environmental Education Centre	<p>1. All development to be generally in accordance with Development Plan (No. 94/40/2) as endorsed by the Shire Clerk or variation thereto, subject to Council Approval;</p> <p>2. Max number of 20 powered caravan sites within the cleared building envelope;</p>

## APPENDIX II - SCHEDULE OF ADDITIONAL USE SITES (Cont'd)

	PARTICULARS OF THE LAND	ADDITIONAL USE	CONDITIONS OF ADDITIONAL USE
A10.	Location 1839 South Coast Highway Nornalup (Cont'd)	Caravan Park, Camping Area, Environmental Education Centre	<ol style="list-style-type: none"> <li>3. Max number of 15 camping sites within the cleared building envelope;4.</li> <li>5. All existing vegetation to be retained other than in the building envelope area as shown on Plan No. 94/40/1, and the landowners to enter into an Agreement to reserve under the Soil and Land Conservation Act to enhance the protection of the remnant vegetation on site to the satisfaction of the Department of Agriculture and Council;</li> <li>6. Suitable fire control measures being undertaken to the satisfaction of Council and the Department of Conservation and Land Management and Bush Fires Board;</li> <li>7. Ablution Block to be located to the satisfaction of the Health Department;</li> <li>8. All access/egress points on the Highway to be to the satisfaction of the Divisional Engineer, MRD, and the Shire of Denmark;</li> <li>9. Compliance with Council's By-laws relating to Signs;</li> <li>10. All access tracks and caravan camping sites to be to the satisfaction of Council in accordance with the Caravan Parks and Camping Grounds Regulations;</li> <li>11. Compliance with the Health (Caravan Parks and Camping Grounds) Regulations;</li> <li>12. Meeting the Shire's Health and Building requirements as required under the relevant legislation.</li> <li>13. Registration of the property as a Caravan Park/Camping Ground and payment of appropriate fees.</li> <li>14. The use of an approved alternative on-site waste disposal system incorporating amended soils and designed to prevent nutrient loss to the creek will be required for the ablution facility to the satisfaction of the Health Department and Council.</li> <li>15. All treeplanting within the Caravan Park area to utilise indigenous native tree species to the satisfaction of Council.</li> <li>16. That domestic pets, other than the owner(s)/ Manager(s), not be allowed within the Caravan Park Area.</li> </ol>

## APPENDIX II - SCHEDULE OF ADDITIONAL USE SITES (Cont'd)

	PARTICULARS OF THE LAND	ADDITIONAL USE	CONDITIONS OF ADDITIONAL USE
A11	Lot 659 Scotsdale Road, Denmark	Emu Farm Tourist Facility	<ol style="list-style-type: none"> <li>1. All development to be generally in accordance with Development Plan No. 94/24/1 as endorsed by the Shire Clerk or variation thereto, subject to Council approval.</li> <li>2. All existing vegetation to be retained other than in the area required for Car parking, Tourist Centre, Emu Pens and Walk Trails as shown on Development Plan No. 94/24/1, and the landowners entering into an agreement to Reserve under the Soil and Land Conservation Act to enhance the protection of remnant vegetation on site to the satisfaction of the Department of Agriculture and Council;</li> <li>3. On site effluent disposal to be in accordance with the Health Department and Council requirements;</li> <li>4. Suitable fire control and management measures being undertaken to the satisfaction of Council and the Bush Fires Board;</li> <li>5. Compliance with Council's By-Laws relating to signs;</li> <li>6. Compliance with Regulation 14 of the Wildlife Conservation Act 1950;</li> <li>7. The Emu Products Tourist Centre shall not exceed 200m<sup>2</sup> NLA, without further Council approval and shall be designed and constructed utilising natural earth and vegetation colours;</li> <li>8. The development of the lookout/viewing area shall be undertaken to the satisfaction of Council including design, structure and landscaping details;</li> <li>9. Landscaping/trees screening of the development shall be provided in accordance with an overall landscape plan approved by Council referring to species, location, density and type of vegetation;</li> <li>10. The erection/maintenance of the emu fence is the sole responsibility of the owner of Lot 659 Scotsdale Road;</li> <li>11. Prior to the construction of emu pens a site management plan shall be prepared to the satisfaction of Council in consultation with the Department of Agriculture to address the following: <ul style="list-style-type: none"> <li>▪ number of emus to be kept;</li> <li>▪ number of pens required;</li> <li>▪ pen design(s);</li> <li>▪ pen location(s);</li> <li>▪ clearing requirements;</li> <li>▪ erosion control</li> </ul> </li> </ol>

## APPENDIX II - SCHEDULE OF ADDITIONAL USE SITES (Cont'd)

A11	Lot 659 Scotsdale Road, Denmark (Cont'd)	Emu Farm Tourist Facility	<ul style="list-style-type: none"> <li>▪ drainage management; and</li> <li>▪ prevention of nutrient loss to waterways;</li> </ul> <p>Emu's shall be housed and managed in accordance with the site management plan.</p>
A12	Lot 110 on Plan 21633 (No.222) Scotsdale Road, Scotsdale. Lot 1 on Diagram 87539 (No.23) Riverbend Lane, Scotsdale.  <i>AMD 154 GG 1/10/24</i>	Educational Establishment	<p>When considering an application for Planning consent for educational facilities, Council may impose conditions relating to:</p> <ol style="list-style-type: none"> <li>1. The connection of all buildings to the Water Authority of western Australian reticulated water supply network.</li> <li>2. On site effluent disposal to be in accordance with the Health Department of WA and Council requirements.</li> <li>3. Suitable fire control measures being undertaken to the satisfaction of Council.</li> <li>4. Access/egress points along Scotsdale Road to be to the satisfaction of the Council.</li> <li>5. Compliance with Council's By-laws relating to signs.</li> <li>6. Meeting the Shire's Health and Building requirements as required under the relevant legislation.</li> </ol>
A13	Denmark Estate Lot 521		<ol style="list-style-type: none"> <li>1. Maximum of eight (8) chalets as depicted on the Development Plan No. 95/2/1 or variation thereto, subject to Council approval.</li> <li>2. All existing vegetation to be retained other than in areas for chalet and associated development depicted on Plan No. 95/2/1 to satisfaction of Council.</li> <li>3. All on-site effluent disposal systems shall be located no closer than 100 metres horizontal separation from the watercourse on Development Plan (No. 95/2/1). If an on-site effluent disposal system cannot achieve a 100 metre horizontal separation from a watercourse on the Development Plan, then Council will require as a condition of building approval that an approved alternative system be used to the specification of the health Department of WA to be located no closer than 50 metres horizontal separation from the watercourse as defined on the Development Plan.</li> </ol>



## APPENDIX II - SCHEDULE OF ADDITIONAL USE SITES (Cont'd)

A13	Denmark Estate Lot 521 (Cont'd)	Holiday Accommodation	<p>4. Compliance with Council's By-Laws relating to signs.</p> <p>5. All development to be in accordance with Council Policy TP9 'Dwellings Additional Houses and Chalet Developments on Rural Zoned lots.'</p> <p>6. Suitable fire control measures being undertaken to the satisfaction of Council in consultation with the Department of Conservation and Land management and Bush Fires Board.</p> <p>7. The development of Lot 521 Scotsdale Road for holiday accommodation purposes is undertaken with the full knowledge that agricultural/horticultural pursuits are conducted in the vicinity and that the current and future land uses shall be designed and conducted in such a manner so as not to cause conflict in land uses and adverse impact on the amenity of the area.</p> <p>8. Within the Creekline/Protection Replanting Area nominated on the development plan (No. 95/2/1), Council shall require the developer/manager to plant and maintain for a period of three (3) years, endemic native trees of species and in locations approved by Council.</p> <p>9. All development work within the riparian environ on Lot 521 of the Scotsdale Brook are required to gain approval from the Wilson Inlet Management Authority.</p> <p>10. All development to be in accordance with Bush Fire Board of Western Australia Standards for 'Building in Bush Fire Prone Areas' (AS3959).</p>
A15	Lot 57 Cnr. Ocean Beach Road & Campbell Road, Denmark	Holiday Accommodation	<p>X Maximum of ten (10) chalets as depicted on the Development Plan No. 91.73/1 or variation thereto subject to Council approval.</p> <p>X All existing vegetation to be retained other than in areas for chalet development as depicted on Plan No. 91/73/1.</p> <p>X On-site effluent disposal is to be in accordance with the Environmental Protection Authority policy on domestic effluent disposal on the coastal plains of the South West of Western Australia.</p> <p>X The chalets are to be connected to reticulated water.</p> <p>X Underground Power being provided.</p> <p>X Suitable fire control measures being undertaken to the satisfaction of Council.</p>

## APPENDIX II - SCHEDULE OF ADDITIONAL USE SITES (Cont'd)

A15	Lot 57 Cnr. Ocean Beach Road & Campbell Road, Denmark (Cont'd)	Holiday Accommodation	<ul style="list-style-type: none"> <li>▪ The development of Lot 57 Ocean Beach Road for Holiday Accommodation purposes is undertaken with the full knowledge that an intensive agricultural pursuit operates on Lot 56 Ocean Beach Road and that the current and future landuses and development shall be conducted in such a manner so as not to cause conflict in landuses and adverse impact on the amenity of the area, to the satisfaction of Council.</li> </ul>
A16	Pt Denmark Location 940 South Coast Highway Denmark	Veterinary Establishment and Residence	<ol style="list-style-type: none"> <li>1. Building design to be in keeping with the locality. Any application for planning consent for new development will include details of all external building materials and finishes. Colours of external finishes shall blend with the landscape of the area to the satisfaction of Council.</li> <li>2. All buildings used in conjunction with the veterinary practice are to be adequately sound proofed to reduce potential noise disturbance to nearby residences. animal exercise areas are to be used in such a way as to avoid potential noise disturbance to nearby residences.</li> <li>3. Main vehicular access to be from Beveridge Street.</li> <li>4. Business hours are to be restricted to 8am to 6pm excepting emergencies.</li> </ol>
A18	Plantagenet Location 2320, South Coastal Highway, Kent River	Cellar Sales and Wine Tasting	<ol style="list-style-type: none"> <li>1) In considering applications for additional development Council shall have regard to the following matters: <ul style="list-style-type: none"> <li>▪ Effluent Disposal</li> <li>▪ Water supply</li> <li>▪ Drainage</li> <li>▪ Landscaping</li> <li>▪ Parking</li> <li>▪ Vegetation retention</li> </ul> </li> <li>2) Proposed on-site effluent disposal systems shall not be located within 100 metres (horizontal separation) from a watercourse and to be to the satisfaction of the Water &amp; Rivers Commission, the Health Department of WA and Council. If an on-site effluent disposal unit cannot be located more than 100 metres from a watercourse, then Council may, as a condition of building approval, permit the use of an alternative system meeting Health Department specifications.</li> <li>3) All development to be in accordance with Bushfire Board of WA and Council standards.</li> </ol>
A18	Plantagenet Location 2320, South Coastal Highway, Kent River (Cont'd)	Cellar Sales and Wine Tasting	<ol style="list-style-type: none"> <li>4) Any additional driveways required by the development connected to South Coast Highway are to be approved by Main Roads WA, and are to be constructed to MRWA and Council standards.</li> </ol>

## APPENDIX II - SCHEDULE OF ADDITIONAL USE SITES (Cont'd)

A19	Lot 42 of Locations 3221 and 6967 South Coast Highway	Cellar wine sales	Development to be in accordance with plan number 6997 dated 19 June 1997.
A20	Lot 1, Loc 1976 and 5390 South Coast Highway	Holiday Accommodation	<ol style="list-style-type: none"> <li>1. Maximum of eight (8) chalets as depicted on the Development Plan No. 95/7/1 or variation there to, subject to Council approval.</li> <li>2. All existing vegetation to be retained other than in areas for chalet and associated development as depicted on Plan No. 95/7/1.</li> <li>3. On-site effluent disposal to be in accordance with the Health Department, Council, and Department of Environmental protection requirements.</li> <li>4. Suitable fire control measures being undertaken to the satisfaction of the Council.</li> <li>5. The development of part of Lot 1, Loc 1976 and Loc 5390 for the purposes of holiday accommodation is undertaken with the full knowledge that agricultural pursuits are conducted on properties neighbouring the proposed chalet sites and that current and future land uses and development shall be designed and conducted in such a manner so as not to create conflict from these landuses and adversely impact on the amenity of the area to the satisfaction of Council.</li> </ol>
A21	Portion of Plantagenet Loc 1935 South Coast Highway, Springdale Denmark.	<ul style="list-style-type: none"> <li>• Holiday Accommodation</li> <li>• Private Recreation</li> <li>• Cottage Industry</li> </ul>	<ul style="list-style-type: none"> <li>• All development shall be subject to the issue of Planning Consent.</li> <li>• Applications for Planning Consent shall require the submission of:               <ul style="list-style-type: none"> <li>- A completed "Application for Planning Consent" form as per Appendix 3 of the Scheme.</li> <li>- A Development Plan/s for the total site showing the precise ground conditions, site works and the location, size and use of all the buildings proposed for the total site, replanting and landscaping proposals and the fire protection measures to be adopted.</li> </ul> </li> </ul>
A21	Portion of Plantagenet Loc 1935 South Coast Highway, Springdale Denmark.	<ul style="list-style-type: none"> <li>• Holiday Accommodation</li> <li>• Private Recreation</li> <li>• Cottage Industry</li> </ul>	<ul style="list-style-type: none"> <li>• Maximum of 5 Holiday Accommodation Units.</li> <li>• Any walkways to connect with the POS &amp;/or Foreshore shall require the approval of Council and the Waters and Rivers Commission in terms of their location, design and construction and shall accord with the adopted Foreshore Management Plan.</li> <li>• All signage to be subject to the prior approval of Council on accord with Scheme requirements, Local Law and adopted policy.</li> <li>• All external illumination shall be of low level, controlled spill lighting, with any variations requiring Council Approval.</li> <li>• Requirements for onsite effluent disposal shall be determined by council and the Health Department of Western Australia.</li> </ul>

## APPENDIX II - SCHEDULE OF ADDITIONAL USE SITES (Cont'd)

A22.	<p>Lot 5 Ocean Beach Road</p> <p><i>AMD 75 GG 9/7/02</i></p>	<p>Private Institution</p>	<p>Site to be occupied only for Masonic Lodge purposes.</p> <p>Vehicular access to be to Council's satisfaction.</p> <p>Any new building shall be single storey and consist of external materials and finishes in green and brown tonings.</p> <p>Car parking is to be provided, paved, drained and line marked to Council's satisfaction.</p> <p>All signage to meet Council's requirements.</p> <p>All lighting to be low level controlled spill to avoid disturbance to neighbours and to avoid traffic conflict.</p>
A23.	<p>Pt Location 2035 Inlet Drive, Denmark</p> <p><i>AMD 79 GG 30/5/03</i></p>	<p>Education, practice and/or demonstration of the following activities within Lyra House:</p> <ul style="list-style-type: none"> <li>▪ Arts and crafts</li> <li>▪ Meditation, Yoga, Tai Chi and similar spiritual disciplines and therapeutic practices</li> <li>▪ Environmental and organic gardening education</li> <li>▪ Nutritional education</li> <li>▪ Alternative holistic healing such as Homoeopathy, Reiki Healing, Bach Flower Remedies, Therapeutic Massage, Satsang (spiritual instruction), Psycho Drama, Aromatherapy, Sufi Spiritual Dance, Body Electronics, and Sound and Colour Healing</li> <li>▪ Relationship counselling</li> <li>▪ Incidental serving of light refreshments</li> </ul>	<ol style="list-style-type: none"> <li>1. All development to be generally in accordance with the Development Guide Plan unless a variation is approved by Council.</li> <li>2. All existing native vegetation shall be retained unless its removal is required for approved buildings, carparking and/or access.</li> <li>3. All uses shall be confined to: <ul style="list-style-type: none"> <li>▪ 20 participants within the existing Lyra House and its immediate surrounds; and</li> <li>▪ between 9.00am and 7.30pm unless specifically agreed to by Council.</li> </ul> </li> <li>4. On-site effluent disposal shall comply with the requirements of the Health Department and Council, and meet Environmental Protection Authority Guidelines.</li> <li>5. Fire protection measures shall be implemented to the satisfaction of the Fire and Emergency Services Authority and Council. Low fuel zones shall be maintained around all buildings.</li> </ol>

## APPENDIX II - SCHEDULE OF ADDITIONAL USE SITES (Cont'd)

A23.	<p>Pt Location 2035 Inlet Drive, Denmark</p> <p><i>AMD 79 GG 30/5/03</i></p>	<p>Education, practice and/or demonstration of the following activities within Lyra House:</p> <ul style="list-style-type: none"> <li>▪ Arts and crafts</li> <li>▪ Meditation, Yoga, Tai Chi and similar spiritual disciplines and therapeutic practices</li> <li>▪ Environmental and organic gardening education</li> <li>▪ Nutritional education</li> <li>▪ Alternative holistic healing such as Homoeopathy, Reiki Healing, Bach Flower Remedies, Therapeutic Massage, Satsang (spiritual instruction), Psycho Drama, Aromatherapy, Sufi Spiritual Dance, Body Electronics, and Sound and Colour Healing</li> <li>▪ Relationship counselling</li> <li>▪ Incidental serving of light refreshments</li> </ul>	<p>6. The car park is to be paved, drained and marked to Council's satisfaction.</p> <p>7. All external lighting shall be low level controlled spill and shall be extinguished by 7.45 pm unless specifically agreed to by Council. No floodlighting will be permitted.</p> <p>8. There shall be no amplification of music or speech during any of the activities listed at column B to a point where it will disturb neighbouring residents.</p>
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## APPENDIX III - APPLICATION FOR PLANNING CONSENT

### SHIRE OF DENMARK - TOWN PLANNING SCHEME NO 3

Name of owner      Surname: .....

of land on which

development is      Other

proposed.      Names: .....

Address in full: .....  
.....

Submitted by: .....

Address for correspondence: .....  
.....

Locality of Development:

Description of Land: Lot No: .....

Street: .....      Location No: .....

Plan or Diagram: .....      Certificate of Title: .....

Volume: .....      Folio: .....

Development Proposed: .....  
.....

Approximate Cost of Proposed Development: .....

Estimated time of Completion: .....

Signature of Applicant: .....

Date: .....

Signature of Owner: .....  
(if not the Applicant)

Date: .....

This form is to be submitted in duplicate with two copies of the site plan.

This is not an application for a building licence. A separate application is required for a building licence.

## APPENDIX IV - NOTICE OF APPLICATION FOR PLANNING CONSENT

### SHIRE OF DENMARK - TOWN PLANNING SCHEME NO 3

It is hereby notified for public information that the Council has received an application for planning consent for the purposes described hereunder:

Land Description: .....

Lot No:.....

Street Name: .....

Proposed Development: .....

.....

.....

Details of the proposal are available for inspection at the Offices of the Council.

Submissions may be made to the Council in writing on or before the ..... day of .....

19 .....

.....  
SHIRE CLERK

.....  
DATE



## APPENDIX V - NOTICE OF APPROVAL/REFUSAL OF PLANNING CONSENT

### SHIRE OF DENMARK - TOWN PLANNING SCHEME NO 3

Name and Address of Applicant: .....

.....

Name and Address of Owner (if not Applicant): .....

.....

Description of Land: .....

.....

.....

Description of Proposal.....

Approval to commence development in accordance with an application dated the .....  
day of ..... 19 ..... and the plans attached thereto is \*granted subject to the

following conditions:

\*refused upon the following grounds:

.....

.....

.....

.....

.....

This approval is valid for a period of ..... months from the date hereof. If development is not substantially completed within that period a fresh approval must be obtained.

.....  
SHIRE CLERK

.....  
DATE

This is not a building licence. A separate application is required for a Building Licence.

NB. \* STRIKE OUT WHERE NOT APPLICABLE

## APPENDIX VI - SPECIAL RURAL ZONE

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>1. SPRINGDALE SPECIAL RURAL ZONE</b>  Plantagenet Location 7056 South Coast Highway, Springdale	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Keeping of Stock Intensive Agricultural Pursuits Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	(i) Subdivision shall be generally in accordance with the Subdivision Guide Map (Plan No 89/5/7) as signed by the Shire Clerk.  (ii) The minimum lot size shall be 2.0 hectares.  (iii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.  (iv) Any building on a lot must be erected within the building envelope defined on the Subdivision Guide Map (Plan No 89/5/7) as adopted by Council. No building envelope is to exceed 3,000 square metres in area.  Notwithstanding this requirement, Council may permit a variation to the building envelope if it is shown to the satisfaction of Council that the proposed location of the building envelope will not be detrimental to the landscape or the environment.  (v) (a) Within the Tree Preservation Areas defined on the Subdivision Guide Map, no indigenous trees or substantial vegetation shall be felled or removed except where: <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a firebreak is required under a regulation or by-law;</li> <li>- access to a building site is required and approved;</li> <li>- an area up to one metre in width for the purpose of erecting and maintaining a fenceline is required and approved by Council. In these areas the land shall be slashed with a view to preventing soil erosion.</li> </ul> (b) Removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.  (c) Clearing of native vegetation for the erection of a dwelling shall not exceed the approved building envelope. Parkland clearing may be permitted within the building envelope provided that flammable material is controlled within 50 metres of all buildings.

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>1. SPRINGDALE SPECIAL RURAL ZONE</b>  Plantagenet Location 7056 South Coast Highway, Springdale (Cont'd)	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Keeping of Stock Intensive Agricultural Pursuits Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<p>(vi) Within the 30 metre wide Tree Planting Area nominated by the Subdivision Guide Map, Council shall require that the subdivider plant and maintain for a period of at least 3 years, endemic native trees of species approved by Council.</p> <p>(vii) Strategic Firebreaks as nominated on the Subdivision Guide Map, shall be provided as a condition of subdivision and constructed to a standard approved by the Council and Bush Fires Board.</p> <p>Council shall require that a prospective purchaser of a lot is aware of his/her responsibility to maintain Strategic Firebreaks, where that Strategic Firebreak crosses his/her lot.</p> <p>To maintain access for fire fighting purposes a well maintained external access track and limited clearing around all building structures shall be required by Council.</p> <p>Clearing of firebreaks along fencelines other than for Strategic Firebreaks will not be encouraged unless for safety reasons to comply with Council and Bush Fires Board requirements.</p> <p>(viii) With the intention of preventing overstocking, erosion or any other practices detrimental to the amenity within that zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of prevailing seasonal conditions.</p> <p>Council may only permit the keeping of stock and other intensive agricultural pursuits in areas that are already substantially cleared and pastured so as not to conflict with Clauses (v) and (vi) relating to Tree Preservation and Tree Planting Areas.</p> <p>Council will impose fencing requirements as a condition of its approval to protect substantive vegetation in the Tree Preservation Area and Tree Planting Area as shown on the Subdivision Guide Map.</p> <p>Provision of an adequate water supply to the stock may also be required as a condition of approval</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>2. EAGLEMONT ESTATE SPECIAL RURAL ZONE</b>  Denmark Estate Lot 443, and Lot 2 of Denmark Estate Lots 442 and 555 McLeod and Mt Shadforth Road	Rural Residential and Hobby Farm Purposes  Permitted Uses (P): Residential Dwelling House Public Recreation  Permitted at Council's Discretion (AA): Home Occupation Veterinary Establishment Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	The minimum lot size shall be 2.0 hectares.  (i) Subdivision shall generally be in accordance with Plan of Subdivision No 1 as adopted by Council in November 1981, and signed by the Shire Clerk.  (ii) No lot shall be less than 2 hectares in area.  (iii) No dwelling house or outbuilding shall be constructed within 20 metres of a lot boundary provided the Council may approve a lesser distance where Council is of the opinion that the topography or shape of the lot or natural flora upon it makes it desirable to alter this provision.  (iv) Pig farming will not be permitted.  (v) No building shall be constructed unless the external materials shall be of a colour and texture approved by Council.  (vi) In order to conserve the rural environment, or features of natural beauty such as creek lines, hill slopes, valleys and ridges, all trees shall be retained unless their removal is authorised by Council, except in the cases of trees which are proposed to be removed to make way for house construction, fences and constructed accessways, whereby approval of the building permit shall constitute such consent providing that such trees are shown therein.  (vii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litres water storage tank is incorporated into the approved plans and no dwelling shall be considered fit for human habitation unless such a supply has been installed and is operating.  (viii) With the intention of preventing overstocking or other practices detrimental to the amenity within the zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without approval of Council in writing. In giving approval under this clause, the Council may impose limits of stocking or such other conditions as it sees fit and may vary such conditions in the light of prevailing seasonal conditions.  (ix) No development shall occur on or within 20 metres of the natural watercourse without prior consultation of, and approval by Council in liaison with the WA Water Authority and Waterways Commission. Development shall be deemed to include preclusion of Riparian rights by damming, diversion of other impediment to water flow, regrading of natural banks, clearing and construction of residences, outbuildings, bridges, or any form of marine structure.

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>3. MONKEY ROCK SPECIAL RURAL ZONE</b>  Portion of Pt Plantagenet Locations 2238 and 2086 Lights Road	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Veterinary Establishment Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<p>(i) Subdivision shall be generally in accordance with the Subdivision Guide Map (Plan No 90/46/1A) as signed by the Shire Clerk.</p> <p>(ii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.</p> <p>Council shall require that a prospective purchaser of a lot is aware of the responsibility to install an individual supply of water and method of effluent disposal.</p> <p>No water supply dams are to be constructed on any lots.</p> <p>Within the zone, the construction of battleaxe legs and driveway access to individual lots shall be constructed and drained to the specification and satisfaction of Council.</p> <p>Council and the State Energy Commission of WA may require the provision of underground power to lots within the zone, where, in the opinion of Council and the State Energy Commission of WA the construction of overhead transmission lines would result in land degradation and/or the significant removal of vegetation or detriment to the visual amenity of the zone.</p> <p>(iii) Any building on a lot must be erected within the building envelope defined on the Subdivision Guide Map (Plan No 90/46/1A) as adopted by Council.</p> <p>Notwithstanding this requirement, Council may permit a variation to the location of a building envelope if it is shown to the satisfaction of the Council that the proposed location of the building envelope will not be detrimental to the landscape or the environment and will not exceed 3000m<sup>2</sup> in area.</p> <p>Clearing of native vegetation for the erection of a dwelling with Council approval shall not exceed the approved building envelope. Parkland Clearing may be permitted within the building envelope provided that flammable material is controlled within 50 metres of all buildings.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>3. MONKEY ROCK SPECIAL RURAL ZONE (Cont'd)</b>  Portion of Pt Plantagenet Locations 2238 and 2086 Lights Road	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Veterinary Establishment Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<div style="margin-left: 20px;"> (iv) (a) Within the Tree Preservation Area defined on the Subdivision Guide Map, no indigenous trees or substantial vegetation shall be felled or removed except where: <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a firebreak is required under a regulation or by-law;</li> <li>- access to a building site is required and approved;</li> <li>- an area of up to one metre in width for the purpose of erecting and maintaining a fenceline is required and approved by Council. In these areas the land shall be slashed with a view to preventing soil erosion.</li> </ul> </div> <div style="margin-left: 20px;"> (b) Removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least three years, of endemic native trees of species and in locations approved by Council. </div> <div style="margin-left: 20px;"> (v) Within the Clearing Control Area defined on the Subdivision Guide Map, no indigenous trees or substantial vegetation shall be felled or removed without the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least three years, of endemic native trees of species and in locations approved by Council. <p style="margin-left: 20px;">Where a Clearing Control Area is devoid of vegetation, Council may require that specific measures of landscape augmentation to be carried out as a condition of subdivision approval where required to assist the visual screening of development or to improve the appearance of the landscape generally.</p> <p style="margin-left: 20px;">The construction of approved boundary fencing and approved firebreaks shall not take place within the Clearing Control Area.</p> </div> <div style="margin-left: 20px;"> (vi) Strategic firebreaks and a 25,000 litre standpipe facility as nominated on the Subdivision Guide Map shall be provided and constructed by Council to a standard acceptable to the Bush Fires Board within 12 months of gazettal of the amendment. <p style="margin-left: 20px;">Council shall require all owners of a lot to annually contribute to a special fund which will be administered by Council and solely used for the construction and maintenance of the strategic fire breaks and the 25,000 litre standpipe facility as nominated on the Subdivision Guide Map.</p> </div>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>3. MONKEY ROCK SPECIAL RURAL ZONE (Cont'd)</b></p> <p>Portion of Pt Plantagenet Locations 2238 and 2086 Lights Road (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA): Home Occupation Veterinary Establishment Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</p>	<p>To maintain access for fire fighting purposes a well maintained access track along the inside boundary of the building envelope and limited clearing around all building structures shall be required by Council.</p> <p>Clearing of fire breaks along fencelines other than for strategic fire breaks will not be encouraged unless for safety reasons to comply with Council and Bush Fires Board requirements.</p> <p>(vii) All buildings constructed within the zone shall be sympathetic to the existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour.</p> <p>Buildings shall be constructed of roof and external materials approved by Council. Zincalume and other coloured roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.</p> <p>(viii) With the intention of avoiding water erosion and land degradation Council shall require that development is guided, particularly during the construction stage, by the Department of Agriculture Footnote No 13/86 - "General Principles for Control of Erosion and Sedimentation in Special Rural Zones" which states:</p> <p>(a) Development should be scheduled to minimise the area disturbed at any one time and to limit the period of surface exposure.</p> <p>(b) Disturbance of vegetation and topsoil should be kept to the minimum practicable. This is most critical on steep slopes and areas of high erosion hazard.</p> <p>(c) Where development removes topsoil, this soil should be stockpiled for later re-spreading. The stock piles should not be deposited in drainage lines and should be protected with a mulch or temporary vegetative cover if left for a long time before re-spreading.</p> <p>(d) Drainage works particularly trunk drainage arteries, should be installed early in the development programme to protect disturbed areas from runoff and to convey stormwater safely from the site.</p> <p>(e) Batters should be properly formed and subsequently stabilised by revegetation or by structural measures.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>3. MONKEY ROCK SPECIAL RURAL ZONE (Cont'd)</b>  Portion of Pt Plantagenet Locations 2238 and 2086 Lights Road (Cont'd)	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Veterinary Establishment Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	(f) Areas that remain bare for lengthy periods during development should be temporarily protected by a suitable mulch, cover crop or chemical stabiliser. Also they should be protected upslope to contain and divert runoff.  (g) Roads should avoid unstable areas such as steep slopes, areas subject to mass movement, and locations where seasonally high water tables occur.  (h) Water should not be concentrated by roadways or other works on unstable areas or areas prone to erosion.  (i) Unsealed tracks should be graded to a crown and provided with effective drainage to prevent runoff eroding adjacent land.  (j) Vehicle access during development should be controlled where possible, to proposed or existing road alignments.  (ix) Council shall require subdividers as a condition of subdivision approval to enter into an agreement with the Council to ensure that covenants are placed on the titles created to ensure that prospective purchasers are aware of their responsibilities to comply with the landuse and management provisions of this Special Rural Zone.  (x) Council shall encourage the establishment of a Monkey Rock Landowner's Association to promote the participation of landowners in the monitoring of issues affecting the Monkey Rock Special Rural Zone



## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>4. MOUNT SHADFORTH SPECIAL RURAL ZONE</b></p> <p>Denmark Estate Lots 418 and 419 and Pt Denmark Estate Lots 432, 437 and 439 Mt Shadforth Road</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House Public Recreation</p> <p>Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</p>	<p>(i) Subdivisions shall be generally in accordance with the Subdivision Guide Map (Plan No 84/15/5) as signed by the Chief executive Officer and the plan dated December 2006 (identified as "Modified Subdivision – Decemeber 2006. Option 2 – Connecting Road") that forms part of the State Administrative Tribunal decision dated 20 April 2007 for Lots, 37, 38, 39, 40 and 45 via WAPC reference number 127406. (Lots 37 to 4m inclusive were formerly part lot 439). <i>AMD 104 GG 03/07/10</i></p> <p>(ii) The minimum lot size shall be 2.0 hectares.</p> <p>(iii) With the intention of preventing overstocking, erosion or any other practices, detrimental to the amenity within that zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of the Council. The Council may impose limits on stocking or any other conditions as it sees fit and may vary such conditions in the light of prevailing seasonal conditions.</p> <p>In giving the approval under this clause, Council may only permit the keeping of stock and other intensive agricultural pursuits within the grazing areas nominated on the Subdivision Guide Map, subject to the availability of a proven secondary water supply.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

<p><b>4. MOUNT SHADFORTH SPECIAL RURAL ZONE</b></p> <p>Denmark Estate Lots 418 and 419 and Pt Denmark Estate Lots 432, 437 and 439 Mt Shadforth Road</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House Public Recreation</p> <p>Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</p>	<p>(iv) Any proposal to clear more than one hectare of land will require the approval of the Department of Environment and Conservation and must be in accordance with (vii) below. <i>AMD 104 GG 03/07/10</i></p> <p>(v) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.</p> <p>Council shall require that a prospective purchaser of a lot is aware of the responsibility to install an individual supply of the water and method of effluent disposal.</p> <p>Reference shall be made to the Department of Agriculture guidelines relating to water storage tank size and area of roof catchment.</p> <p>The Water Authority of WA shall be consulted in respect to the Scotsdale Brook Water Catchment Reserve in terms of any development proposed within the Reserve area.</p> <p>(vi) Any building on a lot must be erected within the building envelope defined on the subdivision Guide Map (Plan No 84/15/5 and the subdivision 127406 plan dated December 2006 as referred to in Clause 1 of the Special Provisions.</p> <p>Notwithstanding this requirement, Council may permit a variation to the building envelope if it is shown to the satisfaction of Council that the proposed locations of the building envelope will not be detrimental to the landscape or the environment.</p> <p><i>AMD 104 GG 03/07/10</i></p> <p>(vii) (a) Within the Tree Preservation Areas defined on the Subdivision Guide Map, no indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a firebreak is required under a regulation or by-law;</li> <li>- access to a building site is required and approved;</li> <li>- subject to the approval of Council, an area up to one metre in width for the purposes of erecting and maintaining the fenceline is required; the method of clearing should be by way of slashing to reduce the erosion risk.</li> </ul>
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## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>4. MOUNT SHADFORTH SPECIAL RURAL ZONE (Cont'd)</b></p> <p>Denmark Estate Lots 418 and 419 and Pt Denmark Estate Lots 432, 437 and 439 Mt Shadforth Road</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House Public Recreation</p> <p>Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</p>	<p>(b) Removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.</p> <p>(c) Clearing of native vegetation for the erection of a dwelling with Council approval shall not exceed the approved building envelope. Parkland clearing may be permitted within the building envelope provided that flammable material is controlled within 50 metres of all buildings.</p> <p>(viii) Within the 30 metre wide Tree Planting Area and other areas nominated on the Subdivision Guide Plan, Council shall require that the subdivider plant and maintain for a period of at least two (2) years, trees and shrubs of species approved by Council.</p> <p>(ix) With the intention of avoiding water erosion and land degradation, Council shall require that development, particularly during construction stage, be guided by conservation measures outlined in Appendix 4 of the Shire of Denmark's Limited Rural Strategy, 1989.</p> <p>(x) Strategic Firebreaks as nominated on the Subdivision Guide Map, or referred to in any other Fire Management Plan adopted by Council, shall be provided as a condition of subdivision and constructed to a standard approved by Council and the Bush Fires Board.</p> <p>Council shall require that a prospective purchaser of a lot is aware of his responsibility to maintain Strategic Firebreaks where that Strategic Firebreak crosses his lot.</p> <p>To maintain access for fire fighting purposes, limited clearing around all building structures shall be required by Council.</p> <p>Clearing of firebreaks along fencelines other than for strategic firebreaks, will not be encouraged unless for safety reasons to comply with Council and Bush Fires Boar Requirements.</p> <p>AMD 104 GG 03/07/10</p> <p>(xi) Screening to be provided along the corner of the northern and eastern boundaries of Lot 3 shown on plan "Modified Subdivision" – December 2006 Option 2 – connection Road" to the Satisfaction of Council.</p> <p>AMD 104 GG 03/07/10</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>(xii) Buildings on Lot 1, 2 and 3 shall not be constructed of roof and external wall materials which are reflective such as unpainted zincalume, white or off-white colours.</p> <p>AMD 104 GG 03/07/10</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>5. KENT RIVER SPECIAL RURAL ZONE</b>  Portion of Pt Plantagenet Location 2176 South Coast Highway	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	(i) Subdivision shall be generally in accordance with the Subdivision Guide Map (Plan No 87/46/2) as signed by the Shire Clerk.  (ii) The minimum lot size shall be 2.5 hectares.  (iii) Intensive agricultural pursuits and the breeding or keeping of animals shall not be permitted.  (iv) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.  Council shall require that a prospective purchaser of a lot is aware of the responsibility to install an individual supply of water and method of effluent disposal.  Reference shall be made to the Department of Agriculture Guidelines relating to water storage, tank size and area of roof catchment.  (v) Any building on a lot must be erected within the building envelope defined on the Subdivision Guide Map (Plan No 87/46/2) as adopted by Council. The building envelopes have been located above the 10 metre contour to keep clear of flood prone land.  Notwithstanding this requirement, Council may permit a variation to the building envelope if it is shown to the satisfaction of Council that the proposed location of the building envelope will not be detrimental to the landscape or the environment, but in any case the building envelope shall remain above the 10 metre contour to keep clear of flood prone land.  (vi) (a) Within the Tree Preservation Areas defined on the Subdivision Guide Map, no indigenous trees or substantial vegetation shall be felled or removed except where: <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a firebreak is required under a regulation or by-law;</li> <li>- access to a building site is required and approved;</li> <li>- an area up to one metre in width for the purpose of erecting and maintaining a fenceline is required and approved by Council. In these areas, the land shall be slashed with a view to preventing soil erosion.</li> </ul>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>5. KENT RIVER SPECIAL RURAL ZONE</b>  Portion of Pt Plantagenet Location 2176 South Coast Highway (Cont'd)	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<p>(b) Removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council, and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.</p> <p>(c) Clearing of native vegetation for the erection of a dwelling with Council approval shall not exceed the approved building envelope. Parkland clearing may be permitted within the building envelope provided that flammable material is controlled within 50 metres of all buildings.</p> <p>(vii) Strategic Firebreaks as nominated on the Subdivision Guide Map, shall be provided as a condition of subdivision and constructed to a standard approved by the Council and Bush Fires Board.</p> <p>Council shall require that a prospective purchaser of a lot is aware of his/her responsibility to maintain Strategic Firebreaks where that Strategic Firebreak crosses his/her lot.</p> <p>To maintain access for fire fighting purposes, a well maintained external access track and limited clearing around all building structures shall be required by Council.</p> <p>Clearing of firebreaks along fencelines other than for Strategic Firebreaks, will not be encouraged unless for safety reasons to comply with Council and Bush Fires Board requirements.</p>
<b>6. LIGHTS ROAD SPECIAL RURAL ZONE</b>  Part Lot 57 of Plantagenet Location 5429 Lights Road	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<p>(i) Subdivision shall be generally in accordance with the Subdivision Guide Map (Plan No 87/53/2) as signed by the Shire Clerk.</p> <p>(ii) No lot shall be less than 2 hectares in area.</p> <p>(iii) Intensive agricultural pursuits and the breeding or keeping of animals shall not be permitted.</p> <p>(iv) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>6. LIGHTS ROAD SPECIAL RURAL ZONE</b>  Part Lot 57 of Plantagenet Location 5429 Lights Road (Cont'd)	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<p>Council shall require that a prospective purchaser of a lot is aware of the responsibility to install an individual supply of water and method of effluent disposal.</p> <p>Reference shall be made to the Department of Agriculture Guidelines relating to water storage, tank size and area of roof catchment.</p> <p>(v) Any building on a lot must be erected within the building envelope defined on the Subdivision Guide Map (Plan No 87/53/2) as adopted by Council.</p> <p>Notwithstanding this requirement, Council may permit a variation to the building envelope if it is shown to the satisfaction of Council that the proposed location of the building envelope will not be detrimental to the landscape or the environment.</p> <p>(vi) (a) Within the Tree Preservation Areas defined on the Subdivision Guide Map, no indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a firebreak is required under a regulation or by-law;</li> <li>- access to a building site is required and approved;</li> <li>- an area up to one metre in width for the purpose of erecting and maintaining a fenceline is required and approved by Council. In these areas, the land shall be slashed with a view to preventing soil erosion.</li> </ul> <p>(b) Removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the Consent of Council, and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.</p> <p>(c) Clearing of native vegetation for the erection of a dwelling with Council approval shall not exceed the approved building envelope. Parkland clearing may be permitted within the building envelope provided that flammable material is controlled within 50 metres of all buildings.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>6. LIGHTS ROAD SPECIAL RURAL ZONE</b>  Part Lot 57 of Plantagenet Location 5429 Lights Road (Cont'd)	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<p>(vii) Within the areas of Landscape Protection defined on the Subdivision Guide Map, Council will require that development is located and controlled so as to minimally intrude onto the landscape and Council may require specific measures of landscape augmentation to be carried out as a condition of development approval.</p> <p>No development shall occur on or within 20 metres of the natural water course without prior consultation of, and approval by, the Council in liaison with the Environmental Protection Authority and Water Authority of WA. Development shall be deemed to include preclusion of Riparian rights by damming, diversion or other impediment to water flow, regrading the natural banks, clearing and construction of residences, outbuildings, bridges, or any other form of marine structure.</p> <p>(viii) With the intention of avoiding water erosion and land degradation, Council shall require that development, particularly during construction stage, be guided by the conservation measures outlined in Appendix 4 of the Shire of Denmark's Limited Rural Strategy, 1989.</p> <p>(ix) Strategic Firebreaks as nominated on the Subdivision Guide Map, shall be provided as a condition of subdivision and constructed to a standard approved by the Council and Bush Fires Board.</p> <p>Council shall require that a prospective purchaser of a lot is aware of his/her responsibility to maintain Strategic Firebreaks, where that Strategic Firebreak crosses his/her lot.</p> <p>To maintain access for fire fighting purposes a well maintained external access track and limited clearing around all building structures shall be required by Council.</p> <p>Clearing of firebreaks along fencelines other than for Strategic Firebreaks will not be encouraged unless for safety reasons to comply with Council and Bush Fires Board requirements.</p>



## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>7. WILLIAM BAY SPECIAL RURAL ZONE</b>  Lot 4 Pt Location 2061 William Bay Road	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<p>(i) Subdivision shall be generally in accordance with the Subdivision Guide Map (Plan No 1590/3) as signed by the Shire Clerk.</p> <p>(ii) No lot shall be less than 1.5 hectares in area.</p> <p>(iii) With the intention of preventing overstocking, erosion or any other practices detrimental to the amenity within that zone, intensive agriculture pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval of Council in writing. The Council may impose limits on stocking or any other conditions as it sees fit and may vary such conditions in the light of prevailing seasonal conditions.</p> <p>Council may impose fencing requirements and provision of an adequate water supply as a condition of approval.</p> <p>Council may only permit the keeping of stock and other intensive agricultural pursuits in areas that are already substantially cleared and pastured so as not to conflict with Special Provisions (vii) and (viii) relating to tree preservation and tree planting.</p> <p>(iv) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.</p> <p>Council shall require that a prospective purchaser of a lot is aware of the responsibility to install an individual supply of water and method of effluent disposal.</p> <p>Reference shall be made to the Department of Agriculture Guidelines relating to water storage, tank size and area of roof catchment.</p> <p>The approved alternative method of on-site effluent disposal shall meet EPA and Health Department requirements prior to installation.</p> <p>(v) Any building on a lot must be erected within the building envelope defined on the Subdivision Guide Map (Plan No 1590/3) as adopted by Council. No building envelope will exceed 10% of the lot area.</p> <p>Notwithstanding this requirement, Council may permit a variation to the building envelope if it is shown to the satisfaction of Council that the proposed location of the building envelope will not be detrimental to the landscape or the environment, and will not exceed 10% of the lot area.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>7. WILLIAM BAY SPECIAL RURAL ZONE</b>  Lot 4 Pt Location 2061 William Bay Road (Cont'd)	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<p>(vi) All buildings constructed within the subdivision of Lot 4 William Bay Road shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour to the satisfaction of Council.</p> <p>(vii) (a) Within the Special Rural Area of Lot 4 William Bay Road, no indigenous or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a firebreak is required under a regulation or by-law;</li> <li>- access to a building site is required and approved; and</li> <li>- an area of up to one metre in width for the purpose of erecting and maintaining a fenceline is required and approved by Council. In these areas, the land shall be slashed with a view to preventing soil erosion.</li> </ul> <p>(b) Removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees species and in locations approved by Council.</p> <p>(c) Clearing of native vegetation for the erection of a dwelling with Council approval shall not exceed the approved building envelope. Parkland clearing may be permitted within the building envelope provided that flammable material is controlled within 50 metres of all buildings.</p> <p>(viii) Within the Tree Planting Areas nominated by the Subdivision Guide Map, Council shall require that the subdivider plant and maintain for a period of at least 3 years, endemic native trees of species and in locations approved by Council.</p> <p>(ix) Strategic Firebreaks as nominated on the Subdivision Guide Map, shall be provided as a condition of subdivision and constructed to a standard approved by the Council and Bush Fires Board.</p> <p>Council shall require that a prospective purchaser of a lot is aware of his/her responsibility to maintain Strategic Firebreaks where that Strategic Firebreak crosses his/her lot.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>7. WILLIAM BAY SPECIAL RURAL ZONE</b>  Lot 4 Pt Location 2061 William Bay Road (Cont'd)	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<p>To maintain access for fire fighting purposes, a well maintained access track along the inside boundary of the building envelope and limited clearing around all building structures shall be required by Council.</p> <p>Clearing of firebreaks along fencelines other than for Strategic Firebreaks will not be encouraged unless for safety reasons to comply with Council and Bush Fires Board requirements.</p> <p>An adequate water supply and standpipe facility shall be provided as required by the Council and the Bush Fires Board for fire fighting purposes. The approval of the Subdivision Plan shall be conditional upon the provision of this water supply.</p> <p>(x) The subdivider shall provide barrier fencing to the satisfaction of the Department of Conservation and Land Management along the southern edge of the Strategic Firebreaks abutting the Parks and Recreation (Non-Restricted) Reserve as a condition of subdivision approval.</p> <p>The subdivider shall as a condition of subdivision approval place signs, the location and wording of which are to be to the satisfaction of the Department of Conservation and Land Management along the barrier fencing to advise that access to the south is considered undesirable by the Department of Conservation and Land Management.</p> <p>The subdivider shall as a condition of subdivision approval, cede the land shown as "Future National Park" on the Subdivision Guide Map to the Crown for inclusion in the National Park.</p>
<b>8. RANDALL ROAD SPECIAL RURAL ZONE</b>  Plantagenet Location 3250 Randall Road	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation  Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<p>(i) Subdivision shall be generally in accordance with the Subdivision Guide Map (Plan No 91/11/2) as adopted by Council as signed by the Shire Clerk.</p> <p>(ii) The minimum lot size shall be 2.0 hectares.</p> <p>(iii) With the intention of preventing overstocking, erosion or any other practices detrimental to the amenity within this Special Rural Zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>8. RANDALL ROAD SPECIAL RURAL ZONE (Cont'd)</b></p> <p>Plantagenet Location 3250 Randall Road</p>	<p>Rural Residential</p> <p>Permitted Use (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA): Home Occupation</p> <p>Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</p>	<p>(iv) Any building on a lot must be erected within the building envelope defined on the Subdivision Guide Map (Plan No 91/11/2) as adopted by Council.</p> <p>Notwithstanding this requirement, Council may permit a variation to the location of a building envelope if it is shown to the satisfaction of Council that the proposed location of the building envelope will not be detrimental to the landscape or the environment, and will not exceed 3,000 square metres in area.</p> <p>Clearing of native vegetation for the erection of a dwelling with Council approval shall not exceed the approved building envelope. Parkland clearing may be permitted within the building envelope, ensuring that flammable material is controlled within 50 metres of all buildings.</p> <p>(v) No dwelling shall be constructed or approved for construction unless an approved method of effluent disposal, and a minimum of 92,000 litre water storage tank has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.</p> <p>Council shall require that a prospective purchaser of a lot is aware of the responsibility to install an individual supply of water and method of effluent disposal.</p> <p>Reference shall be made to the Department of Agriculture Guidelines relating to water storage, tank size and area of roof catchment.</p> <p>(vi) (a) No indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>- parkland clearing takes place within an approved building envelope;</li> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a firebreak is required under a regulation or by-law;</li> <li>- access to a building site is required and approved;</li> <li>- an area up to one metre in width for the purpose of erecting and maintaining a fenceline is required and approved by Council. In these areas, the land shall be slashed with a view to preventing soil erosion.</li> </ul> <p>(b) Removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<div>8. RANDALL ROAD SPECIAL RURAL ZONE (Cont'd)</div> <div>Plantagenet Location 3250 Randall Road</div>	<div>Rural Residential</div> <div>Permitted Use (P): Residential Dwelling House</div> <div>Permitted at Council's Discretion (AA):<div>Home Occupation</div><div>Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</div></div>	<div><div>(vii)</div><div>Within the Tree Planting Areas nominated on the Subdivision Guide Map, Council shall require the subdivider to plant and maintain for a period of at least three years, endemic native trees of species and in locations approved by Council.</div><div>The following species are preferred within the Tree Planting Areas as shown on the Subdivision Guide Map (Plan No 91/11/2):</div><div><div>Eucalyptus calophulla</div><div>(Marri)</div><div>Eucalyptus Occidentalis</div><div>(Flat Topped Yate)</div><div>Agonis juniperina</div><div>(Swamp Wattle)</div><div>Melaleuca cuticularis</div><div>(Salt Paperbark)</div><div>Eucalyptus staeri</div><div>(Blackbutt)</div><div>Melaleuca raphiophylla</div><div>(Narrow Leaf Paperbark)</div></div></div> <div><div>(viii)</div><div>Strategic Firebreaks and standpipe facilities, as nominated on the Subdivision Guide Map, shall be provided as a condition of subdivision and constructed to a standard approved by the Council and Bush Fires Board.</div><div>Council shall require that a prospective purchaser of a lot is aware of his/her responsibility to maintain Strategic Firebreaks, where that Strategic Firebreak crosses his/her lot.</div><div>To maintain access for fire fighting purposes, a well maintained external access track along the inside boundary of the building envelope and limited clearing around all building structures shall be required by Council.</div><div>Clearing of firebreaks along fencelines other than for Strategic Firebreaks will not be encouraged unless for safety reasons to comply with Council and Bush Fires Board requirements.</div></div> <div><div>(ix)</div><div><div>(a)</div><div>All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour.</div></div><div><div>(b)</div><div>Buildings shall be constructed of roof and external wall materials comprising natural earth or olive green colours. Zincalume and other coloured roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.</div></div></div>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>8. RANDALL ROAD SPECIAL RURAL ZONE</b>  Plantagenet Location 3250 Randall Road (Cont'd)	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	(c) All residential buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.  (d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.  (e) Proposals to vary the height restrictions pursuant to Special Provision ix(c) shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the affect on the visual amenity and the natural screening effect of vegetation and topography.  (x) A surveyor's plan (pre-calculation drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show tree preservation areas, strategic firebreaks, building envelopes and roads and drains as proposed and as required by Council for approval.
<b>9. STYX RIVER ROAD SPECIAL RURAL ZONE</b>  Hay Location 1521 Styx River Road	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Rural Pursuit Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	(i) Subdivision shall be generally in accordance with the Subdivision Guide Map (Plan No 92/04/1) as signed by the Shire Clerk.  (ii) The minimum lot size shall be 15 hectares.  (iii) Any building on a lot must be erected within the building envelope defined on the Subdivision Guide Map (Plan No 92/04/1) as adopted by Council. No building envelope is to exceed 3,000 square metres in area.  (iv) Strategic Firebreaks as nominated on the Subdivision Guide Map shall be provided as a condition of subdivision and constructed to a standard approved by Council.  Council shall require that individual landowners are responsible for the maintenance of a Strategic Firebreak where it crosses the landowners lot.  The clearing of firebreaks other than for Strategic Firebreak purposes will not be permitted unless for safety reasons to comply with Council and Bush Fires Board requirements.

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>9. STYX RIVER ROAD SPECIAL RURAL ZONE (Cont'd)</b></p> <p>Hay Location 1521 Styx River Road</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA): Home Occupation Rural Pursuit Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</p>	<p>(v) (a) Within the Tree Preservation Areas defined on the Subdivision Guide Map, no indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a firebreak is required under a regulation or by-law;</li> <li>- access to a building site is required and approved;</li> <li>- an area up to one metre in width for the purpose of erecting and maintaining a fenceline is required and approved by Council. In these areas the land shall be slashed with a view to preventing soil erosion.</li> </ul> <p>(b) The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance for a period of at least 3 years, endemic native trees of species and in locations approved by Council.</p> <p>(vi) With the intention of preventing overstocking, erosion or any other practices detrimental to the amenity within that zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of the prevailing seasonal conditions and the need to prevent nutrient run-off to the creek.</p> <ul style="list-style-type: none"> <li>- Council will only permit the keeping of stock and other agricultural pursuits in areas that are already substantially cleared and pastured so as not to conflict with Clause (v) relating to Tree Preservation Areas.</li> <li>- Council will impose fencing requirements as a condition of its approval to keep stock, in order to protect substantive vegetation in the Tree Preservation Areas as shown on the Subdivision Guide Map.</li> <li>- Council may require the provision of an adequate water supply to the stock as a condition of approval.</li> </ul>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>9. STYX RIVER ROAD SPECIAL RURAL ZONE (Cont'd)</b>  Hay Location 1521 Styx River Road	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Rural Pursuit Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	(vii) Commencement of development within the Creekline Protection Area defined on the Subdivision Guide Map, shall require the prior approval of Council. Development shall be deemed to include preclusion of Riparian rights by damming, diversion or other impediment to water flow, regrading the natural banks, clearing and construction of residences, outbuildings, bridges or any form of marine structure.  (viii) A surveyor's plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show Tree Preservation Areas, Strategic Firebreaks, Building Envelopes, Creekline Protection Area and roads and drains as proposed and as required by Council for approval.
<b>10. LANTZKE ROAD SPECIAL RURAL ZONE</b>  Lot 2 being Pt of Denmark Estate Lots 375 and 376 Lantzke Road  AMD 85 GG 3/9/04 AMD 144 GG 19/03/24	Rural Smallholdings  Permitted Uses (P): Single House  Permitted at Council's Discretion (AA):  Cottage Industry Rural Pursuit Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling. Home Business Home Occupation Horticulture  Permitted at Council's Discretion Subject to Advertising (SA):  Gallery/Restaurant on the basis that it is limited to a maximum floor area of 900m <sup>2</sup> .	(i) Subdivision and development shall generally be in accordance with the following special provisions and any approved structure plan. Subdivision applications are also to address requirements of clause 5.4.1 (a) to (f) in the scheme.  (ii) All buildings and effluent disposal systems are to be located within an approved building envelope location (max 3,000m <sup>2</sup> ). The minimum lot size shall be 4.0 ha.  (iii) Notwithstanding (ii), Council may permit the construction of non-residential buildings associated with an approved Rural Pursuit or Cottage Industry outside the designated building envelope area subject to – (a) No detrimental impact on zone amenity. (a) No encroachment into landscape and creek line protection areas, (b) Compliance with all other considerations of the planning framework.  (iv) Within Landscape Protection Areas on any approved structure plan, no indigenous trees or substantial vegetation shall be felled or removed except where – <ul style="list-style-type: none"> <li>o Trees are dead, diseased or dangerous;</li> <li>o The establishment of a fire break is required under a regulation or by-law;</li> <li>o Access to a building site is required and approved;</li> <li>o An area up to one metre in width for the purpose of erecting and maintaining a fence line is required and approved by Council. In these areas the land shall be slashed with a view to preventing soil erosion.</li> </ul>



## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>(v) The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions shall require the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance for a period of a least 3 years, endemic native trees of species and in locations approved by Council.</p> <p>(vi) With the intention of preventing overstocking, erosion or any other practices detrimental to the amenity within that zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of the prevailing seasonal conditions and the need to prevent nutrient run-off to the creek.</p> <ul style="list-style-type: none"> <li>○ Council will only permit the keeping of stock and other agricultural pursuits in areas that are already substantially cleared and pastured so as not to conflict with Clause (v) relating to Landscape Protection Areas.</li> <li>○ Council will impose fencing requirements as a condition of its approval to keep stock, in order to protect substantive vegetation in the Landscape Protection Areas as shown on the Local Development Plan.</li> <li>○ Council may require the provision of an adequate water supply to the stock as a condition of approval.</li> </ul> <p>(vii) Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within the Special Rural Zone 10 – Lantzke Road acknowledge and accept the Special Provisions Prior to entering into an agreement to acquire any lot as shown on the Local Structure Plan, that:</p> <ul style="list-style-type: none"> <li>○ The zone is located adjacent within an area where horticulture and viticulture activities are carried out.</li> </ul> <p>(viii) Subdivision and development proposals are to be accompanied by, but not limited to:</p> <ul style="list-style-type: none"> <li>a. An approved site and soil evaluation that demonstrates on-site effluent disposal can be accommodated in accordance with the current Government Sewerage Policy,</li> <li>b. Bushfire Management Plan in accordance with the WAPC Bushfire Planning Framework,</li> <li>c. Proven fit-for-purpose domestic potable water supply, including water for firefighting.</li> </ul> <p>(ix) Provision of potable water shall be the responsibility of the individual landowner at the time of development and shall involve the installation of a water storage tank of not less than 92,000 litre capacity with 10,000 litres reserved for firefighting purposes.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>(x) The development of all new buildings shall be undertaken to comply with the requirements of AS3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended)</p> <p>(xi) All fencing (Internal and Boundary) shall be of rural construction such as pine/steel posts and strand to the satisfaction of the local government.</p> <p>(xii) Council may request imposition of the following conditions at the time of subdivision or development:</p> <ul style="list-style-type: none"> <li>a. Upgrades to Lantzke Road,</li> <li>b. Planting and maintenance of buffers between introduced sensitive land use and adjoining agricultural uses,</li> <li>c. Revegetation of creek line protection areas.</li> </ul> <p>(xiii) Construction and siting of dams shall not adversely affect the environment, visual amenity, public health or other users (upstream or downstream)</p>
<p><b>11. DENMARK AIRPORT ESTATE SPECIAL RURAL ZONE</b></p> <p>Plantagenet Location 6715, McIntosh Road, Denmark</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA):</p> <p style="padding-left: 40px;">Home Occupation Rural Pursuit (see provision vi) Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</p>	<p>(i) The minimum lot size shall be 2.0 hectares and all subdivision within the zone shall generally be in accordance with the Subdivision Guide Map (Plan No. 91/20/3) as signed by the Shire Clerk.</p> <p>(ii) No dwelling shall be constructed or approved for construction unless and approved method of effluent disposal and a minimum of 92,000 litres water storage tank have been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water a method of effluent disposal has been installed and is operating.</p> <p>(iii) Notwithstanding Clause 5.4.3, buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no larger than 3,000m<sup>2</sup>, which has been selected and delineated on-site by the landowner and approved by Council.</p> <p style="padding-left: 40px;">The positioning of the building envelope shall be such that:</p> <ul style="list-style-type: none"> <li>- it does not encroach within the building setback areas referred to by Clause 5.1 - Development Standards (Table No. 2);</li> </ul> <p style="text-align: center; padding-left: 80px;">or</p> <p style="padding-left: 40px;">the "Conservation/Tree Planting Areas" nominated on the Subdivision Guide Plan.</p> <ul style="list-style-type: none"> <li>- the location of the building will not detract from the amenity of adjoining residences.</li> </ul>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>(iv) Within the Tree Preservation Areas defined on the subdivision Guide Map, no indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a firebreak is required under a regulation or below;</li> <li>- access to a building site is required and approved;</li> <li>- an area up to one metre in width for the purpose of erecting and maintaining a fenceline is required and approved by Council. In these areas the land shall be slashed with a view to preventing soil erosion;</li> <li>- an approved building envelope has been defined, (maximum 3,000m<sup>2</sup>);</li> <li>- parkland clearing is approved within 50 metres of all building structures to ensure control of flammable material.</li> </ul> <p>The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions shall require the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, endemic native trees of species and in locations approved by Council.</p> <p>(v) Strategic firebreaks and a 25,000 litre standpipe/tank facility, as nominated on the Subdivision Guide Map, shall be provided as a condition of subdivision and constructed to a standard approved by the Council and Bush Fires Board.</p> <p>Council shall require that individual landowners are responsible for the maintenance of a Strategic Firebreak where it crosses the landowner's lot.</p> <p>The clearing of Firebreaks other than for Strategic Firebreak purposes will not be permitted unless for safety reasons to comply with Council and Bush Fires Board requirements.</p> <p>Limited parkland clearing within a 50 metre radii of buildings structures may be required by Council to establish low fuel zones. the low fuel zones shall be kept free of debris and maintained to a standard approved by Council.</p> <p>The subdivider shall make arrangement to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959 - 'Construction of Buildings in Bushfire Prone areas'.</p> <p>Council shall require all owners of a lot within the subdivision to annually contribute to a special fund which will be administered by Council and solely used for the maintenance of the strategic firebreaks and the 25,000 litre standpipe/tank facility as nominated on the Subdivision Guide Map.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>(vi) With the intention of preventing overstocking, erosion or any other practices detrimental to the amenity within that zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of prevailing seasonal conditions and the need to prevent nutrient run off from intensive agricultural pursuits undertaken on the lots.</p> <p>Council may only permit the keeping of stock and other intensive agricultural pursuits in areas that are already substantially cleared and pastured so as not to conflict with Clause (iv) relating to Tree Preservation Areas or Conservation/Tree Planting Areas as nominated on the Subdivision Guide Map.</p> <p>Council may impose fencing requirements as a condition of its approval to protect substantive vegetation in the Tree Preservation Areas as shown on the Subdivision Guide Map.</p> <p>Provision of an adequate water supply to the stock may also be required as a condition of approval.</p> <p>Within the conservation/Tree Planting Areas nominated on the Subdivision Guide map, Council shall require the subdivider to plant and maintain for a period of at least three years, endemic native trees of species and in locations approved by Council.</p> <p>(vii) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour.</p> <p>Building shall be constructed of roof and external walls materials comprising natural earth or olive green colours. Coloured roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.</p> <p>(viii) Council shall require that all prospective purchasers and successors in title are advised in writing that Denmark Special Rural Zone No. 11 - Denmark airport Estate Location 6715 McIntosh Road is adjacent to Reserve 41390 "Aerial Landing Ground" and that aircraft noise associated with its purpose and use is acknowledged by the landowners.</p> <p>A sign to be placed at the entrance of the subdivision with wording as agreed by Council to advise residents and landowners that "This area is subject to Aircraft Noise" associated with the purpose and use of reserve 41390 "Aerial Landing Ground".</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		(ix) A surveyor's plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of Diagrams of Survey and show Tree Preservation Areas, Strategic Firebreaks, Conservation/Tree Planting Areas, roads and drains as proposed and as required by Council for approval.
<b>12. EAST RIVER SPECIAL RURAL ZONE</b>  Lot 3 (Plantagenet Location 1880) East River Road, Denmark	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Rural Pursuit (see provision vi(a)) Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	(i) The minimum lot size shall be 2.0 hectares and all subdivision within the zone shall generally be in accordance with the Subdivision Guide Map (plan No. 89/71/3) as signed by the Shire Clerk.  (ii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.  (iii) (a) All buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no greater than 3,000m <sup>2</sup> , which has been selected and delineated on-site by the landowner, and approved by Council.  (b) The location of the approved building envelope shall be such that- <ul style="list-style-type: none"> <li>- no additional clearing or disturbance will take place within the 60 metre wide Creekline Protection Area as defined on the Subdivision Guide Plan;</li> <li>- it does not encroach within the 30 metre wide Transmission Line buffer Area as defined on the Subdivision Guide Plan;</li> <li>- it is consistent with the building setback areas referred to in by Clause 5.1 "Table 2-Development Standards";</li> </ul>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>12. EAST RIVER SPECIAL RURAL ZONE (Cont'd)</b>  Lot 3 (Plantagenet Location 1880) East River Road, Denmark (Cont'd)	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Rural Pursuit (see provision vi(a)) Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<div style="display: flex; flex-direction: column;"> <div style="display: flex; margin-bottom: 10px;"> <div style="margin-right: 10px;">(iv)</div> <div style="margin-right: 10px;">(a)</div> <div>           Within the Tree Preservation Areas defined on the Subdivision Guide Plan, no indigenous trees or substantial vegetation shall be felled or removed except where-           <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a fire access track is required under regulation or by-law;</li> <li>- access to a building site is required and approved;</li> <li>- an approved building envelope has been defined (maximum 3000m<sup>2</sup>)</li> </ul> </div> </div> <div style="margin-bottom: 10px;"> <div style="margin-right: 10px;">(c)</div> <div>The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council, and as condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council. (d) Council will not encourage fencing along property boundaries within the Creekline/Protection/Tree Preservation Areas as defined on the Subdivision Guide Plan.</div> </div> <div style="margin-bottom: 10px;"> <div style="margin-right: 10px;">(v)</div> <div style="margin-right: 10px;">(a)</div> <div>Strategic firebreaks, creek crossing and standpipe tank facilities, as nominated on the Subdivision Guide Plan, shall be provided as a condition of subdivision and constructed to a standard approved by the Council.</div> </div> <div style="margin-bottom: 10px;"> <div style="margin-right: 10px;">(b)</div> <div>Council shall require that individual landowners are responsible for maintenance of a Strategic Firebreak where it crosses the landowner's lot.</div> </div> <div style="margin-bottom: 10px;"> <div style="margin-right: 10px;">(c)</div> <div>Limited clearing within a 50 metre radii of building structures may be required by Council to establish low fuel zones. The low fuel zones shall be kept free of debris and maintained to a standard approved by Council.</div> </div> <div style="margin-bottom: 10px;"> <div style="margin-right: 10px;">(d)</div> <div>The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3559-1991- 'Construction of Buildings in Bushfire Prone Areas'.</div> </div> <div> <div style="margin-right: 10px;">(e)</div> <div>Council shall require the construction of gates where fences cross the Strategic Firebreak to the specifications and satisfaction of the Bush Fires Board.</div> </div> </div>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>12. EAST RIVER SPECIAL RURAL ZONE (Cont'd)</b>  Lot 3 (Plantagenet Location 1880) East River Road, Denmark (Cont'd)	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Rural Pursuit (see provision vi(a)) Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;">           (vi)           <div style="margin-left: 20px;">             (a) With the intention of preventing overstocking, erosion or any other practices detrimental to the amenity within that zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of prevailing seasonal conditions.               (b) Council will only permit the keeping of stock and other intensive agricultural pursuits in areas that are already substantially cleared and pastured so as not to conflict with Clause (iv) relating to Tree Preservation.               (c) Council will impose fencing requirements as a condition of its approval to protect substantive vegetation in the Tree Preservation Area as shown on the Subdivision Guide Plan.               (d) Provision of an adequate water supply to the stock may also be required as a condition of approval.           </div> </div> <div style="margin-bottom: 10px;">           (vii)           <div style="margin-left: 20px;">             (a) Commencement of development within the Creekline Protection area defined on the Subdivision Guide Plan, shall require the prior approval of Council. Development shall be deemed to include preclusion of Riparian rights by damming, diversion or other impediment to water flow, regarding the natural banks, clearing and construction of residences, outbuildings, bridges, or any form of marine structure.               (b) The Council will require the planting and maintenance, for a period of at least 3 years, of the Creekline Protection Areas, as defined on the Subdivision Guide Plan, using endemic native trees of species and in locations approved by Council and the Wilson Inlet Management Authority.           </div> </div> <div style="margin-bottom: 10px;">           (viii)           <div style="margin-left: 20px;">             (a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour.              (b) Buildings shall be constructed of roof and external wall materials comprising natural earth or olive green colours. Coloured roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.           </div> </div> <div>           (ix) A surveyor's plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show Tree Preservation Areas, Strategic Firebreaks, Creekline Protection Areas, 0.1 metre P.A.W. and roads and drains as proposed and as required by Council for approval.         </div> </div>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>13. MCNABB ROAD SPECIAL RURAL ZONE</b>  Denmark Estate Lot 345 McNabb Road	Rural Residential  Permitted Use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation Keeping of Stock in accordance with special provision "(vii)" below. Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> (i) Subdivision shall be generally in accordance with the subdivision Guide Map (Plan No 94/4/1) as signed by the Shire Clerk. </div> <div style="margin-bottom: 10px;"> (ii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans and no dwelling shall be considered fit for human habitation unless such supply of water an method of effluent disposal has been installed and is operating. </div> <div style="margin-bottom: 10px;"> (iii) Notwithstanding Clause 5.4.3, building and effluent disposal systems within the zone shall be located within a defined building envelope of no larger than 3,000 sq m, which has been selected and delineated on-site by the landowner and approved by Council.   The positioning of the building envelope shall be such that: <ul style="list-style-type: none"> <li>- it does not encroach within the building setback areas referred to by Clause 5.1 - Development standards (Table No 2); or</li> <li>- the "Conservation Areas" nominated on the Subdivision Guide Map.</li> <li>- the location of the building will not detract from the amenity of adjoining residences.</li> <li>- the envelope affords a suitable site for the installation of an on site effluent disposal system in accordance with the guidelines contained in the land capability analysis.</li> </ul> </div> <div> (iv) Within the Tree Preservation Areas defined on the Subdivision Guide Map, no indigenous trees or substantial vegetation shall be felled or removed except where: <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a firebreak is required under a regulation or by-law;</li> <li>- access to a building site is required and approved;</li> <li>- an approved building envelope has been defined (maximum 3,000 sq m); and</li> <li>- parkland clearing is required to establish a low fuel zone as required under provision "(vi)".</li> </ul> </div> </div>



## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>13. MCNABB ROAD SPECIAL RURAL ZONE (Cont'd)</b>  Denmark Estate Lot 345 McNabb Road (Cont'd)	Rural Residential  Permitted Use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation Keeping of Stock in accordance with special provision "(vii)" below. Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<p>The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, endemic native trees of species and in locations approved by Council.</p> <p>No fencing shall be erected through Tree Preservation Areas.</p> <p>(v) Within the Tree Planting and Tree Planting/Conservation Areas nominated on the Subdivision Guide Map, Council shall require the subdivider to plant and maintain for a period of three years, endemic native trees of species and in locations approved by Council.</p> <p>(vi) Strategic firebreaks and standpipe/self filling tank facilities, shall be provided and constructed by the subdivider to a standard approved by Council and Bush Fires Board.</p> <p>The Council shall be responsible for addressing erosion problems that may arise from the construction of strategic firebreaks.</p> <p>Clearing within at least a 20 metre radius of buildings structures shall be required to establish low fuel zones. The low fuel zones shall be kept free of debris and maintained to a standard approved by Council.</p> <p>The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Home Owners Bushfire survival Manual and the Australian Standard 3959 – "Construction of Buildings in Bushfire Prone areas".</p> <p>(vii) Council may approve the keeping of stock subject to the following:</p> <ul style="list-style-type: none"> <li>▪ stock is kept on areas already cleared;</li> <li>▪ vegetated areas including tree preservation and tree planting areas are fenced to the satisfaction of Council;</li> <li>▪ the appropriate number of animals is determined in consultation with Agriculture WA;</li> <li>▪ if required, an adequate stock watering supply is provided.</li> </ul>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>13. MCNABB ROAD SPECIAL RURAL ZONE (Cont'd)</b>  Denmark Estate Lot 345 McNabb Road (Cont'd)	Rural Residential  Permitted Use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation Keeping of Stock in accordance with special provision "(vii)" below. Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	(viii) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely ;landform, and vegetation) in terms of their design, materials and colour.  Zincalume and other coloured external wall and roof materials which would not, in the opinion of Council, blend in with the rural landscape of the area, will not be permitted.  (ix) A surveyors plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of Diagrams of Survey and show Tree Preservation Areas, Strategic Firebreaks, Tree Planting/Conservation Areas, roads and drains as proposed and as required by Council for approval.  (x) Council may request the commission impose a condition requiring the implementation of a system of stormwater disposal to the satisfaction of Council which prevents water erosion and runoff problems from occurring on and off the subject land, as a condition of subdivision.  (xi) No dams or impedance to water flow will be permitted within the Treeplanting/Conservation Area as shown on the Subdivision Guide Plan.  (xii) The subdivider shall distribute to lot purchasers an information sheet which outlines measures owners can take to ensure that impacts of pets (particularly cats) on the adjacent Conservation of Flora and Fauna Reserve are minimised.
<b>15. GOLDEN HILL SPECIAL RURAL ZONE</b>  Lot 1 East River Road and Part Lot 613 Scotsdale Road Denmark.	Rural Residential  Permitted Use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	(i) Subdivision of Special Rural Zone No. 15 is to be generally in accordance with Plan of subdivision (Plan No. A94-17-1) dated May 1995 as signed by the Shire Clerk.  (ii) Notwithstanding (i) above, the Western Australian Planning Commission may approve a minor variation to the subdivisional design, but further breakdown of the lots so created shall be deemed contrary to the provisions of the Scheme.  (iii) The minimum lot size shall be 1 hectare.  (iv) (a) All buildings and effluent disposal systems shall be located within the defined Building Envelope of no larger than 3000m2, located onsite by agreement between Council and individual landowners.

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>15. GOLDEN HILL SPECIAL RURAL ZONE (Cont'd)</b></p> <p>Lot 1 East River Road and Part Lot 613 Scotsdale Road Denmark.</p>		<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(v)</div> <div style="margin-right: 10px;">(a)</div> <div>Council may request the Commission to impose a condition at the time of subdivision requiring strategic fire breaks, as nominated on the Plan of Subdivision, to be constructed by the developer to standard approved by Council and the Bush Fires Board. Such strategic breaks are to avoid erosion impacts and include a provision to require unlocked gates where such breaks and emergency access legs cross fence lines.</div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(b)</div> <div>Council shall require that individual landowners are responsible for the maintenance of a strategic firebreak where it crosses the landowner's lot.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(c)</div> <div>The clearing of firebreaks other than for strategic firebreak purposes will not be permitted unless for safety reasons to comply with Council and Bush Fires Board requirements.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(d)</div> <div>Low fuel zones will be established and maintained around all buildings to the satisfaction of Council.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(e)</div> <div>The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(f)</div> <div>All buildings shall be constructed in accordance with Australian Standard 3959-1991 "Construction of Buildings in Bushfire Prone Areas".</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(vi)</div> <div style="margin-right: 10px;">(a)</div> <div>Where land is devoid of vegetation or it is determined that erosion has occurred as a result of the development of private property, Council may require the landowner to development erosion control measures in accordance with the requirements and specifications of Council in the interests of preventing further land degradation.</div> </div> </div> <div> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(b)</div> <div>In the event that provision (a) above is not complied with, Council may carry out appropriate action to eliminate adverse affect. any expenses incurred by Council in carrying out such action shall be borne by the landowner.</div> </div> </div> </div> </div>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>15. GOLDEN HILL SPECIAL RURAL ZONE (Cont'd)</b></p> <p>Lot 1 East River Road and Part Lot 613 Scotsdale Road Denmark.</p>		<p>(vii) (a) To assist in the retention of existing vegetation cover and preserve and enhance the visual character of the zone, the erection of boundary fencing shall not be permitted within the Tree Preservation Area as shown on the Subdivision Guide Plan.</p> <p>(b) The keeping of stock and/or the carrying out of agricultural activities shall be subject to the issue of Planning Consent and shall be limited to substantially cleared and pastured areas of Special Rural Zone Area 15. Stocking rates shall be to Council's satisfaction and shall not exceed the stocking rate guidelines produced by Agriculture Western Australia.</p> <p>(c) The subdivider shall prepare a Foreshore Management Plan for Scotsdale Brook, dealing with stormwater drainage, erosion control and clearing and development within the Scotsdale Brook Foreshore.</p> <p>(d) The subdivider shall prepare a stormwater drainage plan that addresses the drainage requirements of the site and addresses impacts on local water regimes.</p> <p>(e) Building envelopes shall be located outside the 50 metre Creekline setback as shown on the Subdivision Guide Plan.</p> <p>(viii) (a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale, height, building materials and colour.</p> <p>(b) Buildings shall be constructed of roof and external wall materials comprising natural earth or olive green colours. Zincalume or other similar cladding will not be permitted. Other roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.</p> <p>(c) All residential buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.</p> <p>(d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>15. GOLDEN HILL SPECIAL RURAL ZONE (Cont'd)</b>  Lot 1 East River Road and Part Lot 613 Scotsdale Road Denmark. (Continued)	Rural Residential  Permitted Use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	(e) Proposals to vary the height restrictions pursuant to (c) above shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the affect on the visual amenity and the natural screening effect of vegetation and topography or any proposed landscaping to be provided.  (ix) Council may request the Commission to impose a condition at the time of subdivision that requires on-site effluent disposal systems are to be constructed and maintained by individual landowner.  (x) Council may request the Commission to impose a condition at the time of subdivision that requires power supply to be located underground within the road reserve and where connection is made to individual lots.  (xi) Driveways shall be constructed and sited to Council's satisfaction so as to avoid erosion problems.  (xii) Council may request the Commission to impose a condition at the time of subdivision that requires all lots to be connected to reticulated water supply.  (xiii) (a) Council and the Bush Fires Board may request the Commission to impose a condition, at the time of subdivision that requires fire hydrants to be provided by the subdivider at intervals of no less than 200 metres along East River Road, Scotsdale and the subdivisional road.  (b) Emergency access from the internal subdivisional road shall be constructed and maintained to a standard suitable for access by two wheel drive vehicles.
<b>16.</b> Cussons Road Special Rural Zone Denmark Pt Lot 401 Cussons Road, Denmark	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	i) The minimum lot size should be no less than 2 hectares. Subdivision shall generally be in accordance with the Subdivision Guide Plan (Plan No. 93/99/2) as signed by the Chief Executive Officer.  ii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>16.</b> Cussons Road Special Rural Zone Denmark Pt Lot 401 Cussons Road, Denmark (Cont'd)	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<div style="display: flex; flex-direction: column;"> <div style="display: flex; margin-bottom: 10px;"> <div style="margin-right: 10px;">iii)</div> <div style="display: flex; margin-right: 10px;"> <div style="margin-right: 10px;">a)</div> <div> <p>All buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no greater than 3,000m<sup>2</sup>, which has been selected and delineated on-site by the landowner, and approved by Council.</p> </div> </div> </div> <div style="display: flex; margin-bottom: 10px;"> <div style="margin-right: 10px;">b)</div> <div> <p>The location of the approved building envelope shall be such that;</p> <ul style="list-style-type: none"> <li>- no additional clearing or disturbance will take place within the 30 metre wide landscape protection area as defined on the Subdivision Guide Plan;</li> <li>- it is consistent with the building setback areas referred to in by Clause 5.1 "Table 2 - Development Standards";</li> <li>- the location of the building envelope will not detract from;               <div style="margin-left: 20px;">                 a) the environmental quality of the area; and                  b) the amenity of adjoining residences.               </div> </li> </ul> </div> </div> <div style="display: flex; margin-bottom: 10px;"> <div style="margin-right: 10px;">iv)</div> <div style="display: flex; margin-right: 10px;"> <div style="margin-right: 10px;">a)</div> <div> <p>No development other than for strategic firebreaks purposes and low fuel zones will be permitted within the Landscape Protection Area nominated on the Subdivision Guide Plan;</p> </div> </div> </div> <div style="display: flex; margin-bottom: 10px;"> <div style="margin-right: 10px;">b)</div> <div> <p>Council will require the planting and maintenance of the Landscape Protection Area, as defined on the Subdivision Guide Plan, using local indigenous trees of species and in locations approved by Council as shown on the Landscape Plan.</p> </div> </div> <div style="display: flex; margin-bottom: 10px;"> <div style="margin-right: 10px;">v)</div> <div style="display: flex; margin-right: 10px;"> <div style="margin-right: 10px;">a)</div> <div> <p>Within the Tree Preservation Areas defined on the Subdivision Guide Plan, no indigenous trees or substantial vegetation shall be felled or removed except where;</p> <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a fire access track is required under regulation or bylaw;</li> <li>- access to a building site is required and approved;</li> <li>- an approved building envelope has been defined (maximum 3,000m<sup>2</sup>).</li> </ul> </div> </div> </div> </div>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>16.</b> Cussons Road Special Rural Zone Denmark Pt Lot 401 Cussons Road, Denmark (Cont'd)	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between;"> <span>b)</span> <span>The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council, and as condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees or species and in locations approved by Council.</span> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between;"> <span>c)</span> <span>No fencing shall be erected through tree preservation areas.</span> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between;"> <span>vi)</span> <div> <div style="display: flex; justify-content: space-between;"> <span>a)</span> <span>Council may request the Commission to impose a condition at the time of subdivision for the provision and construction of strategic fire breaks to the satisfaction of Council.</span> </div> <div style="display: flex; justify-content: space-between;"> <span>b)</span> <span>Council shall require that individual landowners are responsible for the maintenance of a strategic firebreak where it crosses the landowner's lot.</span> </div> <div style="display: flex; justify-content: space-between;"> <span>c)</span> <span>Limited clearing around building structures will be required by Council to establish low fuel zones. The low fuel zones shall be kept free of debris and maintained to a standard approved by Council.</span> </div> <div style="display: flex; justify-content: space-between;"> <span>d)</span> <span>The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959-1991 – "Construction of Buildings in Bushfire Prone Areas".</span> </div> <div style="display: flex; justify-content: space-between;"> <span>e)</span> <span>Council shall require the construction of gates where fences cross the Strategic Firebreak to the specifications and satisfaction of the Bush Fires Board and Council.</span> </div> <div style="display: flex; justify-content: space-between;"> <span>f)</span> <span>Council may request the Commission to impose a condition at the time of subdivision requiring a contribution for the provision of fire suppression and prevention equipment and facilities.</span> </div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; justify-content: space-between;"> <span>vii)</span> <div> <div style="display: flex; justify-content: space-between;"> <span>a)</span> <span>All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour.</span> </div> <div style="display: flex; justify-content: space-between;"> <span>b)</span> <span>All buildings shall be constructed of roof and external wall materials, comprising subtle earth or vegetation colours or finishes.</span> </div> </div> </div> </div> </div></div>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>16.</b> Cussons Road Special Rural Zone Denmark Pt Lot 401 Cussons Road, Denmark (Cont'd)	Rural Residential  Permitted Use (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	c) All residential buildings shall be single storey except where it can be provided to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality from South Coast Highway Tourist Route.  d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.  e) Proposals to vary the height restrictions pursuant to Special Provision vii (c) shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the effect on the visual amenity and the natural screening effect of vegetation and topography, including any proposed landscaping.  viii) The subdivider making arrangements to the satisfaction of Council to ensure prospective purchasers and successors in title area aware that general farming and intensive agricultural pursuits are conducted adjacent to the site and in the area generally, and all current and future landuses and development within this zone shall be designed and conducted in such a manner so as to not create conflict with these landuses and adversely impact on the rural amenity of the area.  ix) A surveyor's plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show Landscape Protection Area, Strategic Firebreaks, and roads and drains as proposed and as required by Council for approval.
<b>17.</b> McLeod Road (west) Special Rural Zone Denmark Lot 669 McLeod Road, Denmark	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): Home Occupation Rural Pursuit (see provision vi(a)) Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.	i) All subdivision within the zone shall generally be in accordance with the Subdivision Guide Map (Plan No. 10105/5) as signed by the Chief Executive Officer.  ii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into other approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.  iii) a) All buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no greater than 3,000m <sup>2</sup> , which has been selected and delineated on-site by the landowner, and approved by Council.



## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>17. McLeod Road (west) Special Rural Zone Denmark Lot 669 McLeod Road, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA): Home Occupation Rural Pursuit (see provision vi(a)) Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</p>	<p>b) The location of the approved building envelope shall be such that:</p> <ul style="list-style-type: none"> <li>- no additional clearing or disturbance will take place within the Landscape Protection/Tree Planting or Strategic Tree Planting Areas as defined on the Subdivision Guide Plan;</li> <li>- it is consistent with the building setback areas referred to in Clause 5.1 "Table 2 - Development Standards".</li> </ul> <p>the location of the building envelope will not detract from:</p> <ul style="list-style-type: none"> <li>a) the environmental quality of the area,</li> <li>b) the amenity of adjoining residences;</li> <li>c) the McLeod Tourist Route.</li> <li>- in relation to lots 1 and 4-10 on the Subdivision Guide Plan the building envelope should be set as far to the east as is practical.</li> </ul> <p>c) All on-site effluent disposal systems shall be located no closer than 100 metres horizontal separation from the watercourses as defined on the Subdivision Guide Plan.</p> <p>d) If an on-site effluent disposal system cannot achieve a 100m horizontal separation from a watercourse on the Subdivision Guide Plan, then Council will require as a condition of building approval that an approved alternative system be used to the specifications of the Health Department to be located no closer than 50 metres horizontal separation from the watercourses as defined on the Subdivision Guide Plan.</p> <p>iv) a) Within the Existing Vegetation, Landscape Protection/Tree Planting and Strategic Tree Planting Areas defined on the Subdivision Guide Plan, no indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>X trees are dead; diseased or dangerous;</li> <li>X the establishment of a fire access track is required under regulation or by-law;</li> </ul>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>17. McLeod Road (west) Special Rural Zone Denmark Lot 669 McLeod Road, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA): Home Occupation Rural Pursuit (see provision vi(a)) Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</p>	<p>b) The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council, and as condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in location approved by Council.</p> <p>c) No fencing will be permitted within the Existing Vegetation, Landscape Protection/Tree Planting or Strategic Tree Planting Areas as defined on the Subdivision Guide Plan.</p> <p>v) a) Council may request the Commission to impose a condition at the time of subdivision for the provision and construction of strategic fire breaks, creek crossings and fire fighting water supply facilities as nominated on the Subdivision Guide Plan.</p> <p>b) Council shall require that individual landowners are responsible for the maintenance of a Strategic Firebreak where it crosses the landowner's lot.</p> <p>c) Limited clearing around building structures will be required by Council to establish low fuel zones. The low fuel zones shall be kept free of debris and maintained to a standard approved by Council.</p> <p>d) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959-1991 – "Construction of Buildings in Bushfire Prone Areas."</p> <p>e) Council shall require the construction of gates where fences cross the Strategic Firebreak to the specifications and satisfaction of the Bush Fires Board and Council.</p> <p>vi) a) With the intention of preventing overstocking erosion or any other practices detrimental to the amenity within that zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of prevailing seasonal conditions.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>17. McLeod Road (west) Special Rural Zone Denmark Lot 669 McLeod Road, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA): Home Occupation Rural Pursuit (see provision vi(a)) Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</p>	<p>b) Council will only permit the keeping of stock and other intensive agricultural pursuits in areas that are already substantially cleared and pastured so as not to conflict with clause (iv).</p> <p>c) Council will impose fencing requirements as a condition of its approval to protect substantive vegetation in the Existing Vegetation, Landscape Protection/Tree Planting and Strategic Tree Planting Areas as defined on the Subdivision Guide Plan.</p> <p>vii) a) The Council will require the planting and maintenance, for a period of at least 3 years, of the Landscape Protection/Tree Planting and Strategic Tree Planting Areas as defined on the Subdivision Guide Plan, using endemic native trees of species and in locations approved by Council as shown on the Landscape Plan.</p> <p>b) Commencement of development within the Existing Vegetation, Landscape Protection/Tree Planting and Strategic Tree Planting Areas as defined on the Subdivision Guide Plan, shall require the prior approval of Council. Development shall be deemed to include preclusion of Riparian rights by damming, diversion or other impediment to water flow, regarding the natural banks, clearing and construction of residences, outbuildings, bridges, or any form of marine structure.</p> <p>c) In the event a future landowner wishes to relocate a building envelope to a position different to that shown on the Subdivision Guide Plan Council will require a revised landscaping plan to be submitted demonstrating suitable screening.</p> <p>Once approved by Council the plan is to be implemented by the landowner in accordance with Council's requirements.</p> <p>d) No vegetation is to be planted other than in the Landscape Protection/Tree Planting and Strategic Tree Planting Areas as detailed on the Subdivision Guide Plan so as to avoid blocking views from McLeod Road.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>17. McLeod Road (west) Special Rural Zone Denmark Lot 669 McLeod Road, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA): Home Occupation Rural Pursuit (see provision vi(a)) Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</p>	<p>viii) a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour.</p> <p>b) Buildings shall be constructed of roof and external wall materials comprising earth brown or green vegetation colours on finishes.</p> <p>c) All residential buildings shall be single storey except where it can be proved to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality from McLeod Road Tourist Route.</p> <p>d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</p> <p>e) Proposals to vary the height restrictions pursuant to Special Provision viii(c) shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the effect on the visual amenity and the natural screening effect of vegetation and topography including any proposed landscaping.</p> <p>ix) The subdivider making arrangements to the satisfaction of Council to ensure prospective purchasers and successors in title are aware that general farming and intensive agricultural pursuits are conducted adjacent to the site and in the area generally and all current and future landuses and development within this zone shall be designed and conducted in such a manner so as to not create conflict with these landuses and adversely impact on the rural amenity of the area.</p> <p>x) A surveyor's plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show Existing Vegetation Areas, Landscape Protection/Tree planting areas, Strategic Firebreaks, 0.1 metre P.A.W. and roads and drains as proposed and as required by Council for approval.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>18.</b> Limbourne Road Special Rural Zone Denmark Lot 60 Location 955 McLeod Road, Denmark	Rural Residential  Permitted Uses (P): Single House  Permitted at Council's Discretion (AA):  X Home Occupation X Horticulture (floriculture) (see provision vi(a)) X Holiday Accommodation (on the basis this is limited to accommodation which is solely within the existing dwelling)	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;">             (i) All subdivision within the zone shall be generally in accordance with the Subdivision Guide Plan (Plan No. 92/17/6) as signed by the Chief Executive Officer.           </div> <div style="margin-bottom: 10px;">             (ii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.           </div> <div>             (iii)             <div style="margin-left: 20px;">               (a) All buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no greater than 3,000m<sup>2</sup>, which has been selected and delineated on-site by the landowner, and approved by Council.             </div> <div style="margin-left: 20px;">               (b) The location of the approved building envelope shall be such that:               <ul style="list-style-type: none"> <li>- it has regard for the locations of building envelopes delineated on the Subdivision Guide Map.</li> <li>- no additional clearing or disturbance will take place within the Landscape Protection or Creekline Protection as defined on the Subdivision Guide Plan.</li> <li>- is consistent with the setback areas referred to in by Clause 5.1 "Table 2 - Development Standards".</li> <li>- the location of the building envelope and low fuel zones will not affect the Tree Preservation Areas defined on the Subdivision Guide Map.</li> <li>- the location of the building envelope will not detract from the environmental quality of the area or from the amenity of adjoining residences.</li> <li>- it has regard for the capability and suitability of the land.</li> </ul> </div> <div style="margin-left: 20px;">               (c) In the event that a future landowner wishes to relocate a building envelope to a position different to that shown on the Subdivision Guide Plan, Council will require a revised landscaping plan to be submitted demonstrating suitable screening. Once approved by Council the plan is to be implemented by the landowner in accordance with Council's requirements.             </div> </div> </div>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>18.</b> Limbourne Road Special Rural Zone Denmark Lot 60 Location 955 McLeod Road, Denmark (Cont'd)	Rural Residential  Permitted Uses (P): Single House  Permitted at Council's Discretion (AA):  X Home Occupation X Horticulture (floriculture) (see provision vi(a)) X Holiday Accommodation (on the basis this is limited to accommodation which is solely within the existing dwelling)	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(d)</div> <div>All on-site effluent disposal systems shall be located no closer than 100 metres horizontal separation from the watercourse as defined on the Subdivision Guide Plan and 2m vertical separation from the highest known groundwater levels.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(e)</div> <div>If an on-site effluent disposal system cannot achieve a 100m horizontal separation from a watercourse on the Subdivision Guide Plan, then Council will require, as a condition of building approval, that an approved alternative system be used to the specifications of the Health Department to be located no closer than 50 metres horizontal separation from the watercourses as defined on the Subdivision Guide Plan.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(iv)</div> <div style="margin-right: 10px;">(a)</div> <div>           Within the Landscape protection, Creekline Protection and Tree Preservation areas defined on the Subdivision Guide Plan, no indigenous trees or substantial vegetation shall be felled or removed except where:           <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a fire access track is required under regulation or by-law.</li> </ul> </div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(b)</div> <div>The removal of indigenous trees or substantial vegetation for any purposes other than the above exceptions shall require the consent of Council, and as condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(c)</div> <div>Council will not permit fencing along property boundaries where such fencing will go through the Landscape Protection, Creekline Protection or tree Preservation Areas as defined on the Subdivision Guide Plan unless to comply with Provision (vi)(c).</div> </div> </div> <div> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(v)</div> <div style="margin-right: 10px;">(a)</div> <div>Council may request the commission impose conditions at the time of subdivision which will ensure the implementation of those initiatives contained within the Bush Fire Management Plan included within the amendment Report.</div> </div> </div> </div>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>18.</b> Limbourne Road Special Rural Zone Denmark Lot 60 Location 955 McLeod Road, Denmark (Cont'd)	Rural Residential  Permitted Uses (P): Single House  Permitted at Council's Discretion (AA):  X Home Occupation X Horticulture (floriculture) (see provision vi(a))  X Holiday Accommodation (on the basis this is limited to accommodation which is solely within the existing dwelling)	(b) Bush fire facilities shall be constructed to a standard approved by Council in accordance with Council's "Standard of Fire Protection Guidelines" and may include a contribution to the upgrading of the fire equipment.  (c) Council shall require that individual landowners are responsible for the maintenance of a Strategic Firebreak where it crosses the landowner's lot.  (d) Limited clearing may be required by Council around dwellings to establish low fuel zones. The size of each low fuel zone shall be determined by reference to the Bush Fire Management Plan. The low fuel zones shall be kept free of debris and maintained to a standard approved by Council and where required are not to intrude into the Tree or Creekline Preservation Areas.

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>18.</b> Limbourne Road Special Rural Zone Denmark Lot 60 Location 955 McLeod Road, Denmark (Cont'd)</p>	<p>Rural Residential Permitted Uses (P): Single House</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Horticulture (floriculture) (see provision vi(a))</li> <li>▪ Holiday Accommodation (on the basis this is limited to accommodation which is solely within the existing dwelling)</li> </ul>	<p>(e) Council may request the Commission to impose a condition at the time of subdivision requiring the subdivider to make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959 - 1991 - "Construction of Buildings in Bushfire Prone Areas".</p> <p>(f) Council shall require the construction of unlocked gates where fences cross the Strategic Firebreak to the specifications and satisfaction of the Bush Fires Board in accordance with the Bush Fire management Plan.</p> <p>(vi) (a) With the intention of preventing agricultural practices detrimental to the amenity of the land, rural pursuits and the keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of prevailing seasonal conditions. (b)</p> <p>(b) Council will only permit the keeping of animals in areas that area already substantially cleared and pastured so as not to conflict with Clause (iv).</p> <p>(c) Council will impose fencing requirements as a condition of its approval to protect substantive vegetation in the Landscape Protection, Creekline Protection and Tree Preservation Areas as defined on the Subdivision Guide Plan.</p> <p>(d) Provision of an adequate water supply to the stock will also be required as a condition of approval to keep stock.</p> <p>(vii) (a) Council will request the Commission impose a condition at the time of subdivision that requires the preparation of a Landscape Plan for the site.</p> <p>(b) The Council will require the planting and maintenance, for a period of at least 3 years, of the Landscape Protection and Creekline Protection Areas as defined on the Subdivision Guide Plan, using endemic native trees of species and in locations approved by Council as shown on the Landscape Plan which will be required as a condition of subdivision.</p>



## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>18.</b> Limbourne Road Special Rural Zone Denmark Lot 60 Location 955 McLeod Road, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Single House</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Horticulture (floriculture) (see provision vi(a))</li> <li>▪ Holiday Accommodation (on the basis this is limited to accommodation which is solely within the existing dwelling)</li> </ul>	<p>(c) Commencement of development within the Landscape Protection and Creekline Protection Areas as defined on the Subdivision Guide Plan shall require the prior approval of Council. Development shall be deemed to include preclusion of Riparian rights by damming, diversion or other impediment to water flow, regarding the natural banks, clearing and construction of bridges, fencing or any form of marine structure.</p> <p>(ix) Council may request the Commission to impose a condition at the time of subdivision requiring a Drainage and Nutrient Management Plan to be prepared and implemented that addresses the drainage requirements on the site and addresses impacts on local water regions for both during the subdivision construction phase and upon completion of the works.</p> <p>(x) Council may request the Commission to improve a condition at the time of subdivision requiring the battleaxe leg be constructed, paved and drained to the satisfaction of Council.</p> <p>(xi) Any proposed clearing of roadside vegetation for the provision of underground/overhead power to the total site to be developed as part of connection to the reticulated network, will require the prior consent of Council or alternative location of such servicing infrastructure so as to avoid the loss of vegetation.</p> <p>(xii) The subdivider making arrangements to the satisfaction of Council to ensure prospective purchasers and successors in title are aware that general farming and intensive agricultural pursuits are conducted adjacent to the site and in the area generally and all current and future landuses and development within this zone shall be designed and conducted in such a manner so as to not create conflict with these landuses and adversely impact on the rural amenity of the area.</p> <p>(xiii) A surveyor's plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show Landscape Protection, Creekline Protection and Tree Preservation Areas, Strategic Firebreaks, .01 metre PAW and roads and drains as proposed and as required by Council for approval.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>19.</b> McLeod Road Special Rural Zone Denmark Lot 577 McLeod Road, Denmark</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ (see provision vi(a))</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</li> </ul>	<p>i) All subdivision within the zone shall generally be in accordance with the Subdivision Guide Map (Plan No. 10050/5) as signed by the Chief Executive Officer.</p> <p>ii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.</p> <p>iii) a) All buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no greater than 3,000m<sup>2</sup>, which has been selected and delineated on-site by the landowner, and approved by Council.</p> <p>b) the location of the approved building envelope shall be such that:</p> <ul style="list-style-type: none"> <li>- no additional clearing or disturbance will take place within the Landscape Protection/Tree Planting or Strategic Tree Planting Areas as defined on the Subdivision Guide Plan;</li> <li>- it is consistent with the building setback areas referred to in Clause 5.1 "Table 2 - Development Standards".</li> <li>- the location of the building envelope will not detract from: <ul style="list-style-type: none"> <li>a) the environmental quality of the area;</li> <li>b) the amenity of adjoining residences;</li> <li>c) the McLeod Road Tourist route.</li> </ul> </li> <li>- in relation to lots 1 and 5 on the Subdivision Guide Plan the building envelope must be located at least 300m from the existing vineyard to the north of McLeod Road.</li> </ul> <p>c) All on-site effluent disposal systems shall be located no closer than 100 metres horizontal separation from the watercourses as defined on the Subdivision Guide Plan.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>19.</b> McLeod Road Special Rural Zone Denmark Lot 577 McLeod Road, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ (see provision vi(a))</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</li> </ul>	<p>d) If an on-site effluent disposal system cannot achieve a 100m horizontal separation from a watercourse on the Subdivision Guide Plan, then Council will require that an approved alternative system be used to the specifications of the Health Department to be located no closer than 50 metres horizontal separation from the watercourses as defined on the Subdivision Guide Plan.</p> <p>iv) a) Within the existing vegetation, Landscape Protection/Tree planting and Strategic Tree Planting Areas defined on the Subdivision guide Plan, no indigenous trees or substantial vegetation shall be felled or removed except where:</p> <p style="padding-left: 40px;">X trees are dead; diseased or dangerous;</p> <p style="padding-left: 40px;">X the establishment of a fire access track is required under regulation or by-law;</p> <p>b) The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council, and as condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.</p> <p>c) No fencing will be permitted within the Existing Vegetation, Landscape Protection/Tree Planting or Strategic Tree Planting areas as defined on the Subdivision Guide Plan.</p> <p>v) a) Council may request the Commission to impose a condition at the time of subdivision for the provision and construction of strategic fire breaks, creek crossings and fire fighting water supply facilities as nominated on the Subdivision Guide Plan.</p> <p>b) Council shall require that individual landowners are responsible for the maintenance of a Strategic Firebreak where it crosses the landowner's lot.</p> <p>c) Limited clearing around building structures will be required by Council to establish low fuel zones. The low fuel zones shall be kept free of debris and maintained to a standard approved by Council.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>19.</b> McLeod Road Special Rural Zone Denmark Lot 577 McLeod Road, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ (see provision vi(a))</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</li> </ul>	<p>d) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959-1991 - "Construction of Buildings in Bushfire Prone Areas".</p> <p>e) Council shall require the construction of gates where fences cross the Strategic Firebreak to the specifications and satisfaction of the Bush Fires Board and Council.</p> <p>vi) a) With the intention of preventing overstocking erosion or any other practices detrimental to the amenity within that zone, intensive agricultural pursuits and the breeding or keeping of animal for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of prevailing seasonal conditions.</p> <p>b) Council will only permit the keeping of stock and other intensive agricultural pursuits in areas that are already substantially cleared and pastured so as not to conflict with Clause (iv).</p> <p>c) Council will impose fencing requirements as a condition of its approval to protect substantive vegetation in the Existing Vegetation, Landscape Protection, Tree planting and Strategic Tree planting Areas as defined on the Subdivision Guide Plan.</p> <p>vii) a) The Council will require the planting and maintenance, for a period of at least 3 years, of the Landscape Protection/Tree planting and Strategic Tree planting Areas as defined on the Subdivision Guide Plan, using endemic native trees of species and in locations approved by Council as shown on the Landscape Plan.</p> <p>b) Commencement of development within the Existing Vegetation, Landscape Protection/Tree planting and Strategic Tree planting Areas as defined on the Subdivision Guide Plan, shall require the prior approval of Council Development shall be deemed to include preclusion of Riparian rights by damming, diversion or other impediment to water flow, regarding the natural banks, clearing and construction of residences, outbuildings, bridges, or any form of marine structure.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>19.</b> McLeod Road Special Rural Zone Denmark Lot 577 McLeod Road, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ (see provision vi(a))</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</li> </ul>	<p>c) In the event a future landowner wishes to relocate a building envelope to a position different to that shown on the Subdivision Guide Plan Council will require a revised landscaping plan to be submitted demonstrating suitable screening.</p> <p>Once approved by Council the plan is to be implemented by the landowner in accordance with Council's requirements.</p> <p>d) No vegetation is to be planted other than in the Landscape Protection/Tree Planting and Strategic Tree Planting Areas as detailed on the Subdivision Guide Plan so as to avoid blocking views from McLeod Road.</p> <p>viii) a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour.</p> <p>b) Buildings shall be constructed of roof and external wall materials comprising earth brown or green vegetation colours or finishes.</p> <p>c) All residential buildings shall be single storey except where it can be proved to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality from McLeod Road Tourist Route.</p> <p>d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</p> <p>e) Proposals to vary the height restrictions pursuant to Special Provision viii)(c) shall be accompanied by such plans, elevations and sketches as it determined by the Council to assess the effect on the visual amenity and the natural screening effect of vegetation and topography including any proposed landscaping.</p> <p>ix) The subdivider making arrangements to the satisfaction of Council to ensure prospective purchasers and successors in title are aware that general farming and intensive agricultural pursuits are conducted adjacent to the site and in the area generally and all current future landuses and development within this zone shall be designed and conducted in such a manner so as to not create conflict with these landuses and adversely impact on the rural amenity of the area.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>19.</b> McLeod Road Special Rural Zone Denmark Lot 577 McLeod Road, Denmark (Cont'd)	Rural Residential  Permitted Uses (P): Residential Dwelling House  Permitted at Council's Discretion (AA): <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ (see provision vi(a))</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</li> </ul>	x) A surveyor's plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show Area of Landscape Protection and Strategic Firebreaks, 0.1 metre P.A.W. and roads and drains as proposed and as required by Council for approval.
<b>20.</b> Suttons Road Special Rural Zone  Part Lot 569 corner of Scotsdale and Sutton Roads, Denmark  <i>AMD 73 GG 1/4/03</i>	Rural Residential  Permitted Use (P) Single House  Permitted at Council's Discretion (AA) <ul style="list-style-type: none"> <li>▪ Home Occupation</li> </ul>	(i) All subdivision within the zone should generally be in accordance with Subdivision Guide Plan No. 00/55/04 WR; as signed by Council's Chief Executive Officer.  (ii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.  (iii) <ul style="list-style-type: none"> <li>(a) All buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no greater than 3,000m<sup>2</sup>, which has been selected and delineated on-site by the landowner, and approved by Council;</li> <li>(b) The location of the approved building envelope shall be such that;               <ul style="list-style-type: none"> <li>- no additional clearing or disturbance will take place within the Landscape Buffers as defined on the Subdivision Guide Plan;</li> <li>- it is consistent with the building setback areas referred to in Clause 5.1 "Table 2 - Development Standards";</li> <li>- it is located outside the Tree Preservation Areas as defined on the Subdivision Guide Plan;</li> <li>- the location of the building envelope will not detract from:                   <ul style="list-style-type: none"> <li>• the environmental quality of the area;</li> <li>• the amenity of adjoining residences; and</li> <li>• the tourist development.</li> </ul> </li> </ul> </li> </ul>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>20.</b>        Suttons Road Special Rural Zone</p> <p>Part Lot 569 corner of Scotsdale and Sutton Roads, Denmark (Cont'd)</p> <p><i>AMD 73 GG 1/4/03</i></p>	<p>Rural Residential</p> <p>Permitted Use (P) Single House</p> <p>Permitted at Council's Discretion (AA)</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> </ul>	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 20px;"> <p>(iv)</p> <div style="margin-left: 20px;"> <p>(a) No development other than for strategic firebreak purposes and low fuel zones will be permitted within the Landscape Buffers nominated on the Subdivision guide Plan;</p> <p>(b) Council will require the planting and maintenance of the Landscape Buffers, as defined on the Subdivision Guide Plan, using local indigenous trees of species and in locations approved by Council;</p> </div> </div> <div> <p>(v)</p> <div style="margin-left: 20px;"> <p>(a) Within the Tree Preservation Areas defined on the Subdivision Guide Plan, no indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a fire access track is required under regulation or by-law;</li> <li>- access to a building site is required and approved.</li> </ul> <p>(b) The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council, and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.</p> <p>(c) Council will not encourage fencing along property boundaries within the Tree Preservation Area as shown on the Subdivision Guide Plan.</p> </div> </div> </div> <div style="margin-top: 20px;"> <p>(vi)</p> <div style="margin-left: 20px;"> <p>(a) Council may request the Commission impose a condition at the subdivision stage for the construction of strategic firebreaks and fire fighting water supplies to a standard approved by Council and the bush Fires Board of WA;</p> <p>(b) Council shall require that individual landowners are responsible for the maintenance of a Strategic Firebreak where it crosses the landowner's lot;</p> <p>(c) Limited clearing around building structures will be required by Council to establish low fuel zones. The low fuel zones shall be kept free of debris and maintained to a standard approved by the Council;</p> </div> </div>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>20.</b>      Suttons Road Special Rural Zone  Part Lot 569 corner of Scotsdale and  Sutton Roads, Denmark  (Cont'd)</p> <p><i>AMD 73 GG 1/4/03</i></p>	<p>Rural Residential</p> <p>Permitted Use (P) Single House</p> <p>Permitted at Council's Discretion (AA)</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> </ul>	<p>(d) The development of all habitable dwellings shall comply with Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas".</p> <p>(e) Council may request the Commission impose a condition at the subdivision stage requiring a financial contribution to give effect to any fire equipment strategy for the locality.</p> <p>(vii) (a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour.</p> <p>(b) All buildings shall be constructed of roof and external wall materials, comprising subtle earth or vegetation colours and finishes.</p> <p>(c) All residential buildings shall be single storey except where it can be proved to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality from Scotsdale Road Tourist Route.</p> <p>(d) All buildings shall be sited to maximise the natural screening of vegetation and topography.</p> <p>(e) Proposals to vary the height restrictions pursuant to Special Provision vii) (c) shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the effect on the visual amenity and the natural screening effect of vegetation and topography including any proposed landscaping.</p> <p>(viii) The subdivider making arrangements to the satisfaction of Council to ensure prospective purchases and successors in title are aware that general farming, tourist and intensive agricultural pursuits are conducted adjacent to the site and in the area generally and all current and future landuses and development within this zone shall be designed and conducted in such a manner so as to not create conflict with these landuses and adversely impact on the rural amenity of the area.</p> <p>(ix) A surveyor's plan (precalculated drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show Landscape Protection Area, strategic firebreaks and roads and drains as proposed and as required by Council for approval.</p> <p>(x) Vehicle access to Sutton Road shall be restricted to one driveway crossover per lot in a location to be approved by Council.</p>



## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>21.</b> Myers Road Special Rural Zone Lot 422 Myers Road, Denmark</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Single House Public Recreation</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</li> </ul>	<p>(i) Subdivision shall be generally in accordance with the Subdivision Guide Plan dated 12 November 1996 as signed by the Chief Executive Officer.</p> <p>(ii) The preferred minimum lot size shall be 2.0 hectares, however the Western Australian Planning Commission may approve minor variations to the Subdivision Guide Plan on the recommendation of Council.</p> <p>(iii) With the intention of preventing overstocking, erosion or any, other practices, detrimental to the amenity within that zone, agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of the Council. The Council may impose limits on stocking or any other conditions as it sees fit and may vary such conditions in the light of prevailing seasonal conditions.</p> <p style="padding-left: 40px;">X Council will only permit the keeping of stock and other agricultural pursuits in areas that are cleared and pastured so as not to conflict with the Clause relating to Tree Preservation.</p> <p style="padding-left: 40px;">X Council may request the Commission to impose a condition at the time of subdivision with regard to the imposition of fencing requirements as a condition of any approval to keep stock to protect substantive vegetation in the Tree Preservation Area as shown on the Subdivision Guide Plan.</p> <p style="padding-left: 40px;">X Provision of an adequate water supply to the stock may also be required as a condition of approval.</p> <p>(iv) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.</p> <p>(v) (a) All buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no greater than 3,000 m<sup>2</sup>, which has been selected and delineated on-site by the landowner, and approved by Council.</p> <p style="padding-left: 40px;">(b) The location of the approved building envelope shall be such that:</p> <ul style="list-style-type: none"> <li>- it has regard for the locations of building envelopes delineated on the Subdivision Guide Plan;</li> </ul>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>21.</b> Myers Road Special Rural Zone Lot 422 Myers Road, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Single House Public Recreation</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</li> </ul>	<ul style="list-style-type: none"> <li>- no additional clearing or disturbance will take place within the 60 metre wide Creekline Protection Area as defined on the Subdivision Guide Plan;</li> <li>- the location of the building envelope and low fuel zones will not affect the Tree Preservation Areas defined on the Subdivision Guide Plan;</li> <li>- it is consistent with the building setback areas referred to in by Clause 5.1 "Table 2 - Development Standards";</li> <li>- the location of the building envelope will not detract from the environmental quality of the area or from the amenity of adjoining residences;</li> <li>- it facilitates maximum separation from orcharding activities on the eastern side of Myers Road;</li> <li>- it has regard for the capability and suitability of the land.</li> </ul> <p>(c) All on-site effluent disposal systems shall be located no closer than 100 metres horizontal separation from the watercourses as defined on the Subdivision Guide Plan.</p> <p>(d) If an on-site effluent disposal system cannot achieve a 100 metre horizontal separation from a watercourse on the Subdivision Guide Plan, then Council will require, as a condition of building approval, that an approved alternative system be used to the specifications of the Health Department to be located no closer than 50 metres horizontal separation from the watercourses as defined on the Subdivision Guide Plan.</p> <p>(vi) (a) Within those areas defined as "Tree Preservation Areas" and "Creekline Preservation Areas" on the Subdivision Guide Plan, no indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a fire access track is required under a regulation or by-law;</li> <li>- access to a building site is required and approved.</li> </ul> <p>Remnant vegetation in these areas shall be fenced from stock.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>21. Myers Road Special Rural Zone Lot 422 Myers Road, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Single House Public Recreation</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</li> </ul>	<p>(b) Council may request the Commission to impose a condition at the time of subdivision with regard to removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.</p> <p>(c) Council will not encourage fencing along property boundaries within Tree Preservation Areas/Creekline Protection Areas as defined in the Subdivision Guide Plan.</p> <p>(vii) (a) Council may request the commission to impose a condition at the time of subdivision with regard to strategic firebreaks, creek crossings and standpipe/tank facilities as nominated on the Subdivision Guide Plan. These shall be constructed to a standard approved by Council in accordance with Council's "Standard of the Protection Guidelines" and may include a contribution to the upgrading of fire equipment.</p> <p>(b) Council shall require that individual landowners are responsible for the maintenance of a Strategic Firebreak where it crosses the landowner's lot.</p> <p>(c) Limited clearing within a 50 metre radii of building structures may be required by Council to establish low fuel zones. The low fuel zones shall be kept free of debris and maintained to a standard approved by Council and where required are not to intrude into the Tree Preservation Areas.</p> <p>(d) Council may request the Commission to impose a condition at the time of subdivision requiring the subdivider to make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959-1991 – "Construction of Buildings in Bushfire Prone Areas".</p> <p>(e) Council shall require the construction of gates where fences cross the Strategic Firebreak to the specifications and satisfaction of the Bush Fires Board.</p> <p>(viii) (a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale, height, building materials and colour.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>21.</b> Myers Road Special Rural Zone Lot 422 Myers Road, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Uses (P): Single House Public Recreation</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling.</li> </ul>	<p>(b) Buildings shall be constructed of roof and external wall materials comprising natural earth or olive green colours. Zincalume or other similar cladding will not be permitted. Other roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.</p> <p>(c) All residential buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.</p> <p>(d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</p> <p>(e) Proposals to vary the height restrictions pursuant to (c) above shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the effect on the visual amenity and the natural screening effect of vegetation and topography or any proposed landscaping to be provided.</p> <p>(ix) Council will require that all prospective purchasers and successors in title are advised in writing that adjacent properties are utilised for tourist and intensive rural pursuits where spraying and bird scaring activities are undertaken.</p> <p>(x) Within the Creekline Protection/Tree Planting Areas nominated on the Subdivision Guide Map, Council may request the Commission to impose a condition at the time of subdivision to require the subdivider to plant and maintain for a period of three years, endemic native trees of species and in locations approved by Council.</p> <p>(xi) Council may request the Commission to impose a condition at the time of subdivision requiring a Drainage and Nutrient Management Plan to be prepared and implemented that addresses the drainage requirements on the site and addresses impacts on local water regions.</p> <p>(xii) Where circumstances warrant such action, Council may impose a control on the keeping of domestic pets to minimise any impacts which may be occurring on adjoining farming activities and areas of remnant vegetation.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>22. Myers Road Special Rural Zone</b></p> <p>Lot 80 &amp; 81 Myers Road, Denmark</p> <p><i>AMD 90 GG 21/10/05</i></p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit (see provision vi(a))</li> <li>▪ Holiday accommodation on the basis that it is limited to accommodation solely within the dwelling and/or ancillary accommodation and a maximum number of persons to be accommodated on site is to be 6 other than the property owner.</li> </ul> <p>Permitted at Council's discretion following advertising for public comment (SA):</p> <ul style="list-style-type: none"> <li>▪ Health Retreat on the basis that it is limited to accommodation solely within the dwelling and ancillary accommodation on Lot 80 Myers Road and numbers are limited to a maximum of 6 other than the property owner. The health retreat will allow activities such as alternative therapies, yoga, meditation, massage and associated workshops, that do not cause a nuisance or disturbance to nearby properties in terms of noise, hours of operation and car parking.</li> </ul>	<p>i) All subdivision within the zone shall generally be in accordance with the Subdivision Guide Plan (No. 96/97/3) as signed by the Chief Executive Officer.</p> <p>ii) No dwelling shall be constructed or approved for construction unless a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, and no dwelling shall be considered fit for human habitation unless such supply of water and method of effluent disposal has been installed and is operating.</p> <p>iii) a) All buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no greater than 1,000m<sup>2</sup>, which has been selected and delineated on-site by the landowner, and approved by Council.</p> <p>b) The location of the approved building envelope shall be such that:</p> <ul style="list-style-type: none"> <li>- it has regard for the locations of building envelopes delineated on the Subdivision Guide Map;</li> <li>- it is consistent with the building setback areas referred to in by Clause 5.1 "Table 2 - Development Standards";</li> <li>- the location of the building envelope and low fuel zones will not affect the Tree Preservation Areas defined on the Subdivision Guide Map;</li> <li>- the location of the building envelopes will not detract from the environmental quality of the area or from the amenity of adjoining residences;</li> <li>- it has regard for the capability and suitability of the land.</li> </ul> <p>iv) a) No indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a fire access track is required under regulation or by-law.</li> </ul> <p>b) The removal of indigenous trees or substantial vegetation for any purposes other than the above exceptions shall require the consent of Council, and as condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>22. Myers Road Special Rural Zone</b></p> <p>Lot 80 &amp; 81 Myers Road, Denmark (Cont'd)</p> <p><i>AMD 90 GG 21/10/05</i></p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit (see provision vi(a))</li> <li>▪ Holiday accommodation on the basis that it is limited to accommodation solely within the dwelling and/or ancillary accommodation and a maximum number of persons to be accommodated on site is to be 6 other than the property owner.</li> </ul> <p>Permitted at Council's discretion following advertising for public comment (SA):</p> <ul style="list-style-type: none"> <li>▪ Health Retreat on the basis that it is limited to accommodation solely within the dwelling and ancillary accommodation on Lot 80 Myers Road and numbers are limited to a maximum of 6 other than the property owner. The health retreat will allow activities such as alternative therapies, yoga, meditation, massage and associated workshops, that do not cause a nuisance or disturbance to nearby properties in terms of noise, hours of operation and car parking.</li> </ul>	<p>c) Council will not encourage fencing along property boundaries within the Tree Preservation Areas as defined on the Subdivision Guide Plan unless to comply with Provision vi) c).</p> <p>v) a) Council may request the Commission to impose a condition at the time of subdivision to require arrangements to be made for the provision and maintenance of fire control measures, including emergency egress/access, strategic firebreaks and water supply facilities (eg, water tank and standpipe facilities),</p> <p>b) Council shall require that individual landowners are responsible for the maintenance of a Strategic Firebreak where it crosses the landowner's lot.</p> <p>c) Limited clearing around building structures, will be required by Council to establish 3,000 m<sup>2</sup> low fuel zones as shown on the Subdivision Guide Map. The low fuel zones shall be kept free of debris and maintained to a standard approved by Council, and where required are not to intrude into the Tree Preservation Area.</p> <p>d) Council may request the Commission to impose a condition at the time of subdivision requiring the subdivider to make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959-1991</p> <p>e) Council shall require the construction of gates where fences cross the Strategic Firebreak to the specifications and satisfaction of the Bush Fires Board and Council.</p> <p>vi) a) With the intention of preventing agricultural practices detrimental to the amenity within the zone, rural pursuits and the keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of prevailing seasonal conditions.</p> <p>b) Council will only permit the keeping of animals in areas that are already substantially cleared and pastured so as not to conflict with Clause (iv).</p> <p>c) Council may request the Commission to impose a condition at the time of subdivision to require that Tree Preservation Areas shown on the Subdivision Guide Plan be fenced from stock. Council may impose such fencing requirements as a condition of its approval to the keeping of animals.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>22. Myers Road Special Rural Zone</b></p> <p>Lot 80 &amp; 81 Myers Road, Denmark (Cont'd)</p> <p><i>AMD 90 GG 21/10/05</i></p>	<p>Rural Residential</p> <p>Permitted Uses (P): Residential Dwelling House</p> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit (see provision vi(a))</li> <li>▪ Holiday accommodation on the basis that it is limited to accommodation solely within the dwelling and/or ancillary accommodation and a maximum number of persons to be accommodated on site is to be 6 other than the property owner.</li> </ul> <p>Permitted at Council's discretion following advertising for public comment (SA):</p> <ul style="list-style-type: none"> <li>▪ Health Retreat on the basis that it is limited to accommodation solely within the dwelling and ancillary accommodation on Lot 80 Myers Road and numbers are limited to a maximum of 6 other than the property owner. The health retreat will allow activities such as alternative therapies, yoga, meditation, massage and associated workshops, that do not cause a nuisance or disturbance to nearby properties in terms of noise, hours of operation and car parking.</li> </ul>	<p>d) Provision of an adequate water supply to the stock may also be required as a condition of approval.</p> <p>vii) a) The Council will require the planting and maintenance, for a period of at least 3 years, of the Tree Planting Areas as defined on the Subdivision Guide Plan, using endemic native trees of species</p> <p>viii) a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colour.</p> <p>b) All buildings shall be constructed of roof and external wall materials, comprising earth brown or green vegetation colours or finishes.</p> <p>c) All residential buildings shall be single storey except where it can be proved to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.</p> <p>d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</p> <p>e) Proposals to vary the height restrictions pursuant to Special Provision viii(c) shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the effect on the visual amenity and the natural screening effect of vegetation and topography including any proposed landscaping.</p> <p>ix) A surveyor's plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show Tree Preservation Areas and Strategic Firebreaks, as proposed and as required by Council for approval.</p> <p>x) Prior to any intensification of development for holiday accommodation and health retreat purposes in SR Zone No. 22, Council shall consult and have regard to advice from Main Roads WA regarding improvements required for the Myers Road – South Coast Highway intersection.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>23. Seaview Special Rural Zone</p> <p>Plantagenet Location 5089 South Coast Highway, Denmark</p>	<p>Rural Residential</p> <p>Permitted Use (P)</p> <p style="padding-left: 40px;">Residential Dwelling House Public Recreation</p> <p>Permitted at Council's Discretion (AA)</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ Cottage Industry</li> <li>▪ Holiday Accommodation on the basis that it is limited to accommodation which is solely within the dwelling</li> </ul>	<p>Subdivision shall generally be in accordance with the Seaview Structure Plan (Plan No. 99036-06)</p> <p>i) The minimum lot size shall be 2.0 hectares but further subdivision of the lots to increase the overall lot yield will be considered contrary to the Seaview Structure Plan and will not be supported.</p> <p>ii) No dwelling shall be approved for construction constructed or occupied unless the provision of a minimum of 92,000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans, installed and operational.</p> <p>iii) Council will request the Commission to impose a condition on any subdivision to require that a prospective purchaser of the lot is aware of the responsibility to install an individual supply of water and method of effluent disposal. Council will also request the Commission to impose a condition of subdivision to require that the recommendations made in the Effluent Disposal Capability Assessment (October 2000) with regard to the use of ATU's and leach drains, be adhered to and that a copy of the report be made available to all prospective purchasers.</p> <p>iv) Council will request the Commission to impose a condition on any subdivision to require the provision of underground power to lots within this zone, where in the opinion of Council and Western Power the construction of overhead transmission lines would result in land degradation and/or the significant removal of vegetation or detriment to the visual amenity of the area.</p> <p>v) All buildings structures, effluent disposal systems and any other development such as retaining walls, stone walls or any other forms of revetment shall be contained within a prescribed building envelope and not within the building exclusion area. Building envelopes shall not exceed 3000 m<sup>2</sup> in area.</p> <p>vi) Development will not be permitted within the building exclusion area as identified on the Seaview Structure Plan. the building exclusion area shall have the following parameters:</p> <ul style="list-style-type: none"> <li>• 20 metres from side boundaries;</li> <li>• 30 metres from rear boundary;</li> <li>• 30 metres from all roads;</li> <li>• 50 metres from all watercourses and water bodies;</li> <li>• where any building will visually intrude on the landscape; and</li> <li>• within strategic firebreaks.</li> </ul>



## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>23. Seaview Special Rural Zone</p> <p>Plantagenet Location 5089 South Coast Highway, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Use (P)</p> <p style="padding-left: 40px;">Residential Dwelling House Public Recreation</p> <p>Permitted at Council's Discretion (AA)</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ Cottage Industry</li> <li>▪ Holiday Accommodation on the basis that it is limited to accommodation which is solely within the dwelling</li> </ul>	<p>vii) Notwithstanding this requirement, Council may permit a variation to the building exclusion area if it can be demonstrated by the landowner that the objectives contained in the Seaview Structure Plan with particular attention to foreshore management, visual amenity, land capability and bushfire management, can continue to be achieved.</p> <p>viii) Within the Tree Preservation Area as defined on the Seaview Structure Plan, no indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a firebreak is required under a regulation or by-law;</li> <li>- access to a building site is required and approved;</li> <li>- an area of up to 1 metre in width for the purpose of erecting and maintaining a fence line is required and approved by council. In these areas the land shall be slashed with a view to preventing soil erosion.</li> </ul> <p>ix) Council may request the Commission to impose a condition on subdivision to require fencing to protect substantive vegetation in the Tree Preservation Area as shown on the Seaview Structure Plan prior to any proposal to run stock being approved.</p> <p>x) Removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions shall require the Consent of Council and as a condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in a location approved by Council. Clearing of native vegetation for the erection of a dwelling shall not exceed the approved building envelope.</p> <p>xi) Within the Strategic Tree Planting Areas nominated on the Seaview Structure Plan, Council shall require that the subdivider plant and maintain for a period of at least 3 years, endemic native trees of species approved by Council. A landscaping plan will be required as a condition of subdivision approval.</p> <p>xii) Council will request the Commission to impose a condition on any subdivision to require Strategic Firebreaks to be provided as nominated on the Seaview Structure Plan, and constructed to a standard approved by the Council and the Bush Fires Service.</p> <p>xiii) Council may request the Commission to impose a condition to require that prospective purchasers of a lot in this area are aware of the Fire Management Plan and the owners responsibility to maintain firebreaks and strategic firebreaks on his/her lot.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>23. Seaview Special Rural Zone</p> <p>Plantagenet Location 5089 South Coast Highway, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Use (P)</p> <p style="padding-left: 40px;">Residential Dwelling House Public Recreation</p> <p>Permitted at Council's Discretion (AA)</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit</li> <li>▪ Cottage Industry</li> <li>▪ Holiday Accommodation on the basis that it is limited to accommodation which is solely within the dwelling</li> </ul>	<p>xiv) Council shall require a 20 metre wide fuel free zone to be maintained around all buildings. Within this area all dead grass, dead trees, leaf litter and trash, and dead branches for a height of 1.5 metres above the ground on all live trees shall be removed.</p> <p>xv) Clearing of firebreaks along fence lines other than for Strategic Firebreaks will not be encouraged unless for safety reasons to comply with Council and the Bush Fires Service requirements.</p> <p>xvi) Council shall require the construction of gates where fences cross the Strategic Fire Break to the specification and satisfaction of Council and the Bush Fire Service.</p> <p>xvii) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959-Construction of Buildings in Bushfire Prone Areas.</p> <p>xviii) With the intention of preventing overstocking, erosion or any other practices detrimental to the amenity within that zone, intensive agriculture pursuits and the breeding and keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. the Council may impose limits on stocking or any other conditions in the light of the prevailing seasonal conditions and rural activities carried out on nearby properties to avoid stock losses or spread of disease.</p> <p>xix) Council may only permit the keeping of stock and other intensive agricultural pursuits in areas that are already substantially cleared and pastures and where Tree Preservation Areas are fenced so as not to conflict with Clauses c(viii) relating to Tree Preservation Areas and Strategic Tree Planting Areas. The fencing shall consist of pine poles, steel posts and 7 strand ringlock or similar to adequately stock proof the treed areas and adjoining rural properties.</p> <p>xx) No water supply dams are to be constructed on any of the lots. If a water supply is required for stock then the rainwater tank capacity must be increased to 120,000 litres.</p> <p>xxi) All lots will be required to be fenced in a rural type fencing.</p> <p>xxii) No fencing to be constructed through the Tree Preservation Areas.</p> <p>xxiii) All buildings constructed within this zone shall be sympathetic to the existing landscape elements (landform and vegetation) in terms of their design, material and colour.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>23. Seaview Special Rural Zone</p> <p>Plantagenet Location 5089 South Coast Highway, Denmark (Cont'd)</p>	<p>Rural Residential</p> <p>Permitted Use (P)</p> <p style="padding-left: 40px;">Residential Dwelling House Public Recreation</p> <p>Permitted at Council's Discretion (AA)</p> <p style="padding-left: 40px;">Home Occupation Rural Pursuit Cottage Industry Holiday Accommodation on the basis that it is limited to accommodation which is solely within the dwelling</p>	<p>xxiv) Roof and external building materials for all buildings and rainwater tanks shall be of a colour approved by Council and shall be earth brown or vegetation green colours. Any materials which in the opinion of Council could prejudice the landscape amenity of the area will not be permitted and this includes unpainted zincalume and white and off white colours.</p> <p>xxv) All buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the amenity of the locality.</p> <p>xxvi) The subdivider making arrangements to the satisfaction of Council to ensure prospective purchasers and successors in title are aware that general farming and intensive agricultural pursuits are conducted adjacent to the site and in the area generally and all current and future landuses and development within this zone shall be designed and conducted in such a manner so as to not create conflict with these landuses and adversely impact on the rural amenity of the area.</p> <p>xxvii) At the time of subdivision Council may request the Commission to impose a condition to require the preparation of a nutrient stripping, sediment retention drainage management plan and for this plan to use the Water and Rivers Commission's Manual for Managing Urban Stormwater Quality in WA. Drainage design objectives should meet the Commissions Water Sensitive Urban Design Guidelines.</p>
<p>24. Limbourne Road Special Rural Zone</p> <p>Location 954 Limbourne Road, Denmark</p> <p><i>AMD 72 GG 29/1/02</i></p>	<p>Rural Residential</p> <p>Permitted Use (P)</p> <p style="padding-left: 40px;">Single House</p> <p>Permitted at Council's Discretion (AA)</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit (see provision (c) (vi) (a))</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling</li> </ul>	<p>(i) Subdivision shall be generally in accordance with the Location 954 Limbourne Road Subdivision Guide Plan (Plan No.: 10422-3-002; Date: 12 February 2001).</p> <p>(ii) No dwelling shall be constructed or approved for construction unless a minimum of 92 000 litre water storage tank and an approved method of effluent disposal has been incorporated into the approved plans and no dwelling shall be considered fit for human habitation unless such supply of water method of effluent disposal has been installed and is operating.</p> <p>(iii) (a) All buildings and effluent disposal systems within the zone shall be located within a defined building envelope of no greater than 1000 sqm which has been selected and delineated on-site by the landowner, and approved by Council.</p> <p style="padding-left: 40px;">(b) The location of the approved building envelope shall be such that:</p> <ul style="list-style-type: none"> <li>▪ No additional clearing or disturbance will take place within the Landscape Protection Area as defined on the Subdivision Guide Plan;</li> </ul>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>24. Limbourne Road Special Rural Zone</p> <p>Location 954 Limbourne Road, Denmark</p> <p>(Cont'd)</p> <p>AMD 72 GG 29/1/02</p>	<p>Rural Residential</p> <p>Permitted Use (P)</p> <p>Single House</p> <p>Permitted at Council's Discretion (AA)</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit (see provision (c) (vi) (a))</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling</li> </ul>	<ul style="list-style-type: none"> <li>▪ It is consistent with the building setback areas referred to in Clause 5.1 "Table 2 - Development Standards":</li> <li>▪ the location of the building envelope will not detract from: <ul style="list-style-type: none"> <li>a) the environment quality of the area;</li> <li>b) the amenity of adjoining residences; and</li> <li>c) the McLeod Road Tourist Route.</li> </ul> </li> </ul> <p>(c) All on-site effluent disposal systems shall be locate no closer than 100 metres horizontal separation from the watercourses as defined on the Subdivision Guide Plan.</p> <p>(d) If an on-site effluent disposal system cannot achieve a 100 metre horizontal separation from a watercourse on the Subdivision Guide Plan, then Council will require as a condition of building approval that an approved alternative system be used to the specifications of the Health Department to be located no closer than 50 metres horizontal Separation from the watercourses as defined on the Subdivision Guide Plan.</p> <p>(iv) (a) Within the Landscape Protection Area and Recommended Revegetation Areas defined on the Subdivision Guide Pan, no indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>▪ Trees are dead, diseased or dangerous;</li> <li>▪ The establishment of a fire access track is required under regulation or by-law.</li> </ul> <p>(b) The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council and as condition of granting consent, Council may require the planting and maintenance, for a period of at least 3 years, of endemic native trees of species and in a location approved by Council.</p> <p>(c) No fencing will be permitted within the Landscape Protection Area or Recommended Revegetation Areas as defined on the Subdivision Guide Plan.</p> <p>(v) (a) Council may request the Commission to impose a condition at the time of subdivision for the provision and construction of strategic firebreaks and fire fighting water supply facilities as nominated on the Subdivision Guide Plan.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>24. Limbourne Road Special Rural Zone</p> <p>Location 954 Limbourne Road, Denmark (Cont'd)</p> <p>AMD 72 GG 29/1/02</p>	<p>Rural Residential</p> <p>Permitted Use (P)</p> <p style="padding-left: 40px;">Single House</p> <p>Permitted at Council's Discretion (AA)</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit (see provision (c) (vi) (a))</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling</li> </ul>	<p>(b) Council shall require that individual landowners be responsible for the maintenance of a strategic firebreak where it crosses the landowner's lot.</p> <p>(c) Limited clearing to 25 metres around building structures will be required by Council to establish low fuel zones. The low fuel zones shall be kept free of debris and maintained to a standard approved by Council.</p> <p>(d) With the exception of the Landscape Protection Area, the subdivider at the time of subdivision shall reduce fuel loadings on the land to below 8 tonnes per hectare.</p> <p>(e) With the exception of the Landscape Protection Area, Council shall require that individual landowners ensure that fuel levels are kept to below 8 tonnes per hectare and maintain a 25m Fuel Reduction Area around all buildings through regular management of understorey and leaf litter, removal of dead timber and branches below head height and slashing and removal of weeds and pasture.</p> <p>(f) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and the Australian Standard 3959 - "Construction of Buildings in Bushfire Prone Areas".</p> <p>(g) Council shall require the construction of gates where fences cross the strategic firebreak to the specifications and satisfaction of the Bush Fires Board and Council.</p> <p>(vi) (a) With the intention of preventing overstocking, erosion or any other practices detrimental to the amenity within that zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without the approval in writing of Council. The Council may impose limits on stocking or any other conditions in the light of prevailing seasonal conditions.</p> <p>(b) Council will only permit the keeping of stock and other intensive agricultural pursuits in areas that are already substantially cleared and pastured so as not to conflict with Provision iii).</p> <p>(c) Council will impose fencing requirements as a condition of its approval to protect substantive vegetation in the Landscape Protection and Recommended Revegetation Areas as defined on the Subdivision Guide Plan.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>24. Limbourne Road Special Rural Zone</p> <p>Location 954 Limbourne Road, Denmark (Cont'd)</p> <p>AMD 72 GG 29/1/02</p>	<p>Rural Residential</p> <p>Permitted Use (P)</p> <p style="padding-left: 40px;">Single House</p> <p>Permitted at Council's Discretion (AA)</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit (see provision (c) (vi) (a))</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling</li> </ul>	<p>(vii) (a) The Council will require the planting and maintenance, for a period of at least 3 years, of the Landscape Protection and Recommended Revegetation Areas as defined on the Subdivision Guide Plan, using endemic native trees of species and in locations approved by Council.</p> <p>(b) Commencement of development within the Landscape Protection and Recommended Revegetation Areas as defined on the Subdivision Guide Plan, shall require the prior approval of Council.</p> <p>(c) In the event that a future landowner wishes to relocate a building envelope to a position different to that shown on the Subdivision Guide Plan, Council will require the landowner to demonstrate that the new location can be suitably screened by vegetation.</p> <p style="padding-left: 40px;">Once approved by Council, any vegetation screening is to be implemented by the landowner in accordance with Council's requirements.</p> <p>(viii) (a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their design, materials and colours.</p> <p>(b) Buildings shall be constructed of roof and external wall materials comprising earth brown or green vegetation colours on finishes. Unpainted zincalume or white or off-white colours shall not be permitted.</p> <p>(c) All residential buildings shall be single storey except where it can be proved to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality from the McLeod Road Tourist Route.</p> <p>(d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</p> <p>(e) Proposals to vary the height restrictions pursuant to Provision (viii)(c) shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the effect on the visual amenity and the natural screening effect of vegetation and topography including any proposed landscaping.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p>24. Limbourne Road Special Rural Zone</p> <p>Location 954 Limbourne Road, Denmark (Cont'd)</p> <p>AMD 72 GG 29/1/02</p>	<p>Rural Residential</p> <p>Permitted Use (P)</p> <p>Single House</p> <p>Permitted at Council's Discretion (AA)</p> <ul style="list-style-type: none"> <li>▪ Home Occupation</li> <li>▪ Rural Pursuit (see provision (c) (vi) (a))</li> <li>▪ Holiday Accommodation on the basis it is limited to accommodation which is solely within the dwelling</li> </ul>	<p>(ix) The subdivider making arrangements to the satisfaction of Council to ensure prospective purchasers and successors in title are aware that general farming and intensive agricultural pursuits are conducted adjacent to the site and in the area generally and all current and future land uses and development within this zone shall be designed and conducted in such a manner so as not to create conflict with these land uses and adversely impact on the rural amenity of the area.</p> <p>(x) A surveyor's plan (pre-calculated drawing) shall be lodged with Council prior to the clearance of diagrams of survey and show Landscape Protection and Recommended Revegetation Areas, strategic firebreaks and roads and drains as proposed and as required by Council for approval.</p>
<p><b>25. South Coast Highway/Lapko Road Special Rural Zone</b></p> <p>No.1670 (Lot 3) South Coast Highway, Shadforth</p> <p>AMD 137 GG 22/5/15</p>	<p>Rural Smallholding</p> <p>Permitted Uses (P):</p> <p>Single House</p> <p>Permitted at Council's Discretion (AA):</p> <p>Home Occupation Cottage Industry Holiday Accommodation Holiday Home (Standard) Holiday Home (Large) Rural Pursuit</p>	<p>1. Subdivision and development shall generally be in accordance with the endorsed Subdivision Guide Plan Drawing No.14457-07B.dgn.</p> <p>2. The minimum lot size shall be 4.0 hectares.</p> <p>3. Building envelopes should generally be as per the endorsed Subdivision Guide Plan, with all buildings and effluent disposal systems to be located within the building envelopes. Any proposals seeking to vary the location of the building envelopes needs to at least have regard to the following:</p> <ul style="list-style-type: none"> <li>a. A minimum front boundary setback (i.e. from South Coast Highway) of 20 metres;</li> <li>b. Minimum side and rear boundary setbacks of 15 metres;</li> <li>c. Existing remnant vegetation on-site;</li> <li>d. Visual impact/amenity from adjoining roads;</li> <li>e. Other issues as identified on the Opportunities and Constraints Plan for the land as provided for in the Scheme Amendment 137 documentation;</li> </ul>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>25. South Coast Highway/Lapko Road Special Rural Zone</b></p> <p>No.1670 (Lot 3) South Coast Highway, Shadforth (Cont'd)</p> <p>AMD 137 GG 22/5/15</p>	<p>Rural Smallholding</p> <p>Permitted Uses (P):</p> <p style="padding-left: 40px;">Single House</p> <p>Permitted at Council's Discretion (AA):</p> <p style="padding-left: 40px;">Home Occupation Cottage Industry Holiday Accommodation Holiday Home (Standard) Holiday Home (Large) Rural Pursuit</p>	<p>4. Provision of potable water shall be the responsibility of the individual landowner at the time of development and shall involve the installation of a water storage tank of not less than 92,000 litre capacity;</p> <p>5. On-site effluent disposal shall be the responsibility of the individual landowner at the time of development and shall involve the use of on-site Alternative Treatment Units approved by Council in accordance with Health Department of WA regulations and guidelines.</p> <p>6. Within those areas defined as 'Existing Vegetation', 'Creek Protection Area' and 'Creek Revegetation Area' on the Subdivision Guide Plan, no indigenous trees or substantial vegetation shall be felled or removed, except where:</p> <p style="padding-left: 40px;">a. Trees are dead, diseased or dangerous;</p> <p style="padding-left: 40px;">b. To comply with the Fire Management Plan requirements for the site.</p> <p>7. Within those areas defined as 'Existing Vegetation', 'Creek Protection Area' and 'Creek Revegetation Area' on the Subdivision Guide Plan, Council shall not permit the development of dwellings, associated buildings and infrastructure.</p> <p>8. The areas defined as 'Existing Vegetation' and 'Creek Revegetation Area' on the Subdivision Guide Plan shall be fenced externally, with property boundary fencing not encouraged within the 'Existing Vegetation'.</p> <p>9. All fencing (internal and boundary) shall be of rural construction such as pine/steel posts and strand to the satisfaction of Council.</p> <p>10. Council shall request the WAPC to impose conditions at the time of subdivision stage requiring revegetation of the 'Proposed Vegetation' and the 'Creek Revegetation Area' identified on the Subdivision Guide Plan and council shall require that the subdivider plant and maintain for a period of at least two (2) years, trees, shrubs or species approved by Council.</p> <p>11. When considering the use of 'Holiday Accommodation', support of a holiday accommodation proposal will only be forthcoming where the accommodation is limited to solely within the dwelling.</p>



## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>25. South Coast Highway/Lapko Road Special Rural Zone</b></p> <p>No.1670 (Lot 3) South Coast Highway, Shadforth (Cont'd)</p> <p>AMD 137 GG 22/5/15</p>	<p>Rural Smallholding</p> <p>Permitted Uses (P):</p> <p style="padding-left: 40px;">Single House</p> <p>Permitted at Council's Discretion (AA):</p> <p style="padding-left: 40px;">Home Occupation Cottage Industry Holiday Accommodation Holiday Home (Standard) Holiday Home (Large) Rural Pursuit</p>	<p>12. Council shall request the WAPC to impose conditions at the time of subdivision stage requiring the implementation of the specific fire protection measures as set out in the Fire Management Plan.</p> <p>13. All Single Houses shall be constructed to AS3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended), with no building requiring greater construction rating than BAL-29.</p> <p>14. Vehicular access to the lots shall be limited to those shown on the Subdivision Guide Plan unless approved by Council and Main Roads WA.</p> <p>15. Zincalume or white coloured roofs and external wall materials shall not be permitted.</p> <p>16. Council shall request the WAPC to impose conditions at the time of subdivision requiring a Weed Management Plan to be prepared and subsequently implemented.</p>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
26. No. 10 (Lot 402) Myers Road, Shadforth AMD 138 GG 07/07/15	<p>Rural Smallholdings</p> <p>Permitted Uses (P) Single House</p> <p>Permitted at Council's discretion (AA)</p> <ul style="list-style-type: none"> <li>* Rural Pursuit</li> <li>* Horticulture</li> <li>* Holiday Accommodation</li> <li>* Holiday Home (standard)</li> <li>* Holiday Home (Large)</li> <li>* Home Occupation</li> <li>* Home Business</li> <li>* Cottage Industry</li> </ul>	<p>(i) Subdivision and development shall generally be in accordance with the Subdivision Guide Plan 12-39-SGP(f) dated April 2015.</p> <p>(ii) The minimum lot size shall be 4 hectares.</p> <p>(iii) Building envelopes (maximum 3000m<sup>2</sup>) should generally be as per the endorsed Subdivision Guide Plan, with all buildings and effluent disposal systems to be located within the building envelopes.</p> <p>(iv) Any proposals seeking to vary the location of the building envelopes needs to at least have regard to the following:</p> <ul style="list-style-type: none"> <li>a) A minimum front boundary setback of 20 metres to Myers Road and the new road off Cussons Road.</li> <li>b) A minimum setback of 100 metres to the South Coast Highway lot frontage.</li> <li>c) A minimum setback of 50 metres to Cussons Road lot frontage.</li> <li>d) Minimum side and rear setbacks of 15 metres, with the exception that Lots 3 and 4 are to have a side/rear boundary setback of 100 metres having regard to the extreme fire risk associated with the adjoining vegetation.</li> <li>e) Minimum setback of 30 metres from the Vegetation Protection Area as identified on the Subdivision Guide Plan.</li> <li>f) Visual impact/amenity from adjoining roads.</li> <li>g) Other issues as identified on the Opportunities and Constraints Plan for the land as provided for in the Scheme Amendment 138 documentation.</li> </ul> <p>(v) Zincalume or white coloured roofs and external wall materials shall not be permitted.</p> <p>(vi) No boundary fencing shall be constructed of fibre cement, metal sheeting or wooden picket. If fencing is utilised, it should be of rural construction such as post and strand (or similar) to the satisfaction of Council.</p> <p>(vii) Vegetation Protection and Revegetation</p> <ul style="list-style-type: none"> <li>1. No clearing of vegetation shall occur except for: <ul style="list-style-type: none"> <li>* Clearing to comply with requirements of the <i>Bush Fires Act 1954</i> (as amended);</li> </ul> </li> </ul>

## APPENDIX VI - SPECIAL RURAL ZONE (CONT'D)

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
26. No. 10 (Lot 402) Myers Road, Shadforth (Cont'd) AMD 138 GG 07/07/15	<p>Rural Smallholdings</p> <p>Permitted Uses (P) Single House</p> <p>Permitted at Council's discretion (AA)</p> <ul style="list-style-type: none"> <li>* Rural Pursuit</li> <li>* Horticulture</li> <li>* Holiday Accommodation</li> <li>* Holiday Home (standard)</li> <li>* Holiday Home (Large)</li> <li>* Home Occupation</li> <li>* Home Business</li> <li>* Cottage Industry</li> </ul>	<ul style="list-style-type: none"> <li>* Clearing within the building envelope as may be reasonable required to construct an approved building and curtilage;</li> <li>* Trees which are dead, dismissed and dangerous.</li> <li>* Clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council.</li> </ul> <p>2. Council may request the Commission to impose a condition at the time of subdivision for the revegetation of areas shown on the Subdivision Guide Plan. Council shall require the use of endemic native shrubs and trees and shall require that these are maintained for a period of at least three years.</p> <p>3. Additional tree planting may be required as a condition of development approval.</p> <p>(viii) With the intention of preventing erosion or practices detrimental to the amenity within the zone, 'Rural Pursuit' and 'Horticulture' land uses shall not be permitted without the consent of the Council. The Council may impose limits on stocking or any other conditions as it sees fit and may vary such conditions in the light of prevailing seasonal conditions.</p> <p>(ix) The keeping of livestock shall be restricted to fenced, pastured areas of the lot. The owner is responsible for the construction and maintenance of stock proof fencing to protect remnant vegetation.</p> <p>(x) Provision of potable water shall be the responsibility of the individual landowner at the time of development and shall involve the installation of a water storage tank of not less than 92,000 litre capacity.</p> <p>(xi) On-site effluent disposal shall be the responsibility of the individual landowner at the time of development, with the effluent disposal system to be approved by Council.</p> <p>(xii) Subdivision and development shall be in accordance with the approved Fire Management Plan for the land.</p> <p>(xiii) All single houses shall be constructed to AS 3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended), with no building requiring greater construction rating than BAL-29.</p> <p>(xiv) When considering land use of 'Holiday Accommodation', support of a holiday accommodation proposal will only be forthcoming where the accommodation is limited solely within the dwelling.</p>

## APPENDIX VII - SCHEDULE OF PLACES OF HERITAGE VALUE

No.	Name	Address
1	Bankwest	77 Strickland Street
2	Berridge Park	Hollings Road
3	Bowling Club	Reserve 20403, Morgan Road
4	Clanwilliam	South Coast Hwy, Nornalup
5	Country Women's Association Rest Rooms	Reserve 22410, Mitchell Street
6	Craig's Building	66-70 Strickland Street
7	Denmark Agricultural College	Reserve 26565, South Coast Hwy
8	Denmark District High School	Reserve 21020, Mitchell Street
9	Denmark Pre-Primary, Unit 1	Pt Reserve 37516, South Coast Hwy
10	Denmark Public Cemetery	Reserve 11655/Loc 7478, South Coast Hwy
11	Denmark River Railway Bridge	Reserve 41815, Cnr Hollings Road/Inlet Drive
12	Denmark River Traffic Bridge	South Coast Hwy, Denmark
13	Devon and Cornwall Group Park	Fernley Road
14	(a) District Hospital "-specifically the mortuary and the matron's quarters" (b) Peace Tree	Peace Street Reserve 18587, Cnr Horsley/Scotsdale Road
15	Disused Railway Reserve and Bridges	Denmark - Nornalup Railway
16	Federal Street Precinct	Nos 5, 7, 9, 11 & 13 Federal Street
17	Former Headmaster's House	4 Brazier Street
18	Group Settlement House (Parryville)	Loc 5420 Pates Road
19	Harewood Forest	Scotsdale Rd, 8 km from Denmark
20	House	12 Welsh Street
21	House	24 Price Street
22	House	44 Hollings Road
23	House	61 South Coast Hwy
24	House	90 Strickland Street
25	House	Lot 908 South Coast Hwy
26	Jackson's Place	Pt. Loc 2071 Howe Road
27	John Clark Memorial Bandstand	Reserve 39066, Denmark River Foreshore
28	Karri Trees	(a) Both sides of South Coast Hwy, eastern approach (b) South Coast Hwy, western approach (c) Lights Road
29	Kentdale Hall	Reserve 27490, Park Road, Kenton
30	Moreton Bay Fig Tree	Lot 36 Strickland Street
31	Old Butter Factory	Lots 231 & 232 North Street
32	Old Police Station	Reserve 42278/Loc 1021, Mitchell Street

No.	Name	Address
33	Old Post Office	Reserve 30227/Lot 952 Cnr Inlet Drive and Crellin Rd
34	Old Town Dam (Millar's Dam)	Mt Shadforth Road/Peace Street
35	Original Peaceful Bay Settlement	Peaceful Bay Road
36	(a) Parker's House (b) Parker Hall/Kent River Trading Post	Lot 2320 South Coast Hwy
37	Parry's Beach Settlement	4km from South Coast Highway
38	Parryville Hall	South Coast Highway
39	Plane Tree	Reserve 26026, Mitchell Street
40	Point Hillier Cairn	1.2km from Parry's Beach, along hiking track
41	Randall Park Gun Memorial	Reserve 22558, South Coast Hwy
42	Red Cross Centre and Shop	Reserve 18535, Cnr Price and Mitchell St
43	Rickett's Store	Lot 150, South Coast Hwy
44	Roadside Verges	South Coast Hwy from McLeod Rd to Denmark Townsite
45	RSL Memorial Hall	Reserve 23631, Strickland Street
46	Scotsdale Hall	Reserve 17660, Scotsdale Road
47	Scotsdale Tramway Bridge	Scotsdale Road, adjacent to Harewod Forest Walk
48	Seventh Day Adventist Church	Reserve 23047, Mitchell Street
49	Soldiers' Memorial	Reserve 19050/Lot 205, Cnr Hollings Road/South Coast Hwy
50	St Leonard's Anglican Church	Reserve 12134, Cnr Mitchell/Strickland Street
51	St Mary's Roman Catholic Church	Reserve 12384, South Coast Hwy
52	The Bungalow	Lot 1, South Coast Hwy, Nornalup
53	The Rectory	39 Scotsdale Road
54	Tingledale Hall	Valley of the Giants Road
55	Tree Top Walk - Valley of the Giants	Valley of the Giants Rd, 4km from Nornalup
56	Uniting Church <i>AMD 76 GG 24/5/02</i>	Reserve 37515/Lot 995, South Coast Highway
57	Urban Bushland (a) - (k)	Various locations, marked on place record forms in Municipal Heritage Inventory
58	Wynella Museum	Lot 6 South Coast Hwy, Denmark
59	Former Teacher's Quarters	11 Price Street
60	Whittaker's Sawmill	Loc 616 & 617 South Coast Hwy
61	Shingle Hut - Baines Property	Loc 1 of Loc 723 South Coast Hwy

## APPENDIX VIII - RURAL MULTIPLE OCCUPANCY ZONE PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	SPECIAL PROVISIONS
1. Plantagenet Location 2005, Bell Road, William Bay	<p>X Maximum of 15 dwellings with at least two to be specially designed for accommodating elderly, infirm and/or handicapped persons.</p> <p>X All development to be subject to the issue of Planning Consent.</p> <p>X All development to be generally in accord with the approved Site Plan.</p> <p>X All buildings are to be located in rural-village like pattern and are to be obscured from view from South Coast Highway.</p> <p>X Applications for Planning Consent are to include complete details of all external building materials, finishes and colours. External building materials, finishes and colours shall blend in with the landscape to the satisfaction of Council.</p>
2. Lot 481 Scotsdale Road	Maximum of 3 dwellings
3. Lot 1/444 Mt Shadforth Road	Maximum of 3 dwellings
4. Location 4668 Lights Road	Maximum of 3 dwellings

## APPENDIX IX - CONTROL OF ADVERTISEMENTS

### ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENTS APPROVAL

(to be completed in addition to Application for Approval to Commence Development)

Name of Advertiser (if different from owner):

.....

Address in full:

.....

.....

Description of Property upon which advertisement is to be displayed including full details of its proposed position within that property:

.....

.....

.....

.....

.....

Details of Proposed Sign:

Height: ..... Width: ..... Depth: .....

Colours to be used: .....

Height above ground level (to top of advertisement): .....

(to underside): .....

Materials to be used: .....

Illuminated: Yes/No

If yes, state whether steady, moving, flashing, alternating, digital, animated or scintillating etc:

.....

If yes, state intensity of light source: .....

State period of time for which advertisement is required: .....

Details of signs, if any to be removed if this application is approved: .....

.....

.....

.....

**NB.** Application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed above.

Signature of Advertiser(s): .....  
(if different from landowners)

DATE: .....

**APPENDIX X(A) - EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE  
5.30.5**

<b>LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT</b>	<b>EXEMPTED SIGN TYPE AND NUMBER</b> (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	<b>MAXIMUM AREA OF EXEMPT SIGN</b>
Dwellings	One Professional name-plate as appropriate.	0.2m <sup>2</sup>
Home Occupation	One advertisement describing the nature of the home occupation.	0.2m <sup>2</sup>
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2m <sup>2</sup>
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5m <sup>2</sup>
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	Not applicable
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building whether or not those signs are connected to a pole, wall or other building.</p> <p>A maximum of two free-standing advertisement signs not exceeding 5m in height above ground level.</p>	<p>Total area of any such advertisements shall not exceed 15m<sup>2</sup>.</p> <p>Maximum permissible total area shall not exceed 10m<sup>2</sup> and individual advertisement signs shall not exceed 6m<sup>2</sup></p>
Showrooms, Race Courses, Major Racing Tracks, Sports Stadia, Major Sporting Grounds and Complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	Not applicable



## APPENDIX X(a) - EXEMPTED ADVERTISEMENTS PURSUANT TO CLAUSE 5.30.5 (Cont'd)

LAND USE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	MAXIMUM AREA OF EXEMPT SIGN
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or Council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body; and	Not applicable
	(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	Not applicable
	(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.	Not applicable
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 <sup>2</sup> in area
Advertisements within buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	Not applicable
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m <sup>2</sup>

## APPENDIX X(B) - EXEMPTED ADVERTISEMENTS

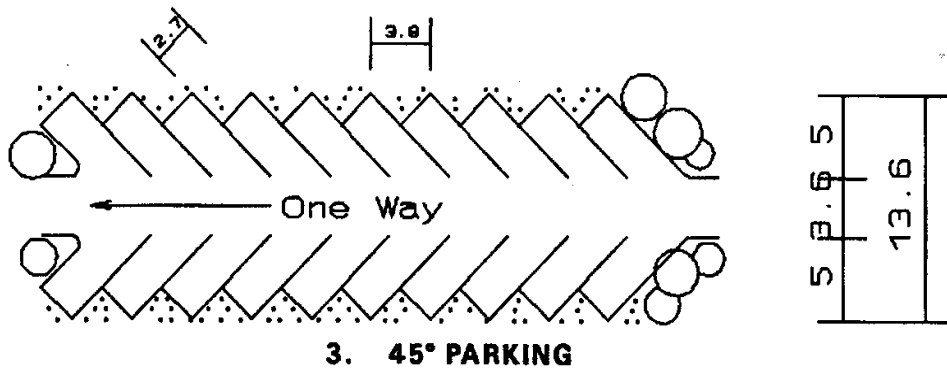
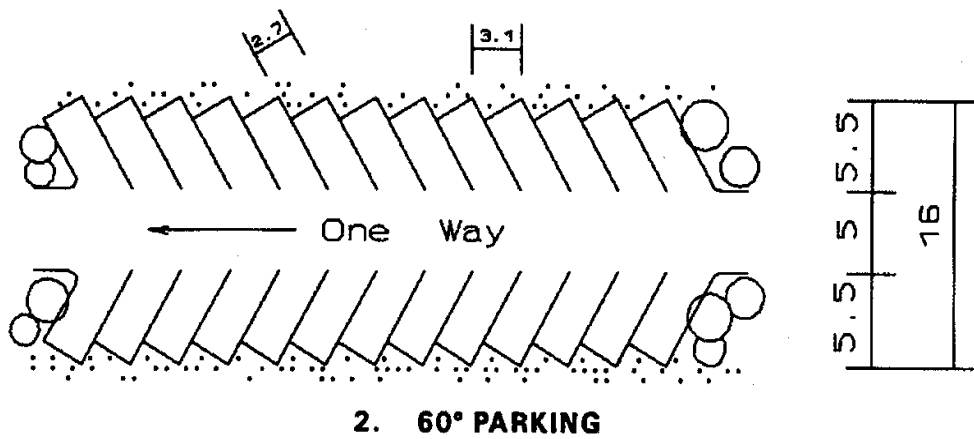
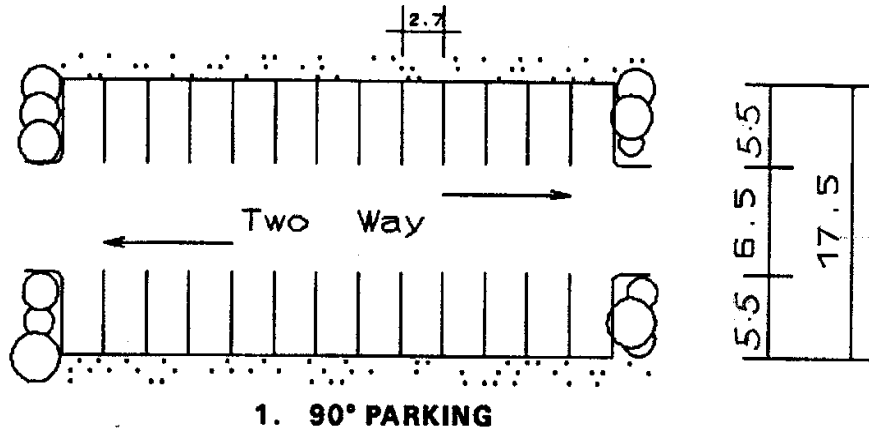
TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (all non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPT SIGN
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction) as follows:</p> <p>(i) Dwellings</p> <p>(ii) Multiple Dwellings, shops, Commercial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

## APPENDIX XI - PARKING STANDARDS

LAND USE	PARKING SPACES
1. Boarding Houses	1 per Bed
2. Caravan Park	1 per Bay plus Employees plus 20 visitor bays.
3. Consulting Rooms	First Consultant 4 bays. Additional Consultants 4 bays each.
4. Day Care Centres, Pre-Schools, Kindergartens	1 per 5 children
5. Educational Establishments	Primary 1.25 per classroom. Secondary 2 per classroom.
6. Funeral Parlours	6 bays
7. Hospitals	1 per 5 beds plus Employees
8. Industry	1 per 100m <sup>2</sup> gla (1) or 2 per unit
9. Hotels	1 per unit plus 1 per 5m <sup>2</sup> public area
10. Motels	1 per unit plus 1 per 4 persons public restaurant
11. Clubs	1 per 4 persons
12. Offices and Commercial Premises	1 per 40m <sup>2</sup> gla (1)
13. Places of Public Assembly and Entertainment	1 per 4 persons
14. Restaurants	1 per 4 persons
15. Retail Shops	1 per 40m <sup>2</sup> gla (1)
16. Service Stations	1.5 per service bay plus 1 per Employee
17. Taverns	1 per 5m <sup>2</sup> public area
18. Warehouses	1 per 100m <sup>2</sup> gla (1)

(1) Gross Leasable Area

## APPENDIX XII - PARKING DESIGN STANDARDS



## APPENDIX XIII - SCHEDULE OF TOURIST ZONES

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE				
T 1.	Lots 83, 84 & 85 Mt Shadforth Road, Denmark.  AMD 131 GG 2/4/15 AMD 153 GG 15/12/23	Karri Mia Tourist Zone	i) Notwithstanding any other provisions of the Scheme, the following land uses are the only permissible land uses within the Karri Mia Tourist zone as shown on the Karri Mia Development Plan: 09-16-DP(t), or any minor variation thereto approved by Council.				
			USES	Lot 84 (proposed Lot 1)	Lot 84 (proposed Lot 2)	83	85
			Boarding House (including Beauty salon)				P
			Caravan Park	P			
			Cinema/Theatre				P
			Function Centre (Maximum 200 persons)			P	
			Gallery/Restaurant				P
			Grouped Dwelling (Refer to Condition No. iii below)		P		
			Holiday Accommodation	P	P		P
			Holiday Home (Standard)		P		
			Home Occupation		P		
			Manager's Accommodation	IP	IP	IP	IP
			Brewery			P	
			Motel	P			
			Office	IP	IP	IP	IP
			Public Exhibition				P
			Restaurant			P	
			Where no symbol appears in the cross reference of a use class against a lot number, use of that class is not permitted on that lot.				
			(ii) Development and subdivision shall be generally in accordance with the Karri Mia Development Plan 09-16-DP(t) or any variation to that plan approved by Council. Subdivision of Lot 2 shall be of strata title only, except to create a single freehold lot for the portion of the site containing lots SR19-SR26 (inclusive) as shown on the Kari Mia Development Plan: 09-16-DP(t), or any minor variation thereto approved by council  AMD151 5/5/23				
			(iii) (a) Only one (1) grouped dwelling per strata lot on Lot 84 (proposed Lot 2) is permitted.				
			(b) A grouped dwelling will not be approved on a strata lot unless a minimum of one (1) Holiday Accommodation (chalet) building has first been approved, constructed and made available for short stay accommodation purposes on the strata lot. Alternatively the Holiday Accommodation (chalet) building and the grouped dwelling can be constructed concurrently, however Council may impose conditions as deemed appropriate at the time of subdivision and/or development to ensure that the Holiday Accommodation (chalet) component of the development is constructed and operational prior to the grouped dwelling component of the development being occupied.				

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

	PARTICULARS OF THE LAND	TOURIST USE	CONDITIONS OF TOURIST USE
T 1.	<p>Lots 83, 84 &amp; 85 Mt Shadforth Road, Denmark. (Cont'd)</p> <p>AMD 131 GG 2/4/15</p>		<p>(iv) Council will request the WAPC to impose a condition at the time of subdivision for the provision and implementation of an overall Landscape Plan for the Landscape Building Setback areas as designated on the Tourist Development Plan. Planting proposals within the Landscape Building Setback area associated with Lot 84 (proposed Lot 2) shall have due regard to the tourism development form proposed on the site.</p> <p>(v) Council will request the WAPC to impose a condition at the time of subdivision for the provision of reticulated water to the lots.</p> <p>(vi) Building setbacks to the external property boundaries of the tourist zone (being Lots 83, 84 &amp; 85) being a minimum of 20 metres.</p> <p>(vii) No development will be considered in the 'Building Exclusion Areas' designated on the Tourist Development Plan.</p> <p>(viii) Vehicular access shall be limited to nominated points on Mount Shadforth Road as approved by Council.</p> <p>(ix) Development shall be connected to on-site alternative treatment unit effluent disposal systems installed on each lot (including strata lots) to the satisfaction of the Department of Health and Council.</p> <p>(x) Council will require as a condition of development or subdivision (including strata subdivision) the preparation and implementation of a Fire Management Plan approved by Council.</p> <p>(xi) Council will request the WAPC to impose a condition at the time of subdivision relating to the provision of reciprocal rights of access/common property arrangements where shared access is proposed.</p> <p>(xii) Council may request the WAPC to impose a condition at the time of subdivision for upgrading Mount Shadforth Road.</p> <p>(xiii) All buildings shall be constructed to "AS 3959-2009 Construction of Buildings in Bush Fire Prone Areas" (as amended) with no building requiring greater construction rating than BAL-29.</p> <p>(xiv) Design guidelines are to be prepared and adopted to ensure the integration of the Holiday Accommodation (chalet) and grouped dwelling shall address the following -</p> <ul style="list-style-type: none"> <li>• Holiday Accommodation units shall be specifically designed for the needs of visitors and avoid large floor areas that resemble residential premises.</li> <li>• Holiday Accommodation units are to have a maximum of two bedrooms only.</li> <li>• The external form of development is to be of uniform and complimentary architectural theme, character, colours and materials.</li> <li>• The residential component is to be of a design and scale to ensure chalet and owner/manager accommodation blend together and visitors to the site should not be able to differentiate</li> </ul>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

	PARTICULARS OF THE LAND	TOURIST USE	CONDITIONS OF TOURIST USE
T 1.	<p>Lots 83, 84 &amp; 85 Mt Shadforth Road, Denmark. (Cont'd)</p> <p>AMD 131 GG 2/4/15</p>		<p>between the two.</p> <ul style="list-style-type: none"> <li>• All buildings constructed within the zone shall be sympathetic to the existing landscape in terms of location, scale, height, building materials and colour.</li> <li>• Demonstrate viewlines will be protected.</li> <li>• Provide 3D model/imagery of the development.</li> <li>• Setbacks from lot boundaries and separation distances between holiday accommodation and grouped dwellings.</li> </ul> <p>All development within Lot 84 (proposed Lot 2) shall be developed in accordance with design guidelines prepared to the satisfaction of Council.</p> <p>(xv) Council will request the Commission to impose a condition at the time of subdivision for a notification on the Certificate of Title for all new lots advising prospective purchasers that –</p> <ol style="list-style-type: none"> <li>a) This land is located in a rural area and rural activities may be undertaken on neighbouring land that may result in potential noise, dust and odour nuisances that may affect the use or enjoyment of the land;</li> <li>b) The site is zoned 'Tourism' and associated uses may result in increased levels of noise and vehicular movement.</li> </ol> <p>(xvi) Fencing of strata lots shall not be permitted.</p> <p>(xvii) Outbuildings are not permitted on any strata lot within Lot 84 (proposed Lot 2) as all storage/garaging needs should be incorporated into the design of the dwelling.</p> <p>(xviii) The following requirements will apply to any strata titling proposal of the development within Lot 84 (proposed Lot 2) –</p> <ol style="list-style-type: none"> <li>(a) Restriction of length of stay to 3 months in any one year except for owner/manager's accommodation.</li> <li>(b) An agreement between the applicant and Council to ensure that a manager/operator is available to provide for on-site management of the common property, overall landscape management, fire control, security and where required by owner/managers, provision of a letting/management service, including marketing, maintenance, refurbishment and other services reasonably required for the development to operate as a tourist facility.</li> <li>(c) All Holiday Accommodation (chalets) are required to be managed and maintained by the strata company with no individual management or fit out of chalets permitted. Opting out of the central management by individual owners will not be permitted.</li> </ol> <p>(xix) (a) All external illumination shall be of low level, controlled spill lighting, with any variations requiring Council approval;</p> <p>(b) External illumination associated with the Restaurant and the Function Centre shall occur for no more than 15 minutes after these uses cease operating at night; and</p> <p>(c) On-site street lighting for personal safety shall not be illuminated later than 12.00 midnight.</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T 1.	<p>Lots 83, 84 &amp; 85 Mt Shadforth Road, Denmark. (Cont'd)</p> <p>AMD 131 GG 2/4/15 AMD 145 GG 7/5/19</p>		<p>(xx) Any changes to the management statement require the approval of the WAPC and the management statement must bind successive owners.</p> <p>(xxi) A local water management strategy is required to be endorsed prior to development of the site.</p> <p>(xxii) The total number of grouped dwellings relative to the total number of Holiday Accommodation (chalets) shall be equal to or less than 35% across Lot 84 (proposed Lot 2). Development and building approval will only be granted which achieves a 35% ratio.</p> <p>(xxiii) A maximum of 26 grouped dwellings will be permitted on Lot 84 (proposed Lot 2). A minimum of 48 Holiday Accommodation (chalets) are to be developed on Lot 84 (proposed Lot 2).</p>
T 2.	<p>Pt Hay Location 1425 comprising Lot 102 Peppermint Way, Peaceful Bay</p>	Chalet Development	<p>(i) Development shall generally accord with Strata Plan No. 95/98/3 or any variation thereto subject to Council approval.</p> <p>(ii) The duration of permanent occupancy of any chalet shall be limited to a maximum of three (3) months in any twelve (12) month period.</p> <p>(iii) Buildings shall not exceed one (1) storey in height.</p> <p>(iv) Site landscaping and tree retention shall accord with an overall Landscape Plan approved by Council.</p> <p>(v) Suitable fire control measures shall be implemented to the satisfaction of Council.</p> <p>(vii) Any chalet, when not in use by its owner(s), shall be made available for rent by the general public. This shall be ensured via ongoing management established by way of an agreement between the owner(s) and Council.</p>
T 3.	<p>Lot 337 South Coast Highway, Denmark (shown as Lot 21 on the Subdivision and Development Guide Plan).</p>	Chalet and Lodge development.	<p>i) Development levels on the land shall be limited to a single dwelling unless the Health Department of WA and the Council are satisfied that the results of a geotechnical report as outlined in sub clause c(iii) below demonstrates that the level of tourist development outlined in the Subdivision and Development Guide Plan or any variation to that Plan as approved by the Council is acceptable in terms of waste water disposal.</p> <p>ii) All buildings constructed within the zone shall be sympathetic to the existing landscape in terms of location, scale, height, building and materials and colour.</p> <p>iii) An assessment of the geology of the site, particularly in areas where effluent disposal is proposed, including hydraulic conductivity and soil profiles to a depth of two metres, plus the depth to perched and permanent water tables (indicative of conditions at the end of winter), shall be prepared to the satisfaction of the Health Department of WA to assist in determining appropriate effluent disposal methods.</p> <p>iv) Development shall be connected to the reticulated water supply and effluent disposal systems installed to the satisfaction of the Health Department, the Wilson Inlet Management Authority and Council.</p>



### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T 3.	Lot 337 South Coast Highway, Denmark (shown as Lot 21 on the Subdivision and Development Guide Plan). (Cont'd)		<p>v) No pets will be permitted.</p> <p>vi) Site landscaping shall be in accordance with an overall landscaping plan approved by Council referring to species location, density and type. The landscaping plan shall have due regard to Council's requirements with respect to fire control.</p> <p>vii) The following requirements will apply:</p> <p>a) Restriction of length of stay to 3 months in any one year.</p> <p>b) An agreement between the applicant and Council to ensure a management system is in place to ensure accommodation is made available for rent by the general public when not in use by the owners and development within common property is completed to the satisfaction of Council including manager's residence and reception access, joint use effluent and drainage systems, and recreation facilities etc) prior to the sale of individual units/chalets.</p> <p>c) Fencing of individual units/chalets is not permitted.</p> <p>d) The external form of the development to be of uniform and complementary architectural theme, character, colours materials.</p>
T 4.	Lot 6 of Plantagenet Locations 118 and 736 Ocean Beach Road	Spring Bay Villas	<p>1. Development shall generally be in accordance with the concept plan dated 21/2/97 or any variation to that plan approved by Council.</p> <p>2. Site landscaping shall be in accordance with an overall landscape plan approved by Council which refers to species, location and density.</p> <p>3. All development shall be set back a minimum of 20 metres from Ocean Beach Road.</p> <p>4. All buildings shall be designed to blend in with existing development and the landscape in terms of location, scale, height, building materials and colours. tones of green and brown are preferred and white and off-white colours are not permitted.</p> <p>5. Effluent disposal systems shall be installed to the satisfaction of the Health Department and Council and should meet the Department of Environmental Protection Guidelines.</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
7 5.	Portion of Lot 550 Cnr. South Coast Hwy & Sunrise Road Denmark	Sunrise Nature Park	<ol style="list-style-type: none"> <li>1. All development to be subject to the issue of Planning Consent.</li> <li>2. Notwithstanding Table One of the Scheme, the following uses are permitted (P): <ul style="list-style-type: none"> <li>- Cottage Industry (gallery &amp; workshop) with a maximum floor space of approx. 300m2 to be accommodated within existing structures.</li> <li>- Caretakers Accommodation.</li> <li>- Private Recreation.</li> <li>- Rural Pursuit.</li> <li>- Holiday Accommodation (maximum of four (4) chalets to be located generally as shown on the Subdivision Guide Plan or variation thereto subject to Council approval).</li> </ul> </li> <li>3. Notwithstanding Table One of the Scheme, the following uses are permitted if incidental to the predominant use of the land (IP): <ul style="list-style-type: none"> <li>- Shop with a maximum floor space of 20m2 to be accommodated within existing structures.</li> </ul> </li> <li>4. Twelve parking bays shall be provided with one bay located adjacent to each chalet and the remainder located adjacent to the gallery and workshop.</li> <li>5. No egress is permitted to South Coast Hwy.</li> <li>6. Development of artificial lakes in the cleared southern portion of the site shall be subject to a detailed hydrogeological assessment to Council's satisfaction and with the approval of the Wilson Inlet Management Authority and the Department of Environmental Protection.</li> <li>7. Any proposal to reconstruct the 1930's waterwheel shall be subject to Council's satisfaction and the approval of the Wilson Inlet Management Authority.</li> <li>8. All signage to be subject the to prior approval of Council in accord with Scheme requirements, relevant Local Law and policy.</li> <li>9. Water supply shall be provided to Council's specifications with all sampling and analysis costs being borne by the landowner.</li> <li>10. The keeping of stock shall be restricted to cleared and fenced areas.</li> <li>11. Stock carrying capacity shall be determined by the application of Agriculture WA stocking rate guidelines to the cleared and fenced areas of the lots.</li> <li>12. Vegetation Protection Areas shall be fenced so as to preclude stock.</li> </ol>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
7 5.	Portion of Lot 550 Cnr. South Coast Hwy & Sunrise Road Denmark (Cont'd)	Sunrise Nature Park	<p>13. Council may request the Commission to impose a condition at the time of subdivision for the provision of strategic fire breaks, as indicated on the Subdivision Guide Plan and any variations thereto, to the standards of Council in consultation with the Bush Fires Service.</p> <p>14. Where a strategic fire break crosses the land, the landowner shall be responsible for its maintenance.</p> <p>15. Low fuel areas, at least 20 metres wide, shall be established and maintained around all buildings.</p> <p>16. All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale, height, building materials and colour.</p> <p>17. The use of pale, off white or reflective materials and finishes such as zincalume will not be permitted. Council shall require the use of tonings that blend into the landscape, vegetation and/or the structure's backdrop. Council shall prefer the use of natural materials such as stone, brick, rammed earth and/or timber and advocate green to brown tonings/natural hues.</p> <p>18. Requirements for onsite effluent disposal shall be determined by Council subject to detailed site assessment, particularly in regards to infiltration, soil profiles and groundwater levels.</p> <p style="padding-left: 40px;">All on-site effluent disposal systems will adhere to relevant EPA guidelines.</p> <p>19. Access ways shall be designed and constructed so as to avoid erosion problems to the satisfaction of Council.</p> <p>20. The clearing of tree cover within the Vegetation Protection Area shall be prohibited with the exception of those trees considered absolutely necessary for fire, safety and/or other approved purposes.</p> <p>21. Council may request the Commission to impose a condition at the time of subdivision for tree/shrub planting as shown on the Subdivision Guide Plan. Such tree/shrub planting shall be appropriately maintained for a minimum of 3 years.</p> <p>22. Additional tree planting may be required as a condition of development approval.</p> <p>23. Walkways shown on the Subdivision Guide Plan require the approval of the Wilson Inlet Management Authority in terms of their location, design and construction.</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
7 6.	<p>Pt Lot 569 Corner of Scotsdale and Sutton Roads, Denmark</p> <p>AMD 73 GG 1/4/03</p>	Somerset Hill	<p>(i) Development shall generally accord with the Somerset Hill Subdivision Guide and Tourist Development Plan (No. 00-55-04 WR) or any minor variation thereto subject to Council approval.</p> <p>(ii) Notwithstanding any other provision of the scheme, the only permitted uses (P) within the Somerset Hill Tourist Development are shown on the Somerset Hill Subdivision Guide and Tourist Development Plan (No. 00-55-04 WR) or any minor variation thereto approved by Council and may include:</p> <ul style="list-style-type: none"> <li>a) Holiday accommodation (maximum of 12 chalets)</li> <li>b) Caretakers/Managers Residence</li> <li>c) Office</li> <li>d) Art &amp; Craft Display</li> <li>e) Private Recreation</li> <li>f) Home Occupation</li> <li>g) Restaurant</li> <li>h) Cellar Sales</li> </ul> <p>No other use is permitted unless with the consent of Council and only when in the opinion of Council the use is ancillary to the permitted uses above.</p> <p>(iii) Site landscaping shall be in accordance with an overall Landscape Plan approved by Council referring to species, location, density and type.</p> <ul style="list-style-type: none"> <li>a) Setbacks shall be a minimum of 20m from all boundaries to the north, east and west and 50m to the south (Scotsdale Road) and generally in accordance with those shown on Plan No. 92/43/6A as determined by Council;</li> <li>b) Council may require setbacks to be planted as landscape buffers consisting of trees and maintained as a low fuel zone. Landscape buffers shall not be connected to adjacent larger areas of natural or planted stands of timber;</li> </ul> <p>(iv) Vehicular access to the zone shall be limited to those nominated points as determined by Council. No direct access will be permitted to Sutton or Scotsdale Road other than for the strategic firebreak on the western boundary.</p> <p>(v) Development shall be connected to on-site water supply and effluent disposal systems installed to the satisfaction of the Health Department of WA, the Water and Rivers Commission and Council. A detailed assessment of the estimated wastewater volumes and the site conditions shall be prepared to demonstrate that the proposed development can achieve on-site wastewater disposal to the satisfaction of the Health Department of WA, to assist in determining appropriate wastewater disposal method/s.</p> <p>(vi) All buildings within the zone shall be designed and constructed to be sympathetic to the existing landscape in terms of subtle earth or vegetation colour finishes, location and height, to the satisfaction of Council;</p>

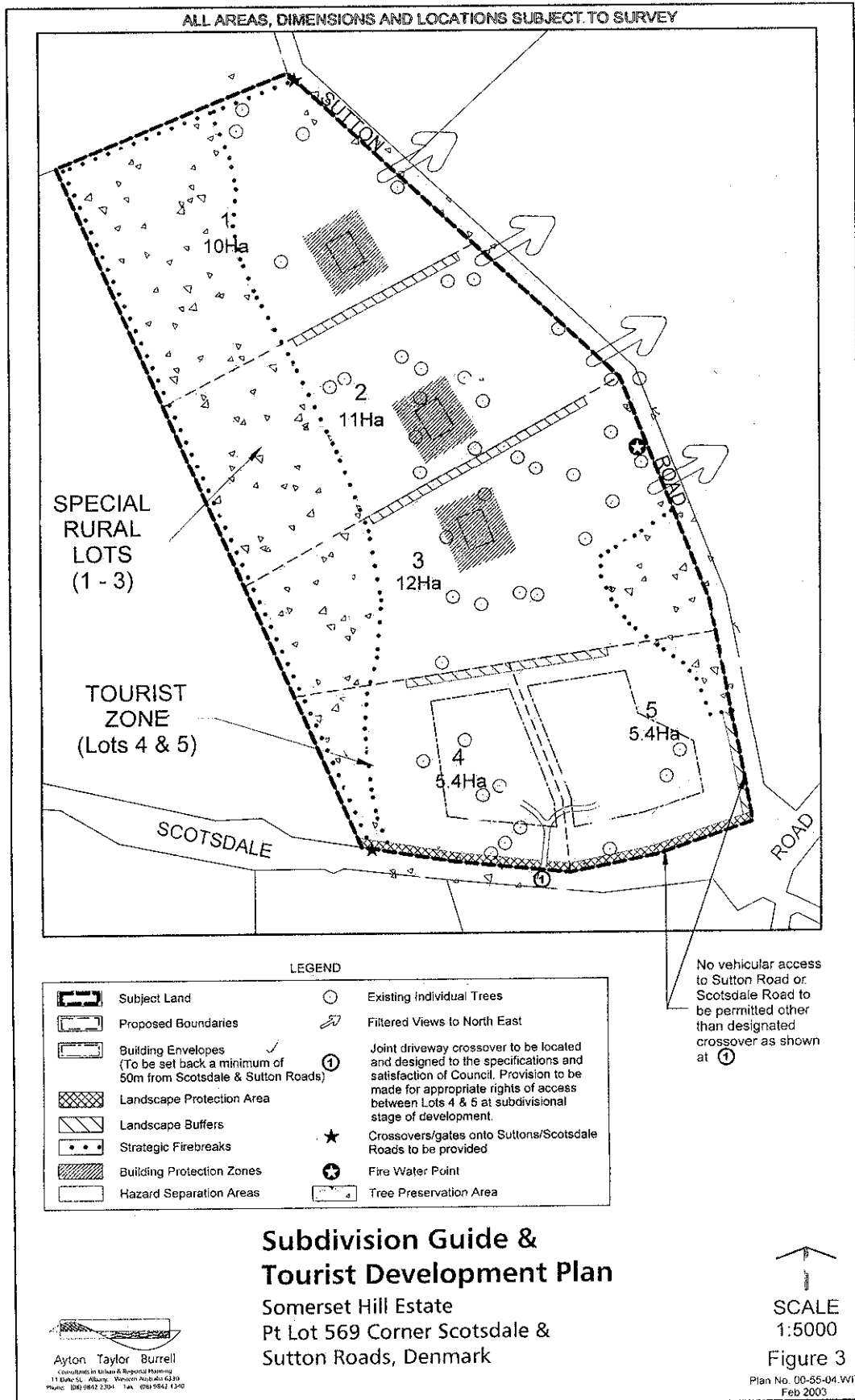
### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
7 6.	<p>Pt Lot 569 Corner of Scotsdale and Sutton Roads, Denmark (Continued)</p> <p>AMD 73 GG 1/4/03</p>	Somerset Hill	<p>(vii) No development other than for strategic fire break purposes will be permitted within the Landscape Protection Area nominated on the Tourist Development Plan;</p> <p>(viii) Suitable fire control measures being implemented to the satisfaction of Council in consultation with the Bush Fires Board;</p> <p>(ix) The development of all habitable buildings shall comply with Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas".</p> <p>(x) Council may request the Commission impose a condition at the subdivision stage requiring financial contribution to give effect to any fire equipment strategy for the locality.</p> <p>(xi) Council will require the planting and maintenance of the Landscape Protection Area, as defined on the Tourist Development Plan, using local indigenous trees of species and in locations approved by Council as shown on the Landscape Plan;</p> <p>(xii) Within the Tree Preservation Areas defined on the Tourist Development Plan, no indigenous trees or substantial vegetation shall be felled or removed except where:</p> <ul style="list-style-type: none"> <li>- trees are dead, diseased or dangerous;</li> <li>- the establishment of a fire access track is required under regulation or by-law;</li> </ul> <p>(xiii) The removal of indigenous trees or substantial vegetation for any purpose other than the above exceptions, shall require the consent of Council, and as a condition of granting consent, Council may require the planting and maintenance of the Tree Preservation Area, for a period of at least 3 years, of endemic native trees of species and in locations approved by Council;</p> <p>(xiv) Council will not encourage fencing along property boundaries within the Tree Preservation Areas as shown on the Tourist Development Plan;</p> <p>(xv) Vehicular access to Scotsdale Road shall be restricted to one joint crossover, designed &amp; located to Council's specification and satisfaction. Provision shall be made for appropriate rights of access between proposed lots 4 &amp; 5 at the subdivisional stage of development.</p> <p>(xvi) The development of Somerset Hill Tourist Development for the purposes of tourist accommodation is undertaken with the full knowledge that special rural, general farming and other intensive agricultural pursuits are conducted adjacent to the zone and that owner(s)/manager(s) and patrons of the tourist development are fully aware of this situation.</p> <p>(xvii) Development shall comply with the requirements of the Department of Environmental Protection Noise Abatement Regulations.</p> <p>(xviii) The following requirements will apply to any proposed strata scheme of the Somerset Hill Tourist Development:</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T 6.	<p>Pt Lot 569 Corner of Scotsdale and Sutton Roads, Denmark (Cont'd)</p> <p><i>AMD 73 GG 1/4/03</i></p>	Somerset Hill	<p>(i) The duration of permanent occupancy of any tourist accommodation shall be limited to a maximum of three (3) months in any twelve (12) month period;</p> <p>(ii) Fencing of any strata lot boundary is not permitted; and</p> <p>(iii) Any tourist accommodation, when not in use by its owner(s), shall be made available for rent by the general public. This shall be ensured via ongoing management established by way of an agreement between the owner(s) and Council.</p>

# APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)



### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T 7.	Portion of Lot 411 South Coast Highway, Denmark	Holiday accommodation, holiday chalets, office, caretakers/managers residence, private recreation, cafe/craft shop and conference centre	<ul style="list-style-type: none"> <li>i) Development shall generally be in accordance with the concept plan date 6 February 1998, or any minor variation to that plan approved by Council.</li> <li>ii) All development shall be connected to an on-site effluent disposal system installed to the satisfaction of the Health Development, the Wilson Inlet Management Authority and Council and will necessitate the use of approved alternative treatment units. Prior to development or subdivision a geotechnical site report will be required to demonstrate to the satisfaction of the relevant authorities that the site is suitable for additional on-site disposal.</li> <li>iii) The cafe/craft shop shall have a maximum floorspace of 250m<sup>2</sup> and the conference centre a maximum capacity of 100 people.</li> <li>iv) All buildings shall be constructed to be sympathetic to the existing landscape in terms of location, scale, height, building materials and colour. Unpainted zincalume, white and off white colours are not permitted and preference is for green and brown colours. Pole and split level construction is preferred on the steeper slopes, ie slopes of 1:5 or greater. Supplementary landscaping of the site may be required by Council as a condition of development approval.</li> <li>v) Suitable fire control measures being implemented to the satisfaction of Council and being in accordance with the Bushfire Management Plan dated 2nd April 1998.</li> <li>vi) Development shall comply with the requirements of the environmental Protection Authority's Noise Abatement Regulations.</li> <li>vii) The following requirements will apply to the strata titling of the holiday accommodation. <ul style="list-style-type: none"> <li>(a) Restriction of length of stay to 3 months in any one year.</li> <li>(b) An agreement between the applicant and Council to ensure a management system is in place to ensure accommodation is made available for rent by the general public when not in use by the owners, and development within common property is completed to the satisfaction of Council (including manager's residence and reception area, access, joint use of effluent and drainage systems) prior to sale of Strata lots.</li> <li>(c) Fencing of strata lots is not permitted.</li> </ul> </li> <li>viii) Building Envelopes for the chalets, craft shop/cafe and conference centre to be located in consultation with Council in order to minimise removal of significant trees and visual impact from South Coast Highway.</li> <li>ix) An overall landscape plan for the site shall be prepared to Council's satisfaction, prior to any proposals to subdivide the property which includes the identification of significant trees to be retained and areas to be replanted</li> </ul>



### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T 7.	Portion of Lot 411 South Coast Highway, Denmark (Continued)	Holiday accommodation, holiday chalets, office, caretakers/managers residence, private recreation, cafe/craft shop and conference centre.	<p>x) All storm water run-off to be contained on-site and disposed of to Council and WIMA's satisfaction and to meet the EPA's general requirements for a 1 in 10 year storm event of 72 hours duration, being retained for three to seven days. The integration of wetlands to form detention basins is not preferred.</p> <p>xi) Vehicular access onto South Coast Highway shall be designed to the satisfaction of the Main Roads WA and Council. Any change or new access to South Coast Highway will require the approval of Main Roads WA.</p> <p>xii) Appropriate easement and binding legal agreement being put in place over Pt Lot 411 to guarantee a water supply to Lot 1.</p>
T 8.	Pt Lot 14 & Lot 73 Inlet Drive, Denmar	<i>DELETED BY AMD 108 GG 03/07/10</i>	
T 8	Pt Lot 14 & Lot 73 inlet Drive, Denmark  <i>AMD 108 GG 03/07/10</i> <i>AMD 153 GG 15/12/23</i>	Motel, holiday accommodation, holiday chalets, boarding house, restaurant, office, caretakers/managers residence & private recreation.  Brewery (ancillary).	<p>i) Notwithstanding any other provisions of the Scheme, uses and development on the land shall be subject to the issue of Planning Consent and shall generally be in accordance with an Overall Development Plan adopted by Council, or any minor variation approved by Council. No other use is permitted unless in the opinion of Council the use is ancillary to the uses listed in the "Tourist Use" column.</p> <p>ii) The micro-brewery shall remain an ancillary use to the tourist uses of the land and it shall be subject to conditions imposed by Council and environmental management requirements as stipulated by the appropriate state government environment and conservation department.</p> <p>iii) Council will not support the conversion of any further tourist units (above the approved 10 units on the site) for permanent accommodation.</p> <p>iv) All development shall be connected to the reticulated sewer network or an alternative facility licensed by the Economic Regulatory Authority in accordance with the requirements of the appropriate state government agency/ies.</p> <p>v) All buildings shall be constructed to be sympathetic to the existing landscape in terms of location, scale, height, building materials and colour. Unpainted zincalume, white and off white roof colours are not permitted and preference is for green &amp; brown colours.</p> <p>vi) Suitable fire control measures being implemented to the satisfaction of Council and the appropriate state government fire and emergency service agency.</p> <p>vii) Development shall comply with the relevant environmental protection regulations.</p> <p>viii) The following requirements will apply to the strata titling of the holiday accommodation.</p> <p>a) Restriction of length of stay to 3 months in any one year, except those units permitted for permanent accommodation by Council.</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T 8	<p>Pt Lot 14 &amp; Lot 73 inlet Drive, Denmark (Cont'd)</p> <p>AMD 108 GG 03/07/10</p>		<p>b) An agreement between the applicant and Council to ensure a management system is in place to ensure accommodation is made available for rent by the general public when not in use by the owners, and development within common property is completed to the satisfaction of Council (included manager's residence and reception access, joint use of effluent and drainage systems, prior to sale of strata lots.</p> <p>c) Fencing of strata lots is not permitted.</p> <p>ix) Building envelopes on the site shall be located in consultation with Council in order to minimise the removal of native vegetation and to achieve appropriate setbacks from the inlet.</p> <p>x) An overall landscape plan for the site shall be prepared to Council's satisfaction which includes the identification of significant trees to be retained.</p> <p>xi) Clearing of native vegetation shall only be permitted for development and access in accordance with the overall development plan, low fuel areas, access and to remove dead or dying trees.</p> <p>xii) The overall Development Plan approved by Council (refer to in condition i) shall include appropriate foreshore management conditions which are consistent with the Wilson Inlet Foreshore Reserve Management Plan 2008 (or its equivalent as amended) and to the satisfaction of Council, including but not limited to:</p> <ul style="list-style-type: none"> <li>a) Stormwater management;</li> <li>b) Setbacks to the foreshore reserve;</li> <li>c) Revegetation program for both the reserve and the site;</li> <li>d) Foreshore reserve access including paths and trails for pedestrians;</li> <li>e) Delineation of public and private land along the foreshore boundary;</li> <li>f) Management of the guest recreation areas on the site; and</li> <li>g) Domestic animal control</li> </ul> <p>The appropriate state government water department shall have an advisory role on foreshore management issues and be given the opportunity to comment on the proposed foreshore management measures.</p>
T 9	<p>Portion of Plantagenet Loc 1935 South Coast Highway, Springdale Denmark.</p>	DELETED BY AMD 149 GG 14/6/2024	

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T10	<p>Portion of Lot 14 South Coast Highway, cnr Tindale Road, Kent River</p> <p>AMD 91 GG 24/7/07; AMD 121 GG 19/11/10</p>	<p>Chalet development Caravan Park Private Recreation Reception Centre Gallery/Restaurant Office and Shop (max 150m<sup>2</sup>)</p>	<p>i) Development shall generally be in accordance with the Tourist Development Plan Ref 1513, or any minor variation to that plan approved by Council.</p> <p>ii) Development shall be connected to an on-site water supply and effluent disposal systems installed to the satisfaction of Council and the Department of Health, and should meet the Department of Environment Guidelines.</p> <p>iii) All buildings constructed within the zone shall be sympathetic to the existing landscape (namely landform and vegetation) in terms of location, scale, height, building materials and colour.</p> <p>iv) A person is not to occupy and chalet, camping or caravan site for longer than three (3) months in any twelve (12) month period.</p> <p>v) Suitable fire control measures being implemented to the satisfaction of Council and being in accordance with the Fire Management Plan.</p> <p>vi) Site landscaping and tree retention shall accord with an overall Landscape Plan approved by Council.</p> <p>vii) Clearing of vegetation shall only be permitted pursuant to the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> for development in accordance with the concept plan, low fuel areas, access and to remove dead or dying trees.</p> <p>viii) Additional tree planting along the western boundary may be required as a condition of development approval.</p> <p>ix) An appropriate separation distance being maintained between all sensitive development on the site and any potential pasture spraying as a condition of planning approval and having regard for advice from the Department of Agriculture and Food.</p> <p>x) To protect ongoing agricultural uses on surrounding land, the owner(s)/manager(s) shall develop and implement a management plan to the satisfaction of Council to ensure that—</p> <p>a) All patrons are advised that agricultural activities may impact on the amenity of the tourist site; and</p> <p>b) Actions of patrons and activities on the tourist site do not negatively impact on or conflict with the use of surrounding land for agricultural purposes.</p> <p>xi) Vehicular access to be restricted to the existing track in the South Coast Highway road reserve, which joins Tindale Road with Tourist Zone T10, until such time as access is upgraded to permit the access of caravans and/or the development of the reception centre.</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T10	<p>Portion of Lot 14 South Coast Highway, cnr Tindale Road, Kent River (Cont'd)</p> <p><i>AMD 91 GG 24/7/07;</i> <i>AMD 121 GG 19/11/10</i></p>		<p>xii) No vehicular access is permitted direct from Portion of Lot 14 to South Coast Highway.</p> <p>xiii) No earthworks shall encroach onto the South Coast Highway road reserve.</p> <p>xiv) No stormwater drainage shall be discharged onto the South Coast Highway road reserve.</p> <p>xv) Any damage to the existing verge and its vegetation within the South Coast Highway road reserve resulting from the proposed development is to be made good.</p> <p>xvi) Development shall comply with the requirements of the Environmental Protection (Noise) Regulations 1997.</p> <p>xvii) All stormwater run-off to be contained on-site and disposed of to Council's satisfaction.</p> <p>xviii) All signage to be subject to the prior approval of Council in accordance with Scheme requirements, relevant Local Law and adopted Policy.</p> <p>xix) Provision of any caravan hardstands and camping sites will require compliance with the <i>Caravan and Camping Act (1995)</i> and the relevant provisions of the <i>Caravan and Camping Ground Regulations (1997)</i> or as amended from time to time.</p> <p>xx) The specific purpose of this development is for the accommodation and entertainment of tourists. There shall be no provisions for park homes or permanent residency at this site regardless of any provisions of the Caravan and Camping Act or Scheme definition of the land use 'Caravan Park'.</p> <p>xxi) Prior to Caravans being permitted to utilise the site or the development of a reception centre, vehicular access to Tindale Road is to be upgraded in accordance with MRWA requirements and specifications.</p> <p>xxii) Any development for a Reception Centre will require the upgrading of internal roads and the provision of appropriate number of parking bays.</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T11	<p>Lot 5 South Coast Highway, Denmark</p> <p>AMD 102 GG 28/05/10</p>	<p>'McLean's Mill Tourist Zone'</p> <p>1. Notwithstanding any other provision of the Scheme, the only uses permitted by Council are those related to tourist uses and may include:</p> <ul style="list-style-type: none"> <li>• Boarding House</li> <li>• Caretakers Dwelling</li> <li>• Gallery/Restaurant</li> <li>• Holiday Accommodation</li> <li>• Home Occupation</li> <li>• Office</li> <li>• Private Recreation</li> <li>• Public Amusement</li> <li>• Reception Centre</li> <li>• Restaurant</li> <li>• Shop (max. 150m<sup>2</sup> GLA)</li> <li>• Single House</li> </ul> <p>And those shown on the approved development plan adopted by Council. Minor variations to the uses may be approved by Council and only when in the opinion of Council the proposed variation is ancillary to the permitted uses above.</p>	<p>1. All development and uses to be in accordance with an overall development plan adopted by council to show the precise ground conditions, site works and locations, size and use of all buildings and structures, setbacks to boundaries, proposed roads servicing infrastructure, landscaping/replanting areas and species and fire protection measures to be adopted. Minor variations to the adopted Development Plan may be approved by Council and only when in the opinion of Council the variation that is sought is incidental to the approved Development Plan.</p> <p>2. All development shall be subject to the issue of Planning Consent.</p> <p>3. All buildings shall be constructed to be sympathetic to the existing landscape in terms of location, scale, height, building materials and colour. Unpainted zincalume, white and off white roof colours are not permitted and preference is for muted colours with south coast landscape hues.</p> <p>4. Preparation and implementation of an Urban Water Management Plan shall be required at subdivision stage. Drainage and stormwater shall be managed in accordance with this plan.</p> <p>5. Car parking for holiday accommodation uses shall be provided and located to Council's satisfaction based on one bay per unit. Car parking requirements for other site uses shall be at the discretion of Council.</p> <p>6. All signage to be subject to the prior approval of Council in accord with Scheme requirements and adopted policy.</p> <p>7. a) All development of the portion of the land north of Cussons Road is to be located a minimum of 50m from the adjoining water way to the north; and</p> <p>b) All development of the portion of the land north of Cussons Road shall be sited to Council's satisfaction to minimise visual and landscape impacts.</p> <p>8. a) Prior to any development of the portion of land to the north of Cussons Road being approved, details of a suitable contamination assessment report and recommendations for remediation are to be submitted to Council and are to be to the satisfaction of the Department of Environmental Protection in conjunction with the Shire of Denmark.</p> <p>b) Site remediation works shall be carried out in accordance with the recommendations of the site contamination report as a condition of subdivision and/or development approval.</p> <p>9. Requirements for onsite effluent disposal shall be determined by Council and in consultation with the Department of Health in accordance with the recommendations of the effluent disposal report.</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T11	Lot 5 South Coast Highway, Denmark (Cont'd)		<p>10. The development shall be connected to the Water Corporation reticulated water supply network when upgraded and available. In the interim, potable water supplies that meet the acceptable standards shall be provided to council's specifications with all sampling and analysis being undertaken by the proponent/landowners at their costs.</p> <p>11. A landscaping plan shall be prepared and implemented based on minimum site coverage of 10%, utilising endemic native species.</p> <p>12. Additional tree/shrub planting may be required as a condition of development approval for individual buildings and/or structures.</p> <p>13. Vehicular access to the zone shall be limited to those nominated points as determined by council. No direct access will be permitted to South Coast highway other than for emergency access purposes.</p> <p>14. Council shall in addition to any other fire protection requirements deemed necessary, require that the 'developer responsibilities' are implemented in accordance with the Fire Management Plan.</p> <p>15. The following requirements will apply to any proposed strata scheme of the McLeans's Mill Tourist Development;</p> <p style="margin-left: 40px;">a) The duration of permanent occupancy of any tourist accommodation shall be limited to a maximum of three (3) months in any twelve (12) month period;</p> <p style="margin-left: 40px;">b) Fencing of any strata lot boundary is not permitted; and</p> <p style="margin-left: 40px;">c) Any tourist accommodation, when not in use by its owner(s) shall be made available for rent by the general public. This shall be ensured via ongoing management established by way of an agreement between the owner(s) and Council.</p> <p>16. All external illumination shall be of low level, controlled spill lighting, with any variations requiring Council approval.</p> <p>17. External illumination associated with a Restaurant or Function Centre shall not occur for more than 15 minutes after these uses cease operation at night.</p> <p>18. On-site street lighting of internal roadways shall not be illuminated later than 10.00 pm.</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T12	<p>No. 1597 (Lot 1) Valley of the Giants Road, Bow Bridge</p> <p>GG 25/10/16 AMD 153 GG 15/12/23</p>	<p>Notwithstanding any other provisions of the scheme, the following land uses are the only permitted (P) land uses:</p> <p>Single House Boarding House (Lodge) Gallery/Restaurant Holiday Accommodation (Chalets) Managers residence Brewery</p>	<ol style="list-style-type: none"> <li>1. The development shall generally be in accordance with the Local Development Plan Ref: 1515-05C, or any minor variation to that plan approved by Council.</li> <li>2. Development shall be connected to Alternative Treatment Units approved by Council and the Health Department of WA.</li> <li>3. Building materials: <ul style="list-style-type: none"> <li>• All building materials and finishes are to be of natural earth, vegetation or earth brown colours.</li> <li>• Zincalume and off white colours and finishes will not be permitted; and</li> <li>• All water tanks and carports (if any), are to be constructed in the same colours as mentioned above and are to be screened from Valley of the Giants Road.</li> </ul> </li> <li>4. Provision of potable water shall be the responsibility of the landowner at the time of development. The following minimum potable water storage requirements shall be applicable for each land use: <ul style="list-style-type: none"> <li>• Single House - 92kL</li> <li>• Boarding House - 300 kL</li> <li>• Gallery/Restaurant - 150kL</li> <li>• Holiday Accommodation (Chalets) - 92kL per chalet.</li> <li>• Managers Residence - 92kL</li> <li>• Brewery - 3 x 100kL</li> </ul> </li> <li>5. Fire Management: <ul style="list-style-type: none"> <li>• Suitable fire control measures being implemented to the satisfaction of Council and being in accordance with the approved Fire Management Plan; and</li> <li>• All buildings shall be constructed in accordance with the BAL-29 requirements of AS3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended).</li> </ul> </li> <li>6. Access and egress is to be from the single point shown on the Local Development Plan, excepting any additional access requirements for fire management.</li> <li>7. The land shown as foreshore reserve under the approved Local Development Plan to be ceded free of cost to the Crown as a condition of Planning Approval or subdivision approval.</li> <li>8. Within those areas delineated as 'Tree Preservation Area Development Exclusion Zone' on the Local Development Plan no further clearing shall occur, except for: <ul style="list-style-type: none"> <li>• Trees that are dead, diseased or dangerous.</li> <li>• To comply with the Fire Management Plan requirements for the site.</li> </ul> </li> </ol>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T12	<p>No. 1597 (Lot 1) Valley of the Giants Road, Bow Bridge (Cont'd)</p> <p>GG 25/10/16</p>	<p>Notwithstanding any other provisions of the scheme, the following land uses are the only permitted (P) land uses:</p> <p>Single House Boarding House (Lodge) Gallery/Restaurant Holiday Accommodation (Chalets) Managers residence Microbrewery</p>	<p>9. Clearing of vegetation throughout the site shall only be permitted pursuant to the <i>Environmental Protection Act 1986</i> and the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2004</i> and will only be undertaken where:</p> <ul style="list-style-type: none"> <li>To facilitate development in accordance with the Local Development Plan.</li> <li>To remove trees identified as dead, diseased or dangerous.</li> <li>To comply with the requirements of the Fire Management Plan.</li> <li>In the case of mature trees proposed to be removed from the Hazard Separation Zone, a suitably qualified person will need to demonstrate through prior survey, that the tree does not provide habitat refuge for fauna (Black Cockatoos).</li> </ul> <p>10. Within the area depicted as 'Development Exclusion Zone' on the Local Development Plan, no further development or on-site effluent disposal is to occur, with the exception of:</p> <ul style="list-style-type: none"> <li>Those areas indicated for the construction of roads or tracks; and</li> <li>The development of the 'Ceremony Platform' and 'Hardstand and Turnaround for Fire Vehicle'.</li> </ul> <p>11. All new development shall be setback a minimum of:</p> <ul style="list-style-type: none"> <li>30 metres from the front boundary; and</li> <li>20 metres from all other boundaries.</li> </ul> <p>12. The following requirements will apply to the strata titling of the development:</p> <ul style="list-style-type: none"> <li>A person is not to occupy a chalet/s or a room/s within the boarding house for longer than three (3) months in any twelve (12) month period.</li> <li>Provision of a management statement for the strata scheme to provide for integrated common management of the strata lots as a tourism facility. Any changes to the management statement require the approval of the WAPC and the management statement must bind successive owners.</li> <li>Prior to the issue of titles for the strata lots: all common property and shared facilities are to be completed; and development to plate height for strata lots shall be required.</li> <li>In the event of the staged development and strata titling of the property, Council may permit development of associated common property in stages.</li> <li>Fencing of Strata lots is not permitted.</li> <li>The external form of development to be of uniform and complementary architectural theme, character, colours and materials.</li> <li>Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within this Tourist zone are given a copy of these Provisions; the endorsed Local Development Plan; and the endorsed Fire Management Plan, prior to entering into an agreement to acquire any property.</li> </ul>



### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T12	<p>No. 1597 (Lot 1) Valley of the Giants Road, Bow Bridge (Cont'd)</p> <p>GG 25/10/16</p>		<ul style="list-style-type: none"> <li>• Notifications to be placed on titles under section 70A of the <i>Transfer of Land Act 1983</i> advising prospective purchasers that the lots are subject to a fire management plan.</li> <li>• Notification to be placed on titles under Section 165 of the <i>Planning and Development Act 2005</i> advising prospective purchasers that the land is located in a rural area and rural activities may be undertaken on neighbouring land that may result in potential noise, dust and odour nuisances that may affect the use or enjoyment of the land.</li> </ul> <p>13. A weed management plan for the site is to be prepared, approved and subsequently implemented to the satisfaction of Council as a condition of development approval or subdivision approval.</p>
T13	<p>No. 738 (Lot 1) Ocean Beach Road, Ocean Beach</p> <p>AMD 140 GG 19/01/2021</p>	<p>Notwithstanding any other provisions of the scheme, the following land uses are the only permitted (P) land uses and shall include:</p> <p>Holiday Accommodation</p> <p>AA uses shall include:</p> <p>Caretaker's Dwelling</p> <p>IP uses shall include:</p> <p>Reception / Office (incorporated into the same building as the caretaker's/manager's residence)</p> <p>All other uses are not permissible.</p>	<p><b>Local Development Plan</b></p> <p>i. Prior to any development approval a Local Development Plan is to be prepared, and approved by Council.</p> <p>ii. The Local Development Plan must show the following:</p> <ul style="list-style-type: none"> <li>• A maximum of 12 Holiday Accommodation units;</li> <li>• Caretaker's dwelling;</li> <li>• Effluent disposal area (as per an approved Land Capability report);</li> <li>• Designated development exclusion area(s);</li> <li>• Designated tree retention area(s);</li> <li>• 2.5m AHD contour;</li> <li>• Landscape screening;</li> <li>• Flood hazard area(s);</li> <li>• Future managed wetland area(s); and</li> <li>• Emergency buildings (refuge).</li> </ul> <p><b>Subdivision</b></p> <p>iii. Any further subdivision of Lot 1 shall be by way of strata title only.</p> <p>iv. The creation of any vacant strata lots will not be permitted.</p> <p>v. Caretaker's dwellings, service areas/infrastructure, emergency buildings and all common facilities shall be located on common property.</p> <p>vi. Prior to any issue of titles for strata lots: all common property and shared facilities are to be constructed to Council specification.</p> <p>vii. Restriction of length of stay is 3 months in any 12 month period, except for a single house or caretaker's dwelling.</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T13	<p>No. 738 (Lot 1) Ocean Beach Road, Ocean Beach (Cont'd)</p> <p>AMD 140 GG 19/01/2021</p>		<p>viii. The following requirements will apply to any strata titling proposal of the development within Lot 1 -</p> <ul style="list-style-type: none"> <li>An agreement between the applicant and Council to ensure a management statement is in place and a manager/operator is available to provide for on-site management of the common property, overall landscape management, fire control, security and where required by owner/managers, provision of a letting/management service, including marketing, maintenance, refurbishment and other services reasonably required for the development to operate as a tourist facility.</li> <li>All Holiday Accommodation (chalets) are required to be managed and maintained by the strata company with no individual management or fit out of chalets permitted. Opting out of the central management by individual owners will not be permitted.</li> <li>Any changes to the management statement require the approval of the WAPC and the management statement must bind successive owners.</li> </ul> <p><b>Development</b></p> <p>ix. A maximum of 12 Holiday Accommodation units over Lot 1</p> <p>x. Maximum occupancy of the Holiday Accommodation units on-site (collectively) is not to exceed 48 persons.</p> <p>xi. A maximum of 2 no occupancy restriction buildings (caretaker's dwelling/single house) shall be permitted over the whole site, regardless of any subdivision.</p> <p>xii. All development shall be connected to on-site effluent disposal utilising alternative treatment units suitable for nutrient retention; and shall be located as per the recommended disposal field area in the latest approved Land Capability &amp; Environmental Assessment Report.</p> <p>xiii. All development shall be connected to a reticulated potable water supply source to the satisfaction of Council.</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T13	<p>No. 738 (Lot 1) Ocean Beach Road, Ocean Beach (Cont'd)</p> <p><i>AMD 140 GG 19/01/2021</i></p>		<p>xiv. All new development shall be setback a minimum of:</p> <ul style="list-style-type: none"> <li>• 50 meters from the front boundary</li> <li>• 40 meters from the western and northern boundaries; and</li> <li>• 20 meters from the southern boundary.</li> </ul> <p>xv. All buildings within the zone shall be limited to a single story and designed and constructed to be sympathetic to the existing landscape in terms of colour finishes, location and height, to the satisfaction of Council. Zincalume, white and off-white colours are prohibited.</p> <p>xvi. The development of all new buildings shall be undertaken to comply with the requirements of AS3959-2009 Construction of Buildings in Bushfire Prone Areas (as amended).</p> <p>xvii. No development shall be permitted within the designated development exclusion area(s) and designated tree retention area(s) as per an approved Local Development Plan; and on land below 2.5m AHD.</p> <p>xviii. All fencing (internal and boundary) shall be of rural construction such as pine/steel posts and wire to the satisfaction of Council.</p> <p>xix. A Bushfire Management Plan and Emergency Evacuation Plan is to accompany any application for subdivision or development, and is to be prepared, approved and implemented in accordance with State Planning Policy 3.7, to the satisfaction of Council.</p> <p>xx. The proponent shall prepare and implement the recommendations of an approved Stormwater Management Plan to the satisfaction of Council as a condition of development approval or subdivision approval.</p> <p>xxi. The proponent shall prepare and implement the recommendations of an approved Landscaping Plan to the satisfaction of Council as a condition of development approval or subdivision approval. Matters that the landscaping plan is to specifically address include:</p> <ul style="list-style-type: none"> <li>• Rehabilitation/replanting of the area identified as a 'Future Managed Wetland' on an approved LDP; and</li> <li>• Future on-site landscaping to assist with screening the development from Ocean Beach Road.</li> </ul>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T13	<p>No. 738 (Lot 1) Ocean Beach Road, Ocean Beach (Cont'd)</p> <p>AMD 140 GG 19/01/2021</p>		<p>xxii. The proponent shall implement the recommendations of the Bushland Management Plan prepared by PGV Environmental, dated 25 September 2015 (or any approved amended bushland management plan) to the satisfaction of Council as a condition of development approval or subdivision approval.</p> <p>xxiii. The proponent shall implement the recommendations of the Wetland Management Plan prepared by PGV Environmental, dated 25 September 2015 (and/or any approved amended weed management plan) to the satisfaction of Council as a condition of development approval or subdivision approval.</p> <p>xxiv. Prior to any development or subdivision approvals being granted, implementation of the approved groundwater monitoring program, as referenced to in the latest approved Land Capability &amp; Environmental Assessment Report, is to be undertaken to ensure adequate separation between groundwater and the proposed effluent disposal system. Ongoing groundwater monitoring shall also be included as a condition of development approval.</p> <p>xxv. The proponent shall prepare and implement an Irrigation Management Plan to the satisfaction of the state department responsible for water and the Department of Health, as a condition of development or subdivision approval. Such plan is to ensure it includes contingencies for storage of wastewater during wet periods when it is unsuitable to irrigate.</p>
T14	<p>No.2446 (Lot 3) South Coast Highway, William Bay.</p> <p>AMD 147 GG 1/10/2024</p>	<p>Notwithstanding any other provisions of the scheme, the following sets out the permissibility of land uses:</p> <ul style="list-style-type: none"> <li>• Aquaculture (AA)</li> <li>• Caravan Park (SA)</li> <li>• Caretakers Dwelling (AA)</li> <li>• Horticulture (AA)</li> <li>• Brewery (AA)</li> <li>• Private Recreation (AA)</li> <li>• Restaurant (AA)</li> <li>• Rural Pursuit (P)</li> <li>• Shop (max. 150m<sup>2</sup> GLA) (AA)</li> <li>• Workforce accommodation (AA)</li> </ul>	<p>I. All development shall be connected to a Secondary Treatment System (STS) approved by the Department of Health. A Secondary Treatment System with nutrient removal may be required.</p> <p>II. All new development shall be setback a minimum:</p> <ol style="list-style-type: none"> <li>a. 30 metres South Coast Highway.</li> <li>b. 20 metres from all other boundaries.</li> </ol> <p>III. All structures including fencing within the zone shall be constructed to be sympathetic to the existing landscape in terms of colour, finishes, location and height, to the satisfaction of the local government.</p> <p>IV. At the development application stage the proponent shall prepare and submit a Landscape/Revegetation Plan for the protection of existing remnant vegetation, recognition and protection of black cockatoo habitat, and revegetation of water courses.</p> <p>V. Tourist accommodation is limited to a stay of 3 months in a 12 month period other than caretaker's dwelling(s).</p> <p>VI. A local development plan for the site is required prior to approval of any new development.</p>

### APPENDIX XIII - SCHEDULE OF TOURIST ZONES (Cont'd)

PARTICULARS OF THE LAND		TOURIST USE	CONDITIONS OF TOURIST USE
T15	No. 40 (Lot 305) Wentworth Road, Ocean Beach	<p>Notwithstanding any other provisions of the scheme, the following land uses and associated permissibility apply:</p> <ul style="list-style-type: none"> <li>• Brewery (AA)</li> <li>• Boarding House (AA)</li> <li>• Caravan Park (AA)</li> <li>• Caretaker's Dwellings (AA)</li> <li>• Holiday Accommodation (AA)</li> <li>• Tavern (AA)</li> <li>• Tourist Development (AA)</li> <li>• Rural Pursuit (AA)</li> <li>• Restaurant (AA)</li> <li>• Shop (AA)</li> <li>• Winery (AA)</li> <li>• Market (AA)</li> <li>• Private Recreation (AA)</li> <li>• Reception Centre (AA)</li> </ul>	<ul style="list-style-type: none"> <li>i. All development shall be connected to a Secondary Treatment System (STS) approved by the Department of Health. A Secondary Treatment System with nutrient removal may be required.</li> <li>ii. All new development shall be setback a minimum of <ul style="list-style-type: none"> <li>• 30 metres from South Coast Highway.</li> <li>• 20 metres from all other boundaries.</li> </ul> </li> <li>iii. All structures including fencing within the zone shall be constructed to be sympathetic to existing landscaping in terms of colour, finishes, location and height, to the satisfaction of the local government.</li> <li>iv. At the development application stage the proponent shall prepare and submit a Landscape Revegetation Plan for the protection of existing remnant vegetation, recognition and protection of black cockatoo habitat and revegetation of water courses.</li> <li>v. Accommodation is limited to a stay of 3 months in a 12 month period other than caretaker's dwelling(s)</li> </ul>

**APPENDIX XIX – URBAN DEVELOPMENT ZONE PROVISIONS**

**APPENDIX XIV - SPECIAL RESIDENTIAL ZONES**

## APPENDIX XIX – URBAN DEVELOPMENT ZONE PROVISIONS

### PROVISIONS RELATING TO SPECIFIED AREAS

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 1. HARINGTON BREAK SPECIAL RESIDENTIAL ZONE</b>  Pt Lot 1 (Pt Location 2015) Harington Break, Denmark	Residential  Permitted Use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation	(i) Subdivision of Special Residential Zone No. 1 is to be in accordance with the Subdivision Guide Plan dated October 1999 as signed by the Chief Executive Officer.  (ii) Notwithstanding (a) above, the State Planning Commission may approve a minor variation to the subdivisional design, but further breakdown of the lots so created shall be deemed contrary to the provisions of the Scheme.  (iii) the minimum lot size shall be 4,000 sqm.  (iv) (a) All buildings and effluent disposal systems shall be located within a defined Building Envelope of No. larger than 1,000 sqm, which has been selected and delineated on-site by the landowner, and approved by Council in accordance with Provision (v) below.  (b) The positioning of the building envelope shall be such that: - it does not necessitate the removal of significant vegetation for house construction or the removal of overhanging trees in the interests of the longer term safety of residences - the location of the building will not detract from the environmental quality of the area or from the amenity of adjoining residences.  (v) (a) No building envelope may be closer to the boundary of a lot than: (i) from the front and rear of a lot 15 metres. (ii) from the side boundary of a lot 10 metres.  (b) Notwithstanding (a) above, Council may approve a lesser distance if it can be shown to the satisfaction of Council that the topography or shape of the lot or indigenous vegetation upon it makes it desirable to vary this provision.  (vi) (a) Strategic firebreaks, as nominated on the Plan of subdivision, shall be provided as a condition of subdivision and constructed by the developer to a standard approved by Council and the Bush Fires Board. The breaks shall be designed and constructed so as to avoid erosion problems.  (b) Council shall require that individual landowners are responsible for the maintenance of a strategic firebreak where it crosses the landowner's lot.

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 1. HARINGTON BREAK SPECIAL RESIDENTIAL ZONE</b></p> <p>Pt Lot 1 (Pt Location 2015) Harington Break, Denmark</p> <p>(Continued)</p>	<p>Residential</p> <p>Permitted Use (P): Single House</p> <p>Permitted at Council's Discretion (AA): Home Occupation</p>	<p>(c) The clearing of firebreaks other than for strategic firebreak purposes will not be permitted unless for safety reasons to comply with Council and Bush Fires Board requirements.</p> <p>(d) Low fuel areas as shown on the Subdivision Guide Plan shall be established by the subdivider and thereafter maintained by landowners to the satisfaction of the Local Authority and the Bush Fires Board.</p> <p>All buildings and structures shall be located inside the low fuel areas and set back approximately 20 metres from where the low fuel areas border uncleared areas or an appropriate distance as determined by Council.</p> <p>(e) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual.</p> <p>(f) All building shall be constructed in accordance with Australian standard 3959-1991 'Construction of Buildings in Bushfire Prone Areas'.</p> <p>(vii) (a) Where land is devoid of vegetation or it is determined that erosion has occurred as a result of the development of private property, Council may require the landowner to implement erosion control measures in accordance with the requirements and specifications of Council in the interests of preventing further land degradation.</p> <p>(b) In the event that provision (a) above is not complied with, Council may carry out appropriate action to eliminate adverse affect. Any expenses incurred by Council in carrying out such action shall be borne by the landowner.</p> <p>(viii) To assist in the retention of existing vegetation cover and reserve and enhance the visual character of the zone, the erection of boundary fencing shall not be permitted without Council approval.</p> <p>(ix) (a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale, height, building materials and colour.</p> <p>(b) Buildings shall be constructed of roof and external wall materials comprising natural earth or olive green colours. Zincalume or other similar cladding will not be permitted. Other roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.</p> <p>(c) All residential buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.</p> <p>(d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</p>



## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 1. HARINGTON BREAK SPECIAL RESIDENTIAL ZONE</b>  Pt Lot 1 (Pt Location 2015) Harington Break, Denmark  (Continued)	Residential  Permitted Use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation	(e) Proposals to vary the height restrictions pursuant to (c) above shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the affect on the visual amenity and the natural screening effect of vegetation and topography or any proposed landscaping to be provided.  (f) Driveways shall be sited and constructed so as to avoid erosion problems to the specification and satisfaction of Council.  (x) On-site effluent disposal shall be the responsibility of the individual landowner and shall involve the use of on-site disposal systems approved by Council and the Public Health Department.  (xi) Power supply to land within Special Residential Zone No. 1 shall be located underground both within the road reserve and where connection is made to individual lots.  (xii) Roads within the zone shall be located in a manner which is sympathetic to the topography and minimises visual impact.  (xiii) All lots shall be connected to WA Water Authority reticulated water supply scheme.  (xiv) Fire hydrants and a standpipe facility as shown on the Subdivision Guide Plan shall be provided by the subdivider in accordance with the requirements of the Bush Fires Board and to the satisfaction of Council and the Bush Fires Board.  (xv) Tree planting shall be undertaken by the subdivider in the positions as shown on the Subdivision Guide Plan to the satisfaction of Council at the subdivision stage.  (xvi) Council shall prepare an information sheet for distribution to prospective purchasers and successors in title, detailing measures to minimise impacts from cats on flora and fauna on the land and adjoining public reserve.  (xvii) Within the Tree Preservation Areas defined on the Subdivision Guide Plan, no indigenous trees or vegetation shall be felled or removed except where:  X trees are dead, diseased or dangerous; X the establishment of a fire access track is required under regulation or by-law.  (xviii) All development shall be in accordance with the approved Fire Management Plan.

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 2. WARHAM ROAD, SPECIAL RESIDENTIAL ZONE</b>	Residential  Permitted Use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation	<p>(i) The minimum lot size should be no less than 2,000m<sup>2</sup>. Subdivision shall generally be in accordance with the Subdivision Guide Plan. Subdivision shall generally be in accordance with the Subdivision Guide Plan.</p> <p>(ii) (a) All buildings and effluent disposal systems shall be located within a defined Building Envelope of no larger than 1,000m<sup>2</sup>, which has been selected and delineated on-site by the landowner, and approved by Council in accordance with Provision iii) below.</p> <p>(b) The positioning of the building envelope shall be such that:</p> <ul style="list-style-type: none"> <li>- it does not necessitate the removal of significant vegetation for house construction or the removal of overhanging trees in the interests of the longer term safety of residences.</li> <li>- the location of the building will not detract from the environmental quality of the area or from the amenity of adjoining residences.</li> </ul> <p>(iii) (a) No building envelope may be closer to the boundary of a lot than:</p> <ul style="list-style-type: none"> <li>(i) from the front and rear of a lot - 20 metres</li> <li>(ii) from the side boundary of a lot - 10 metres</li> <li>(iii) from a stream or non-perennial creek - 100 metres</li> </ul> <p>(b) Notwithstanding (a) above, Council may approve a lesser distance if it can be shown to the satisfaction of Council that the topography or shape of the lot or indigenous vegetation upon it makes it desirable to vary this position in accordance with Provision ii) above.</p> <p>(iv) (a) Council may request the Commission to impose a condition at the subdivision stage for the provision of strategic firebreaks, fire hydrants, water tank/standpipe and a financial contribution for the purchase of fire fighting equipment.</p> <p>(b) Council shall require that individual landowners are responsible for the maintenance of any strategic firebreak where it crosses the landowner's lot.</p> <p>(c) The clearing of firebreaks other than for strategic firebreak purposes will not be permitted unless for safety reasons to comply with Council and Bush Fires Board requirements.</p> <p>(d) Within the building envelope an area not less than 20 metres wide surrounding buildings shall be maintained in a low fuel condition by individual owners.</p> <p>(e) Council may request the Commission to impose a condition at the subdivision stage requiring the subdivider to advise prospective purchasers of the lots of the fire management guidelines of the Homeowners Bushfire Survival Manual.</p> <p>(f) Council shall require all buildings to be constructed in accordance with Australian Standard 3959-1991 'Construction of Buildings in Bushfire Prone Areas'.</p>

# **APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)**

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 2. WARHAM ROAD, SPECIAL RESIDENTIAL ZONE</b>  (Continued)	Residential  Permitted Use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation	<div>(v) (a) Where land is devoid of vegetation or it is determined that erosion has occurred as a result of the development of private property, Council may require the landowner to implement erosion control measures in accordance with the requirements and specifications of Council in the interests of preventing further land degradation.</div> <div>(b) In the event that provision (a) above is not complied with, Council may carry out appropriate remedial works. Any expenses incurred by Council in carrying out such works shall be borne by the landowner.</div> <div>(vi) To assist in the retention of existing vegetation cover and preserve and enhance the visual character of the zone, the erection of boundary fencing shall not be permitted without Council approval.</div> <div>(vii) (a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale, height, building materials and colour.</div> <div>(b) Buildings shall be constructed of roof and external wall materials comprising natural earth or olive green colours. Zincalume or other similar cladding will not be permitted. Other roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.</div> <div>(c) All residential buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.</div> <div>(d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</div> <div>(e) Proposals to vary the height restrictions pursuant to (c) above shall be accompanied by such plans, elevations and sketches as is determined by the of Council to assess the affect on the visual amenity and the natural screening effect of vegetation and topography or any proposed landscaping to be provided.</div> <div>(viii) On-site effluent disposal shall be the responsibility of the individual landowner and shall involve the use of on-site disposal systems approved by Council and the Health Department of Western Australia.</div> <div>(ix) Council may request the Commission to impose a condition at the subdivision stage for the provision of underground power to the lots.</div> <div>(x) Roads within the zone shall:</div> <div>(i) be located in a manner which is sympathetic to the topography and minimises visual impact.</div> <div>(ii) be drained underground and kerbed to meet the requirements and specification of Council.</div>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 2. WARHAM ROAD, SPECIAL RESIDENTIAL ZONE</b>  (Continued)	Residential  Permitted Use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation	(xi) Council may request the Commission to impose a condition at the subdivision stage for the connection of the lots to the reticulated water supply.  (xii) Council may request the Commission to impose a condition at the subdivision stage for tree planting to be carried out generally in the locations shown on the Subdivision Guide Plan.  (xiii) A Stormwater Drainage Plan shall be prepared and implemented to the satisfaction of Council, having due regard to the advice of the Wilson Inlet Management Authority.  (xiv) An assessment of the geology of the site, particularly in areas where effluent disposal is proposed, including hydraulic conductivity and soil profiles to a depth of two metres, plus the depth to perched and permanent water tables (indicative at the end of winter), shall be prepared to the satisfaction of the Health Department to assist in determining appropriate effluent disposal methods.  (xv) A Foreshore Management Plan including provision for any fencing shall be prepared and implemented to the satisfaction of the Council having due regard to the advice from the Wilson Inlet Management Authority for the Foreshore Reserve over Millars Creek.
<b>SRes 3. REEVES SPECIAL RESIDENTIAL ZONE</b>  Lot 337 south Coast Highway, Denmark	Residential  Permitted use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation	i) The minimum lot size should be not less than 4000 sqm. Subdivision shall generally be in accordance with the Subdivision and Development Guide Plan (Plan No 1861/7) Special Residential Zone No 3 as signed by the Shire Clerk.  ii) An assessment of the geology of the site, particularly in areas where effluent disposal is proposed, including hydraulic conductivity and soil profiles to a depth of two metres, plus the depth to perched and permanent water tables (indicative of conditions at the end of winter), shall be prepared to the satisfaction of the Health Department of WA to assist in determining appropriate effluent disposal methods.  iii) a) All buildings and effluent disposal systems shall be located within a defined Building Envelope of no larger than 1000sqm which has been selected and delineated on-site by the landowner, and approved by Council in accordance with Provision (v) below.  b) The positioning of the building envelope shall be such that:  it does not necessitate the removal of significant vegetation for house construction or the removal of overhanging trees in the interests of the longer term safety of residences  the location of the building will not detract from the environmental quality of the area or from the amenity of adjoining residences.  iv) a) No building envelope may be closer to the boundary of a lot than:  i) 15 metres from the front and rear of a lot. ii) 10 metres from the side boundary of a lot.

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 3. REEVES SPECIAL RESIDENTIAL ZONE</b>  Lot 337 south Coast Highway, Denmark	Residential  Permitted use (P): Single House  Permitted at Council's Discretion (AA): Home Occupation	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> b) Notwithstanding (a) above, Council may approve a lesser distance if it can be shown to the satisfaction of Council that the topography or shape for the lot or indigenous vegetation upon it makes it desirable to vary this provision. </div> <div style="margin-bottom: 10px;"> v) a) Council may request the Commission to impose a condition at the time of subdivision for the strategic firebreaks shown on the Subdivision and Development Guide Plan to be constructed to a standard approved by Council and the Bush Fires Board. The breaks shall be designed and constructed so as to avoid erosion problems. </div> <div style="margin-bottom: 10px;"> b) Council shall require that individual landowners are responsible for the maintenance of a strategic firebreak where it crosses the landowner's lot. </div> <div style="margin-bottom: 10px;"> c) The clearing of firebreaks other than for strategic firebreak purposes will not be permitted unless for safety reasons to comply with Council and Bush Fires Board requirements. </div> <div style="margin-bottom: 10px;"> d) Each lot owner shall maintain an area of low fuel as specified by the Bush Fires Board surrounding the dwelling. </div> <div style="margin-bottom: 10px;"> e) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual. </div> <div style="margin-bottom: 10px;"> f) All buildings shall be constructed in accordance with Australian Standard 3959-1991 'Construction of Buildings in Bushfire Prone Areas'. </div> <div style="margin-bottom: 10px;"> vi) a) Where land is devoid of vegetation or it is determined that erosion has occurred as a result of the development of private property, Council may require the landowner to implement erosion control measures in accordance with the requirements and specifications of Council in the interests of preventing further land degradation. </div> <div style="margin-bottom: 10px;"> b) In the event that provision (a) above is not complied with, Council may carry out appropriate action to eliminate adverse affect. Any expenses incurred by Council in carrying out such action shall be borne by the landowner. </div> <div style="margin-bottom: 10px;"> vii) To assist in the retention of existing vegetation cover and preserve and enhance the visual character of the zone, the erection of boundary fencing shall not be permitted without Council approval. </div> <div style="margin-bottom: 10px;"> viii) a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale, height, building materials and colour. </div> <div style="margin-bottom: 10px;"> b) Buildings shall be constructed of roof and external wall materials comprising natural earth or vegetation green colours. Zincalume or other similar cladding will not be permitted. Other roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted. Home Occupation </div> </div>

# **APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)**

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 3. REEVES SPECIAL RESIDENTIAL ZONE</b></p> <p>Lot 337 south Coast Highway, Denmark</p> <p>(Continued)</p>	<p>Residential</p> <p>Permitted use (P): Single House</p> <p>Permitted at Council's Discretion (AA): Home Occupation</p>	<p>c) All residential buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.</p> <p>d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</p> <p>e) Proposals to vary the height restrictions pursuant to (c) above shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the affect on the visual amenity and the natural screening effect of vegetation and topography or any proposed landscaping to be provided.</p> <p>f) Driveways shall be sited and constructed so as to avoid erosion problems to the specification and satisfaction of Council.</p> <p>ix) On-site effluent disposal shall be the responsibility of the individual landowner and shall involve the use of conventional or alternative on-site disposal systems approved by Council and the Public Health Department.</p> <p>x) Council may request the Commission to impose a condition at the subdivision stage for the provision of underground power.</p> <p>xi) Roads within the zone shall be located in a manner which is sympathetic to the topography and minimises visual impact.</p> <p>xii) Council may request the Commission to impose a condition at the subdivision stage for the provision of reticulated water.</p> <p>xiii) Fire hydrants and a standpipe facility shall be provided by the subdivider in accordance with the requirements of the Bush Fires Board.</p> <p>xiv) Council may request the Commission to impose a condition at the subdivision stage for treeplanting to be carried out in accordance with the Landscape Plan and Subdivision and Development Guide Plan.</p> <p>xv) a) No development other than for strategic firebreak purposes and low fuel zones will be permitted within the Landscape Protection Area, nominated on the Subdivision and Development Guide Plan.</p> <p>b) Council will require the planting and maintenance of the Landscape protection Area, as defined on the Subdivision and Development Guide Plan, using local indigenous trees of species and in locations approved by Council, as shown on the Landscape Plan.</p>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<div><b>SRes 3. REEVES SPECIAL RESIDENTIAL ZONE</b></div> <div>Lot 337 South Coast Highway, Denmark</div> <div>(Continued)</div>	<div>Residential</div> <div>Permitted use (P): Single House</div> <div>Permitted at Council's Discretion (AA):</div>	<div>xvi) The intersection between the proposed cul-de-sac and the South Coast Highway shall be designed and constructed to the satisfaction of Main Roads WA.</div>
<div><b>SRes 4. PT LOT 340 MT SHADFORTH ROAD SPECIAL RESIDENTIAL ZONE</b></div>	<div>Residential</div> <div>Permitted Uses (P) - Single House</div> <div>Permitted at Council's Discretion (AA): Home Occupation</div>	<div><div>(i) Subdivision of Special Residential Zone No. 4 is to be in accordance with Plan of Subdivision (Plan No. 91/22/19B) Special Residential Zone No. 4 dated September 2000 as signed by the Chief Executive Officer.</div><div>(ii) Notwithstanding (i) above, the Western Australian Planning Commission may approve a minor variation to the subdivision design, but further breakdown of lots so created shall be deemed contrary to the provisions of the Scheme.</div><div>(iii) The total number of lots should be 60 with a 2,400m<sup>2</sup> minimum area and an average area of 4,200m<sup>2</sup>.</div><div>(iv)<div><div>a) All buildings and effluent disposal systems shall be located within a building envelope of no larger than 1,000m<sup>2</sup>, which is based on the recommended building site on the Subdivision Guide Plan and has been selected and delineated on-site by the landowner, and approved by Council in accordance with Provision v) below.</div><div>b) The positioning of the building envelope shall be such that:<div><div>- it does not necessitate the removal of significant vegetation for house construction or the removal of overhanging trees in the interests of the longer term safety of residences.</div><div>- the location of the building will not detract from the environmental quality of the area or from the amenity of adjoining residences.</div></div></div></div></div><div>(v)<div><div>a) No building envelope may be closer to the boundary of a lot than:<div><div>i) from the front of a lot:10 metres</div><div>ii) from the rear of a lot:8 metres</div><div>iii) from the side of a lot:6 metres</div></div></div><div>b) If an on-site effluent disposal system cannot achieve a 100m horizontal separation from a watercourse on the Subdivision Guide Plan, then Council will require as a condition of building approval that an approved alternative system be used to the specifications of the Health Department to be located no closer than 50 metres horizontal separation from the watercourses as defined on the Subdivision Guide Plan.</div><div>c) Notwithstanding (a) above, Council may approve a lesser distance if it can be shown to the satisfaction of Council that the topography or shape of the lot or indigenous vegetation upon it makes it desirable to vary this position in accordance with Provision iv) above.</div></div></div></div>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 4. PT LOT 340 MT SHADFORTH ROAD SPECIAL RESIDENTIAL ZONE</b>  (Continued)	Residential  Permitted Uses (P) - Single House  Permitted at Council's Discretion (AA): Home Occupation	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;">           (vi) a) Council may request the Commission to impose a condition at the subdivision stage for the provision of strategic firebreaks, fire hydrants, water tank/standpipe facility and financial contribution to the purchase of fire fighting equipment.             b) Council shall require that individual landowners are responsible for the maintenance of any strategic firebreak where it crosses the landowner's lot.             c) The clearing of firebreaks other than for strategic firebreak purposes will not be permitted unless for safety reasons to comply with Council and Bush Fires Board requirements.             d) Within the building envelope, limited parkland clearing around all building structures will be required by Council to establish low fuel zones around all buildings.             e) Council may request the Commission to impose a condition at the subdivision stage requiring the subdivider to advise prospective purchasers of the lots of the fire management guidelines of the Homeowners Bushfire Survival Manual.             f) Council shall require all buildings to be constructed in accordance with Australian Standard 3959-1991 'Construction of Buildings in Bushfire Prone Areas'.         </div> <div style="margin-bottom: 10px;">           (vii) a) Where land is devoid of vegetation or it is determined that erosion has occurred as a result of the development of private property, Council may require the landowner to implement erosion control measures in accordance with the requirements and specifications of Council in the interests of preventing further land degradation.             b) In the event that provision (a) above is not complied with, Council may carry out appropriate remedial works. Any expenses incurred by Council in carrying out such works shall be borne by the landowner.         </div> <div style="margin-bottom: 10px;">           (viii) Council shall require the erection of fencing of areas of remnant vegetation to assist in the retention of existing vegetation, and preserve and enhance the visual character of the zone. No fencing will be permitted through areas of remnant vegetation.         </div> <div>           (ix) a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale, height, building materials and colour.             b) Buildings shall be constructed of roof and external wall materials comprising natural earth or olive green colours. Zincalume or other similar cladding will not be permitted. Other roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.             c) All residential buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.         </div> </div>



## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 4. PT LOT 340 MT SHADFORTH ROAD SPECIAL RESIDENTIAL ZONE</b>  (Continued)	Residential  Permitted Uses (P) - Single House  Permitted at Council's Discretion (AA): Home Occupation	d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.  e) Proposals to vary the height restrictions pursuant to (c) above shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the affect on the visual amenity and the natural screening effect of vegetation and topography or any proposed landscaping to be provided.  (x) On-site effluent disposal shall be the responsibility of the individual landowner. Alternative treatment units are preferred, however if conventional on-site disposal systems are to be used they must conform with the Environmental Protection Authority guidelines.  (xi) Council may request the Commission to impose a condition at the subdivision stage for the provision of underground power to the lots.  (xii) Roads within the zone shall: i) be located in a manner which is sympathetic to the topography and minimises visual impact. ii) be drained underground and kerbed to meet the requirements and specification of Council.  (xiii) Council may request the Commission impose a condition at the subdivision stage for the connection of the lots to Water Corporation reticulated water supply scheme.  (xiv) Council may request the Commission to impose a condition at the subdivision stage for screen planting of endemic native vegetation consisting trees and understorey bushes together with acceptable verge tree planting to be carried out generally in the locations shown on the Subdivision Guide Plan.  (xv) Council may request the Commission to impose a condition at the time of subdivision requiring a Drainage and Nutrient Management Plan to be prepared and implemented that addresses the drainage requirements on the site and impacts on local water regions through the construction phase and following completion of the subdivision.
<b>SRes 5. PT LOT 942 WARNHAM ROAD SPECIAL RESIDENTIAL ZONE</b>	Residential  Permitted Uses (P): Single House  Permitted at Council's Discretion (AA): Home Occupation	i) Subdivision of Special Residential Zone No. 5 is to be in accordance with Plan of Subdivision (Plan No. 96/24/2) dated June 1996 as signed by the Chief Executive Officer.  (ii) Notwithstanding (i) above, the Western Australian Planning Commission may approve a minor variation to the subdivision design, but further breakdown of lots so created shall be deemed contrary to the provisions of the Scheme.  (iii) The total number of lots should be 22 with a 4,000m <sup>2</sup> minimum area and an average area of 9,000m <sup>2</sup> .  (iv) a) All buildings and effluent disposal systems shall be located within a defined Building Envelope of no larger than 1,000m <sup>2</sup> , which has been selected and delineated on-site by the landowner, and approved by Council in accordance with Provision v) below.

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 5. PT LOT 942 WARNHAM ROAD SPECIAL RESIDENTIAL ZONE</b></p> <p>(Continued)</p>	<p>Residential</p> <p>Permitted Uses (P): Single House</p> <p>Permitted at Council's Discretion (AA): Home Occupation</p>	<p>b) The positioning of the building envelope shall be such that:</p> <ul style="list-style-type: none"> <li>- it does not necessitate the removal of significant vegetation for house construction or the removal of overhanging trees in the interests of the longer term safety of residences.</li> <li>- the location of the building will not detract from the environmental quality of the area or from the amenity of adjoining residences.</li> </ul> <p>(v) a) No building envelope may be closer to the boundary of a lot than:</p> <ul style="list-style-type: none"> <li>i) from the front and rear of a lot - 20 metres</li> <li>ii) from the side boundary of a lot - 10 metres</li> </ul> <p>b) If an on-site effluent disposal system cannot achieve a 100m horizontal separation from a watercourse on the Subdivision Guide Plan, then Council will require as a condition of building approval that an approved alternative system be used to the specifications of the Health Department to be located no closer than 50 metres horizontal separation from the watercourses as defined on the Subdivision Guide Plan.</p> <p>c) Notwithstanding (a) above, Council may approve a lesser distance if it can be shown to the satisfaction of Council that the topography or shape of the lot or indigenous vegetation upon it makes it desirable to vary this position in accordance with Provision iv) above.</p> <p>(vi) a) Council may request the Commission to impose a condition at the subdivision stage for the provision of strategic firebreaks, fire hydrants, water tank/standpipe facility and financial contribution to the purchase of fire fighting equipment.</p> <p>b) Council shall require that individual landowners are responsible for the maintenance of any strategic firebreak where it crosses the landowner's lot.</p> <p>c) The clearing of firebreaks other than for strategic firebreak purposes will not be permitted unless for safety reasons to comply with Council and Bush Fires Board requirements.</p> <p>d) Within the building envelope, limited parkland clearing around all building structures will be required by Council to establish low fuel zones around all buildings.</p> <p>e) Council may request the Commission impose a condition at the subdivision stage requiring the subdivider to advise prospective purchasers of the lots of the fire management guidelines of the Homeowners Bushfire Survival Manual.</p> <p>f) Council shall require all buildings to be constructed in accordance with Australian Standard 3959-1991 'Construction of Buildings in Bushfire Prone Areas'.</p>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 5. PT LOT 942 WARNHAM ROAD SPECIAL RESIDENTIAL ZONE</b></p> <p>(Continued)</p>	<p>Residential</p> <p>Permitted Uses (P): Single House</p> <p>Permitted at Council's Discretion (AA): Home Occupation</p>	<p>(vii) a) Where land is devoid of vegetation or it is determined that erosion has occurred as a result of the development of private property, Council may require the landowner to implement erosion control measures in accordance with the requirements and specifications of Council in the interests of preventing further land degradation.</p> <p>b) In the event that provision (a) above is not complied with, Council may carry out appropriate remedial works. Any expenses incurred by Council in carrying out such works shall be borne by the landowner.</p> <p>xv) Council may request the Commission to impose a condition at the time of subdivision requiring a Drainage and Nutrient Management Plan to be prepared and implemented that addresses the drainage requirements on the site and impacts on local water regions through the construction phase and following completion of the subdivision.</p> <p>(viii) Council shall require the erection of fencing of areas of remnant vegetation to assist in the retention of existing vegetation, and preserve and enhance the visual character of the zone.</p> <p>(ix) a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale, height, building materials and colour.</p> <p>b) Buildings shall be constructed of rood and external wall materials comprising natural earth or olive green colours. Zinacalume or other similar cladding will not be permitted. Other roof and external wall materials which would, in the opinion of the Council, prejudice the landscape amenity of the area, will not be permitted.</p> <p>c) All residential buildings shall be single story except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.</p> <p>d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</p> <p>e) Proposals to vary the height restrictions pursuant to (c) above shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the affect on the visual amenity and the natural screening effect of vegetation and topography or any proposed landscaping to be provided.</p> <p>(x) On-site effluent disposal shall be the responsibility of the individual landowner. Alternative treatment units are preferred, however if conventional on-site disposal systems are used they must conform with the Environmental Protection Authority guidelines.</p> <p>(xi) Council may request the Commission to impose a condition at the subdivision stage for the provision of underground power to the lots.</p>

# **APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)**

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 5. PT LOT 942 WARNHAM ROAD SPECIAL RESIDENTIAL ZONE</b>  (Continued)		(xii) Roads within the zone shall: i) Be located in a manner which is sympathetic to the topography and minimise visual impact. ii) Be drained underground and kerbed to meet the requirements and specification of Council.  (xiii) Council may request the Commission to impose a condition at the subdivision stage for the connection of the lots to Water Corporation reticulated water supply scheme.  (xiv) Council may request the Commission to impose a condition at the subdivision stage for tree planting to be carried out generally in the locations shown on the Subdivision Guideline.
<b>SRes 6. SPRINGDALE BEACH SPECIAL RESIDENTIAL ZONE</b>  Portion of Plantagenet Location 1935 South Coast Highway, Denmark  <i>AMD 149 GG 14/06/2024</i>	Rural Residential  Permitted Use (P):  Permitted at Council's Discretion (AA):  Single House Home Occupation	The following provisions (i) to (xi) apply to all lots except where varied by (xii) provisions.  i)     a)     the minimum lot size should be no less than 3000m <sup>2</sup> .  a)     Subdivision shall generally be in accordance with the Subdivision Guide Plan. The Western Australian Planning Commission may consider minor variations to the Subdivision Guide Plan however the further breakdown of lots will be contrary to the Scheme.  ii)    a)     All buildings shall be set back a minimum of: • 10m from the front boundary. • 10m from the rear boundary. • 10m from all other boundaries.  b)     Notwithstanding (a) above, Council may approve a reduction to the nominated "rear boundary" and "all other boundaries" setback, to a minimum of 5m each, where it is of the opinion that the topography or shape of the lot, or remnant vegetation on it, makes it desirable to alter the setback and that the location of the building will not detract from the amenity of the area or existing or future dwellings on surrounding lots.  c)     On lots allocated "Dwelling Areas" (500m <sup>2</sup> ) on the Subdivision Guide Plan, dwellings shall be confined to the Dwelling Area unless otherwise approved by Council. Such approvals may require additional siteworks to be performed at the landowner's expense.  d)     Council may request the Commission to impose a condition at the time of subdivision for the filling of "Dwelling Areas" as shown on the Subdivision Guide Plan. Filling is to be a minimum of 500mm above groundwater levels determined by geotechnical investigation [Provision c)(ix)a)] and shall resolve the land's poor nutrient retention ability and high groundwater pollution potential to the satisfaction of the Waters & Rivers Commission. Batter slopes of "Dwelling Areas" shall be within the range of 1:4 to 1:6.

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 6. SPRINGDALE BEACH SPECIAL RESIDENTIAL ZONE</b>  Portion of Plantagenet Location 1935 South Coast Highway, Denmark  (Continued)	Rural Residential  Permitted Use (P):  Permitted at Council's Discretion (AA):  Single House Home Occupation	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> e) Subject to Provision c)ii)d), Council may request the Commission to impose a condition at the time of subdivision for the compaction of house pads within the identified "Dwelling Areas". Such house pads shall be certified as capable of accommodating a two storey double brick &amp; tile dwelling and provide for the co-location of an amended soil effluent disposal system within the "Dwelling Area". </div> <div style="margin-bottom: 10px;"> f) No development shall be permitted within the Development Exclusion Area as shown on the Subdivision Guide Plan. </div> <div style="margin-bottom: 10px;"> iii) <div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> a) Council may request the Commission to impose a condition at the time of subdivision for the provision of Strategic Fire Breaks and other fire safety facilities. Such facilities shall be provided to the satisfaction of Council and the Fire &amp; Emergency Services Authority. </div> <div style="margin-bottom: 10px;"> b) Council shall require that individual landowners are responsible for the maintenance of any strategic firebreaks crossing individual lots. </div> <div style="margin-bottom: 10px;"> c) The clearing of firebreaks other than for strategic firebreak purposes will not be permitted unless for safety reasons to comply with Council and Fire &amp; Emergency Services Authority requirements. </div> <div style="margin-bottom: 10px;"> d) Low Fuel Areas a minimum of 30m wide shall be provided and maintained around all buildings. </div> <div style="margin-bottom: 10px;"> e) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival manual, the Fire Management Plan and Australian Standard 3959 'Construction of Buildings in Bushfire Prone Areas'. </div> <div style="margin-bottom: 10px;"> f) In cases where only part of the zone is developed, an interim firebreak system shall be prepared and put in place to the satisfaction of Council and the Fire &amp; emergency Services Authority. </div> <div style="margin-bottom: 10px;"> g) Council may request the Commission to impose a condition at the time of subdivision for the provision fire hydrants at intervals of 200 metres along subdivisional water mains. </div> </div> </div> <div style="margin-bottom: 10px;"> iv) <div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> a) No clearing of remnant vegetation shall occur except for: <ul style="list-style-type: none"> <li>clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);</li> <li>clearing may reasonably be required to construct an approved building and curtilage;</li> <li>trees that are diseased or dangerous;</li> <li>clearing required to establish a low fuel buffer;</li> <li>clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council.</li> </ul> </div> </div> </div> </div>

# **APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)**

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 6. SPRINGDALE BEACH SPECIAL RESIDENTIAL ZONE</b></p> <p>Portion of Plantagenet Location 1935 South Coast Highway, Denmark</p> <p>(Continued)</p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <p>Permitted at Council's Discretion (AA):</p> <p>Single House</p> <p>Home Occupation</p>	<p>b) Council may request the Commission to impose a condition at the time of subdivision for the removal of Taylorina or any other declared weeds from Public Open Space, Road Reserves and Private Lots.</p> <p>c) It shall be the responsibility of the landowner to preclude the establishment of invasive weed species on the individual allotments.</p> <p>d) Where in the opinion of Council invasive weed species are invading any land within the zone, notice may be served on the owner of the land, requiring immediate eradication of those weed species specified in the notice.</p> <p>e) Where notice has been served on a landowner, Council may also require the land to be stabilised or replanted to its satisfaction within three months of servicing the notice.</p> <p>f) In the event that such action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.</p> <p>g) Council may request the Commission to impose a condition at the time of the subdivision for the preparation and implementation of a Public Open Space and Replanting Strategy. Such a strategy shall use local native tree and shrub species and be based on the requirements of the Visual Impact Assessment and the Subdivision Guide Plan so as to ensure a visual screen is obtained. Trees only should be used in road reserves.</p> <p>h) Additional tree/shrub planting may be required as a condition of development approval.</p> <p>i) Council may request the Commission to impose a condition at the time of Subdivision for the preparation of Foreshore Management Plan/s based on the requirements of the Subdivision Guide Plan.</p> <p>v) a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (landform and vegetation) in terms of their location, scale, height, materials and colour.</p> <p>b) Buildings shall be constructed with roof and external wall materials and colours comprising natural earth or olive green colours. Reflective colours and materials such as zincalume, white and off white tones will not be permitted. Other roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.</p> <p>c) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</p>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 6. SPRINGDALE BEACH SPECIAL RESIDENTIAL ZONE</b></p> <p>Portion of Plantagenet Location 1935 South Coast Highway, Denmark</p> <p>(Continued)</p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <p>Permitted at Council's Discretion (AA):</p> <p>Single House</p> <p>Home Occupation</p>	<p>d) All buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of surrounding lots as well as the locality.</p> <p>e) Proposals to vary the height restrictions pursuant to (d) above, shall be accompanied by such plans, elevations and sketches as is determined by Council to assess the effect on visual amenity and the natural screening properties of vegetation and topography.</p> <p>vi) a) Council may request the Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots.</p> <p>b) Any water tanks shall be coloured an appropriate natural shade of brown or green and shall be suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of Council.</p> <p>vii) No boundary fencing shall be constructed of fibre cement or metal sheeting. If boundary fencing is utilised, it shall be of rural construction such as pine posts/steel posts and 7 strand ringlock to the satisfaction of Council.</p> <p>viii) Intensive horticulture and grazing of livestock is not permitted</p> <p>ix) a) Council may request the Commission to impose a condition at the time of subdivision to require the preparation of a Geotechnical Investigation which details soil profiles to a depth of at least 2.0 metres, permeability, winter water table levels and the topography of the land.</p>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 6. SPRINGDALE BEACH SPECIAL RESIDENTIAL ZONE</b>  Portion of Plantagenet Location 1935 South Coast Highway, Denmark  (Continued)	Rural Residential  Permitted Use (P):  Permitted at Council's Discretion (AA):  Single House Home Occupation	<p>b) On-site effluent disposal shall be the responsibility of the individual landowner and shall involve the use of on-site disposal systems approved by Council in accordance with Health Department of WA and Department of Environmental Protection guidelines.</p> <p>c) Notwithstanding c)ix)b) above, Lots marked with a "Dwelling Area" on the Subdivision Guide Plan shall utilise approved amended soil effluent disposal systems or other approved alternative effluent disposal systems to the satisfaction of Council.</p> <p>x) Council may request the Commission to impose a condition at the time of subdivision for the preparation and implementation of a nutrient stripping and sediment retention Stormwater Management Plan compliant with the W&amp;RC Manual for Managing Urban Stormwater Quality in WA to the satisfaction of Council and the Water and Rivers Commission.</p> <p>xi) Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Special Residential Zone Area No 6:</p> <ul style="list-style-type: none"> <li>- are advised that the Special Residential Zone is located within a rural area in which rural activities are carried out; and</li> <li>- acknowledge and accept these Special Provisions;</li> </ul> <p>prior to entering into an agreement to acquire any property.</p> <p>xii) For the purpose of subdivision and development of land contained within that area generally bound by Beaufortia Gardens to the east, Wilson Inlet to the south, Pimelea View and Lot 196 to the north, and Reserve 12232 to the west, the following additional provisions shall apply, noting in the event of any conflict these additional provisions will prevail:</p> <p>a) The Special Residential lots should comply with the onsite sewerage requirements of the State Planning Framework including demonstrating capability for 1 hectare lot sizes within a sewerage sensitive area.</p> <p>b) In addition to the minimum setback requirements prescribed under provision ii) (a) above, all buildings, site works and retaining walls shall beset back a minimum of 20 metres from the western boundary with Reserve 12232. No further reduction in this setback will be permitted.</p> <p>c) Subdivision proposals for the site shall be accompanied by the following supporting documents prepared consistent with State and local planning frameworks and any locally specific management documents:</p> <ol style="list-style-type: none"> <li>1) A site-specific Flora and Fauna Assessment.</li> <li>2) An Urban Water Management Plan approved by Department of Water and Environmental Regulation.</li> <li>3) A Site and Soil Evaluation report to inform appropriate lot design and yield, method of on-site effluent disposal, building envelopes,</li> </ol>



## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>remediation works (where applicable) approved by Department of Water and Environmental Regulation and Department of Health.</p> <p>4) A Foreshore Management Plan that addresses, amongst other matters: - protection of vegetation and fauna habitat, erosion control, weed management, walkways/ bike paths and access controls, revegetation, setbacks and parking and any other matters appurtenant to or impacting adjacent foreshore area approved by Department of Water and Environmental Regulation.</p> <p>5) A Landscape Management Plan for the balance of the development area to address the provision of street trees, identification, and protection of trees to be retained, areas for replanting, the protection of fauna habitat, a preference for use of locally indigenous native species in domestic gardens and public reserves, fertilizer/nutrient input, mechanisms for implementation and timing, lighting to incorporate dark sky principles and consideration of estate covenants.</p> <p>6) A Bushfire Management Plan that addresses and responds to the requirements and recommendations of the Flora and Fauna Assessment, Foreshore Management Plan, and Landscape Management Plan</p> <p>7) A Construction Management Plan to address such matters as erosion and sediment transport control and dieback control (including land-based movement and groundwater movement).</p> <p>d) All buildings, retaining walls and effluent disposal systems are to be contained within an approved building envelope.</p> <p>e) No clearing of significant trees or endemic vegetation shall be permitted unless:</p> <ul style="list-style-type: none"> <li>• Such clearing is approved in conjunction with a development application granted by the Shire of Denmark.</li> <li>• Trees are diseased or dangerous as confirmed in writing by a qualified arborist and verified by the Shire of Denmark.</li> <li>• Such works have been mandated under the Shire of Denmark's Fire Management Notice.</li> </ul>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 7. WEEDON HILL SPECIAL RESIDENTIAL ZONE</b>  Lot 4 Ocean Beach Road, Weedon Hill  <i>AMD 58 GG 24/5/02</i>	Residential  Permitted Use (P) - Single House  Permitted at Council's Discretion (AA) - Home Occupation	(i) Subdivision of Special Residential Zone No. 7 is to be in accordance with the Subdivision Guide Plan (93/27/15) January 2001 (as may be modified)  (a) Notwithstanding (i) above, the Western Australian Planning Commission may approve a minor variation to a subdivision design.  (b) The minimum lot size shall be 4,000 m <sup>2</sup> .  (ii) All buildings shall be located within the low fuel zone area as identified on the Subdivision Guide Plan  (iii) The positioning of a residence and any outbuilding shall be such that-  - it does not necessitate the removal of significant vegetation from the bushland retention area for house construction or the removal of overhanging trees in the interests of the longer terms safety of residences.  - the location of the building will not detract from the environmental quality of the area or from the amenity of adjoining residences.
<b>SRes 7. WEEDON HILL SPECIAL RESIDENTIAL ZONE</b>  Lot 4 Ocean Beach Road, Weedon Hill  (Cont'd)  <i>AMD 58 GG 24/5/02</i>	Residential  Permitted Use (P) - Single House  Permitted at Council's Discretion (AA) - Home Occupation	(iv) (a) Setbacks for all buildings shall be, apart from the two existing residences, no less than -  - 20 metres from the front boundary or any public road frontage - 10 metres from the side boundary of a lot; and - 10 metres from the eastern boundary of the low fuel zone area  (b) Notwithstanding (a) above, Council may approve a lesser distance if it can be shown to the satisfaction of Council that the topography or shape of the lot or indigenous vegetation upon it makes it desirable to vary this position in accordance with Provision (iii) above.  (v) (a) Council may request the Commission to impose a condition at the subdivision stage for the provision of strategic firebreaks, fire hydrants, water tank/standpipe facility and financial contribution to the purchase of fire fighting equipment.  (b) Council shall require that individual landowners are responsible for the maintenance of any strategic firebreak where it crosses a landowner's lot.  (c) The clearing of firebreaks other than for strategic firebreak purposes will not be permitted, unless for safety reasons to comply with Council and Bush Fires Board requirements.  (d) Within the low fuel zone area, limited parkland clearing around all building structures will be required by Council to establish low fuel zones around all buildings.  - Council may request the Commission to impose a condition at the subdivision stage requiring the subdivider to advise prospective purchasers of the lots of the fire management guidelines of the Homeowners Bushfire Survival Manual.

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<ul style="list-style-type: none"> <li>- Council shall require all buildings to be constructed in accordance with Australian Standard 3959-1991 'Construction of Buildings in Bushfire Prone Areas'.</li> <li>(vi) (a) Where it is determined that erosion has occurred as a result of the development of private property, Council may require the landowner to implement erosion control measures in accordance with the requirements and specifications of Council in the interests of preventing further land degradation.</li> <li>(b) In the event that provision (a) above is not complied with, Council may carry out appropriate remedial works. Any expenses incurred by Council in carrying out such works shall be borne by the landowner.</li> <li>(vii) (a) Council shall require the erection of lot boundary fencing adjoining the Bushland Retention and Building Protection Zone, at the time of residential occupation on the property, to assist in the protection of existing vegetation and preserve and enhance the visual character of the zone. No other fencing is permitted within the bushland retention area.</li> </ul>
<p><b>SRes 7. WEEDON HILL SPECIAL RESIDENTIAL ZONE</b></p> <p>Lot 4 Ocean Beach Road, Weedon Hill</p> <p>(Cont'd)</p> <p><i>AMD 58 GG 24/5/02</i></p>	<p>Residential</p> <p>Permitted Use (P) - Single House</p> <p>Permitted at Council's Discretion (AA) - Home Occupation</p>	<ul style="list-style-type: none"> <li>(b) Within the Bushland Retention and Building Protection Zone as defined on the Subdivision Guide Map, no indigenous trees shall be felled or removed except - <ul style="list-style-type: none"> <li>- to provide driveway access to a residence</li> <li>- where trees are dead, diseased, or poses a potential danger to life or property by dropping limbs</li> <li>- where strategic fire break or fire access track is required under regulation or by-law</li> <li>- to provide a property boundary fence.</li> </ul> </li> <li>(c) Within the Bushland Retention and Building Protection Zone lot owners will be required to clear or reduce the fire hazard of the understorey in accordance with the Planning for Fire Manual to the satisfaction of the Council.</li> <li>(d) Where a horse(s) or other livestock is kept on a property, an internal fence shall be erected on the boundary of the low fuel zone and bush retention area, of a standard to adequately prevent the animal(s) from entering into the bush retention and protection area.</li> <li>(viii) (a) All buildings constructed within the Special Residential zone shall be sympathetic to existing landscape elements (namely landform and vegetation) in terms of their location, scale, height, building materials and colour.</li> <li>(b) Buildings shall be constructed of roof and external wall materials comprising natural earth or olive green colours. Zincalume, white or off white or other similar cladding will not be permitted. Other roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.</li> </ul>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>(c) All residential buildings shall be single storey except where it can be proven to Council that a variation to the height restriction would not adversely affect the visual amenity of the locality.</p> <p>(d) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</p> <p>(e) Proposals to vary the height restrictions pursuant to (c) above shall be accompanied by such plans, elevations and sketches as is determined by the Council to assess the affect on the visual amenity and the natural screening affect of vegetation and topography or any proposed landscaping to be provided.</p> <p>(ix) Underground power shall be provided to the lots.</p>
<p><b>SRes 7 WEEDON HILL SPECIAL RESIDENTIAL ZONE</b></p> <p>Lot 4 Ocean Beach Road, Weedon Hill</p> <p>(Cont'd)</p> <p><i>AMD 58 GG 24/5/02</i></p>	<p>Residential</p> <p>Permitted Use (P) - Single House</p> <p>Permitted at Council's Discretion (AA) - Home Occupation</p>	<p>(x) Roads within the zone shall -</p> <p>(i) be located in a manner which is sympathetic to the topography and minimises visual impact.</p> <p>(ii) be designed in accordance with Water Sensitive Design Principles.</p> <p>(xi) Council may request the Commission to impose a condition at the subdivision stage that requires the preparation and implementation of a nutrient stripping, sediment retention drainage management plan in accordance with the Water and Commission's Manual for Managing Urban Stormwater Quality in Western Australia.</p> <p>(xii) All lots are to be connected to the Water Corporation's reticulated water supply and sewer mains scheme.</p> <p>(xiii) The developer shall prepare an information sheet which shall be distributed to prospective purchasers detailing measures to minimise the impact of cats and dogs on fauna within natural bushland settings.</p> <p>(xiv) The developer shall make arrangements to ensure that prospective purchasers acknowledge that fine furniture manufacturing activities are carried out on adjoining lot 210.</p>
<p><b>SRes 9</b> Lot 369 Kearsley Street, Denmark</p> <p>Lot 371 Horsley Road, Denmark</p> <p><i>AMD 80 GG 12/12/06</i> <i>AMD 78 GG 23/1/09</i></p>	<p>Permitted Use (P) - Single House</p> <p>Permitted at Council's Discretion (AA):</p> <p>Home Occupation</p> <p>Livestock Grazing (<i>see clause (viii)a</i>)</p>	<p>i) Lot Sizes</p> <p>a) For Lot 369 Kearsley Road, the minimum lot size should be no less than 2000m<sup>2</sup> and the average lot size no less than 3000m<sup>2</sup>. For Lot 371 Horsley Road the minimum lot size shall be 2000m<sup>2</sup>.</p> <p>b) Subdivision shall generally be in accordance with the Subdivision Guide Plans, endorsed by the WAPC and signed by the CEO, for Lot 369 Kearsley Road and Lot 371 Horsley Road.</p>

# **APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)**

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>ii) Boundary Setback Distances</p> <p>a) All buildings shall be set back a minimum of:</p> <ul style="list-style-type: none"> <li>- 10m from the front boundary</li> <li>- 10m from the rear boundary</li> <li>- 8m from all other boundaries</li> </ul> <p>b) Notwithstanding (a) above, Council may approve a reduction to the nominated 'rear boundary' and 'all other boundaries' setback, to a minimum of 5m each, where it is of the opinion that the topography or shape of the lot, or remnant vegetation on it, makes it desirable to alter the setback and that the location of the building will not detract from the amenity of the area of existing or future dwellings on surrounding lots.</p>
<p><b>SRes 9</b> Lot 369 Kearsley Street, Denmark (Cont'd)</p> <p>Lot 371 Horsley Road, Denmark</p> <p>AMD 80 GG 12/12/06 AMD 78 GG 23/1/09</p>	<p>Permitted Use (P) - Single House</p> <p>Permitted at Council's Discretion (AA):</p> <p>Home Occupation Livestock Grazing (<i>see clause (viii)a</i>)</p>	<p>c) On the lots allocated 'Development Envelopes' (1000m<sup>2</sup>) on the Subdivision Guide Plan, dwellings shall be confined to the Development Envelopes unless otherwise approved by Council. Such approvals may require additional siteworks to be performed at the landowner's expense.</p> <p>iii) Bush Fire Management</p> <p>a) Council may request the Commission to impose a condition at the time of subdivision for the provision of Strategic Fire Breaks and other fire safety facilities. Such facilities shall be provided to the satisfaction of Council and the Fire &amp; Emergency Services Authority and in accordance with the Fire Management Plan.</p> <p>b) Council shall require that individual landowners are responsible for the maintenance of any strategic firebreaks crossing individual lots.</p> <p>c) The clearing of firebreaks other than for strategic firebreak purposes will not be permitted unless for safety reasons to comply with Council and Fire &amp; Emergency Services Authority requirements.</p> <p>d) Low Fuel Areas a minimum of 30m wide shall be provided and maintained around all buildings.</p> <p>e) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers, in the transfer of lots, are aware of the fire management guidelines of the Homeowners Bushfire Survival manual, the Fire Management Plan and Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas".</p> <p>f) In cases where only part of the zone is developed, an interim firebreak system shall be prepared and put in place to the satisfaction of Council and the Fire &amp; Emergency Services Authority.</p>

#### APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>g) Council may request the Commission to impose a condition at the time of subdivision for the provision of fire hydrants at intervals of 200 metres along subdivisional water mains.</p> <p>iv) Vegetation Protection and Control</p> <p>a) No clearing of remnant vegetation shall occur except for:</p> <ul style="list-style-type: none"> <li>- clearing to comply with the requirements of the Bush Fires Act (as amended)</li> <li>- clearing may reasonably be required to construct an approved building and curtilage;</li> <li>- trees that are diseased or dangerous;</li> </ul>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 9</b> Lot 369 Kearsley Street, Denmark (Cont'd)</p> <p>Lot 371 Horsley Road, Denmark</p> <p>AMD 80 GG 12/12/06 AMD 78 GG 23/1/09</p>	<p>Permitted Use (P) - Single House</p> <p>Permitted at Council's Discretion (AA):</p> <p>Home Occupation Livestock Grazing (<i>see clause (viii)a</i>)</p>	<ul style="list-style-type: none"> <li>- clearing required to establish a low fuel buffer;</li> <li>- clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council.</li> <li>b) It shall be the responsibility of the landowner to preclude the establishment of invasive weed species on the individual allotments.</li> <li>c) Where, in the opinion of Council, invasive weed species have invaded any land within the zone, notice may be served on the owner of the land requiring immediate eradication of those weed species specified in the notice.</li> <li>d) Where notice has been served on a landowner, Council may also require the land to be stabilised or replanted to its satisfaction within three months of servicing the notice.</li> <li>e) In the event that such action is not undertaken, Council may carry out such works as are deemed necessary, with all costs being borne by the landowner.</li> <li>f) Council may request the Commission to impose a condition at the time of the subdivision for the preparation and implementation of a public open space and tree planting strategy. Such strategy shall use local native tree and shrub species. Trees only should be used in road reserves.</li> <li>g) In Lot 371 Horsley Road, Council may request the Commission to impose a condition at the subdivision stage for planting of endemic native vegetation consisting of trees and understorey bushes together with verge tree planting.</li> <li>v) Building Materials, Colours and Heights <ul style="list-style-type: none"> <li>a) All buildings constructed within the zone shall be sympathetic to existing landscape elements (landform and vegetation) in terms of their location, scale, height, materials and colour.</li> <li>b) Buildings shall be constructed with roof and external wall materials and colours comprising natural earth or olive green colours. Reflective colours and materials such as zincalume, white and off-white tones will not be permitted. Other roof and external wall materials which would, in the opinion of Council, prejudice the landscape amenity of the area, will not be permitted.</li> <li>c) All buildings shall be sited to maximise the natural screening effect of vegetation and topography.</li> <li>d) All buildings shall be single storey except where it can be demonstrated to Council that a variation is required for reasons of the site's physical constraints (such as laterite rock outcrops or shallow subcrop, topography, lot shape or remnant vegetation).</li> </ul> </li> </ul>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 9</b> Lot 369 Kearsley Street, Denmark (Cont'd)</p> <p>Lot 371 Horsley Road, Denmark</p> <p>AMD 80 GG 12/12/06 AMD 78 GG 23/1/09</p>	<p>Permitted Use (P) - Single House</p> <p>Permitted at Council's Discretion (AA):</p> <p>Home Occupation</p> <p>Livestock Grazing (<i>see clause (viii)a</i>)</p>	<p>e) Proposals to vary the height restrictions pursuant to (d) above, shall be accompanied by such plans, elevations and sketches as is determined by Council to assess the effect on visual amenity and the natural screening properties or vegetation and topography.</p> <p>vi) Potable Water</p> <p>a) Council may request the Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots.</p> <p>b) Any water tanks shall be coloured an appropriate natural shade of brown or green and shall be suitably screened with vegetation in keeping with the amenity of the area to the satisfaction of Council.</p> <p>vii) Fencing</p> <p>a) No boundary fencing shall be constructed of fibre cement or metal sheeting. If boundary fencing is utilised, it shall be of rural construction such as pine posts/steel posts and 7 strand ringlock to the satisfaction of Council.</p> <p>viii) Land Use</p> <p>a) Intensive horticulture is not permitted.</p> <p>ix) On-site Effluent Disposal</p> <p>a) On-site effluent disposal shall be the responsibility of the individual landowner and shall involve the use of on-site disposal systems approved by Council in accordance with Health Department of WA and Department for Environmental Protection guidelines.</p> <p>b) In Lot 371 Horsley Road, on-site effluent disposal shall be by way of an approved Alternative Effluent Disposal System.</p> <p>x) Roads within the zone shall be:</p> <ul style="list-style-type: none"> <li>• located in a manner which is sympathetic to the topography and minimises visual impact.</li> <li>• drained underground and kerbed to meet the requirements and specification of Council.</li> </ul> <p>xi) Drainage &amp; Nutrient Management Plan</p> <p>a) Council may request the Commission to impose a condition at the time of subdivision for the preparation and implementation of a nutrient stripping and sediment retention Stormwater Management Plan compliant with the Water and Rivers Commission Manual for Managing Urban Stormwater Quality in Western Australia to the satisfaction of Council and the Department of Environment.</p>



# **APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)**

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 9</b> Lot 369 Kearsley Street, Denmark (Cont'd)</p> <p>Lot 371 Horsley Road, Denmark</p> <p>AMD 80 GG 12/12/06 AMD 78 GG 23/1/09</p>	<p>Permitted Use (P) - Single House</p> <p>Permitted at Council's Discretion (AA):</p> <p>Home Occupation Livestock Grazing (<i>see clause (viii)a</i>)</p>	<p>xii) Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within special Residential Zone Area No 9 acknowledge and accept these Special Provisions prior to entering into an agreement to acquire, and for Lot 371 Horsley Road, that:</p> <ul style="list-style-type: none"> <li>water pump station buffers exist on properties as depicted on the Subdivision Guide Plan for the area.</li> <li>the Special Residential Zone is located adjacent to a rural area in which rural activities are carried out.</li> </ul>
<p><b>SRes 11 CUSSENS ROAD SPECIAL RESIDENTIAL</b></p> <p>Lot 341 Cussons Road, West Denmark</p> <p>AMD 87 GG 28/3/06</p>	<p>Residential</p> <ul style="list-style-type: none"> <li>Permitted Uses - (P) Single House</li> <li>Permitted Uses - (AA) Home Occupation</li> </ul>	<p>i. Subdivision of Special Residential Zone No. 11 is to be generally in accordance with the Subdivision Guide Plan.</p> <p>ii. The maximum number of lots should be 40 with a 3500m<sup>2</sup> minimum area.</p> <p>iii. a) No building may be closer to the boundary of a lot than:</p> <ul style="list-style-type: none"> <li>from the front of a lot – 10 metres</li> <li>from the rear of a lot – 8 metres</li> <li>from the side of a lot – 5 metres</li> <li>from Cussons Road – 50 metres.</li> </ul> <p>b) Notwithstanding (a) above, Council may approve a lesser distance if it can be shown to the satisfaction of Council that the topography or, shape of the lot or indigenous vegetation upon it makes it desirable to vary this position.</p> <p>c) All buildings shall be sited within a building envelope not exceeding 800m<sup>2</sup>.</p> <p>iv. a) Dwellings and outbuildings shall be designed and constructed of materials which allow them to blend into the landscape of the site. Council shall refuse to approve walls and roofs constructed of reflective materials such as unpainted zincalume, white and off-white colours. Council will be supportive of external walls and roofs with green or brown tonings in keeping with the amenity of the area.</p> <p>b) All dwellings shall be single storey and shall not exceed 6 metres in height which is measured vertically from ground level. The maximum height of all outbuildings will be at the discretion of Council in order to minimise the visual impact of such buildings when viewed from Cussons Road. Council may vary the single storey height limit where it can be proven to Council that a variation would not adversely affect the visual amenity of the locality.</p>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 11 CUSSONS ROAD SPECIAL RESIDENTIAL</b> (Cont'd)</p> <p>Lot 341 Cussons Road, West Denmark</p> <p><i>AMD 87 GG 28/3/06</i></p>	<p>Residential</p> <ul style="list-style-type: none"> <li>• Permitted Uses - (P) Single House</li> <li>• Permitted Uses - (AA) Home Occupation</li> </ul>	<p>c) Council may permit fencing through areas of remnant vegetation on the basis fencing is restricted to post and ringlock or similar and the fencing does not require the removal of karri trees.</p> <p>d) All fencing shall be restricted to pine /steel post and wire type construction to retain the open appearance of the area.</p> <p>v. a) No clearing of vegetation shall occur except for:</p> <ul style="list-style-type: none"> <li>• Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);</li> <li>• clearing as may reasonably be required to construct an approved building and curtilage;</li> <li>• trees that are dead, diseased or dangerous;</li> <li>• clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council;</li> <li>• clearing required to establish a building protection zone.</li> </ul> <p>(b) Additional tree planting may be required as a condition of development approval.</p> <p>(c) Where it is determined that erosion has occurred as a result of the development of private property, Council may require the landowner to implement erosion control measures in accordance with the requirements and specifications of Council in the interests of preventing further land degradation.</p> <p>(d) In the event that provision (v. (c)) above is not complied with, Council may carry out appropriate remedial works. Any expenses incurred by Council in carrying out such works shall be borne by the landowner.</p> <p>vi. a) Council may request the Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots.</p> <p>b) Council may request the Commission to impose a condition at the time of subdivision for the provision of underground electrical connections to the lots.</p> <p>c) Council may request the Commission to impose a condition at the time of subdivision for the removal of the dilapidated dwelling and associated outbuildings from the site.</p> <p>d) Council will request the Commission to impose a condition at the time of subdivision for the upgrading of Cussons Road to a bitumen sealed standard incorporating open table drainage for the frontage of the site.</p>

# APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 11 CUSSENS ROAD SPECIAL RESIDENTIAL</b> (Cont'd)  Lot 341 Cussons Road, West Denmark  <i>AMD 87 GG 28/3/06</i>	Residential <ul style="list-style-type: none"> <li>Permitted Uses - (P) Single House</li> <li>Permitted Uses - (AA) Home Occupation</li> </ul>	<div>e)</div> <div>Council may request the Commission to impose a condition at the time of subdivision requiring the provision of open swale (cut off) drains along the southern most boundaries of Lots 17 to 22 feeding to the road drainage system generally as shown on the Subdivision Guide Plan.</div> <div>vii.</div> <div>a)</div> <div>On-site effluent disposal shall be the responsibility of the individual landowner.</div> <div>b)</div> <div>if an on-site effluent disposal system cannot achieve a 100m horizontal separation from a watercourse on the Subdivision Guide Plan, then Council will require as a condition of building approval that an approved alternative system be used to the specifications of the Health Department; located no closer than 50 metres horizontal separation from the watercourses as defined on the Subdivision Guide Plan.</div> <div>c)</div> <div>Notwithstanding vii. b) above Council will require development on Lots 17 – 22, 32, 34, 38 and 39 as shown on the Subdivision Guide Plan to be serviced by appropriately designed approved alternative onsite effluent disposal systems.</div> <div>d)</div> <div>No more than one effluent disposal system will be permitted on each lot.</div> <div>viii.</div> <div>a)</div> <div>Council may request the Commission to impose a condition at the time of subdivision for the construction of the strategic firebreaks as shown on the Subdivision Guide Plan. The strategic firebreaks shall be constructed to a standard suitable for all year access by heavy duty fire appliances and two wheel drive vehicles.</div> <div>b)</div> <div>Where a lot is traversed by a strategic firebreak as shown on the Subdivision Guide Plan, the owner of the lot shall maintain such firebreak to the satisfaction of Council. Fencing and/or unlocked gates across the strategic firebreak shall only be permitted at the discretion of and to the satisfaction of Council and FESA.</div> <div>c)</div> <div>Council may request the Commission to impose a condition at the time of subdivision for the implementation of the developers responsibilities of the Fire Management Plan.</div> <div>d)</div> <div>Building protection zones at least 20 metres wide shall be established and maintained around all buildings generally as shown on the Fire Management Plan.</div> <div>e)</div> <div>It shall be the responsibility of individual landowners to maintain free access at all times around buildings for emergency purposes.</div> <div>f)</div> <div>In cases where only part of the zone is developed, an interim firebreak system or strategic firebreak system shall be prepared and put in place, to the satisfaction of Council and FESA.</div>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 11 CUSSONS ROAD SPECIAL RESIDENTIAL</b> (Cont'd)</p> <p>Lot 341 Cussons Road, West Denmark</p> <p><i>AMD 87 GG 28/3/06</i></p>	<p>Residential</p> <ul style="list-style-type: none"> <li>• Permitted Uses - (P) Single House</li> <li>• Permitted Uses - (AA) Home Occupation</li> </ul>	<p>g) Fire hydrants shall be provided at intervals of 200 metres along subdivisional water mains to the satisfaction of Council, the Water Corporation and FESA.</p> <p>h) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are aware of the fire management guidelines of the Fire Management Plan and the Homeowners Bushfire Survival Manual.</p> <p>i) Council may request Commission to impose a condition at the time of subdivision requiring the creation of hazard separation areas.</p> <p>j) Landowners are to be responsible for maintaining hazard separation areas on individual lots.</p> <p>k) All dwellings shall be built in accordance with Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas".</p> <p>ix. a) Council may request the Commission to impose a condition at the time of subdivision for the preparation of a nutrient stripping sediment retention drainage management plan to the satisfaction of Council and the Department of the Environment for both during the construction phase and following completion of the subdivision.</p> <p>b) Council may request the Commission to impose a condition at the time of subdivision for the preparation of a landscaping plan incorporating additional screen planting within the 50m wide Cussons Road setback and the inclusion of street tree planting on internal roads within the site.</p> <p>c) To ensure future dwellings have reasonable access to sunlight, at the time of subdivision due regard shall be given to the need to minimise winter shading of building envelopes by adjacent forest areas.</p> <p>d) In order to protect native fauna values in the adjacent forest reserve, landowners are discouraged from keeping cats. If kept, cats and dogs should be controlled to minimise their impacts on fauna (eg night cat curfews, and containing dogs on private property or on a lead when walking).</p> <p>e) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are made aware of these Special Residential Zone Provisions.</p>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 12 Lot 999 Kearsley Road, Denmark and Lot 106 McLean Road, Denmark</b></p> <p><i>AMD 89 GG 30/10/09</i></p>	<p>Residential Permitted Use (P) -</p> <p>Single House.</p> <p>Permitted at Council's Discretion (AA) -</p> <p>Home Occupation</p>	<p>(i) Lot Sizes</p> <p>(a) For lot 371 Horsley Road, lot 999 Kearsley Road and lot 106 McLean Road the minimum lot size shall be no less than 2000m<sup>2</sup>.</p> <p>(b) Subdivision shall generally be in accordance with the Subdivision Guide Plans endorsed by the WAPC and signed by the CEO, for lot 369 Kearsley Road, lot 371 Horsley Road, lot 999 Kearsley Road and lot 106 McLean Road. The WAPC may consider minor variations to the Subdivision Guide Plan, however the further breakdown of lots shall be contrary to the Scheme.</p> <p>(ii) Boundary Setback Distances</p> <p>(a) All buildings shall be set back a minimum of:</p> <ul style="list-style-type: none"> <li>— 10m from the front boundary</li> <li>— 8m from the rear boundary</li> <li>— 6m from all other boundaries</li> </ul> <p>(b) Notwithstanding (a) above, Council may approve a reduction to the nominated 'rear boundary' and 'all other boundaries' setback, to a minimum of 5m each, where it is of the opinion that the topography or shape of the lot, or remnant vegetation on it, makes it desirable to alter the setback and that the location of the building will not detract from the amenity of the area of existing or future dwellings on surrounding lots.</p> <p>On the lots allocated 'Development Envelopes' (1000m<sup>2</sup>) on the Subdivision Guide Plan, dwellings shall be confined to the Development Envelopes unless otherwise approved by Council.</p> <p>(iii) Bush Fire Management</p> <p>(a) Council may request the Commission to impose a condition at the time of subdivision requiring the preparation and implementation of a Bushfire Management Plan in accordance with Planning For Bushfire Protection Guidelines for lot 999 Kearsley Road and lot 106 McLean Road.</p>

# **APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)**

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 12 Lot 999 Kearsley Road, Denmark and Lot 106 McLean Road, Denmark</b></p> <p><i>AMD 89 GG 30/10/09</i></p>	<p>Residential Permitted Use (P) -</p> <p>Single House.</p> <p>Permitted at Council's Discretion (AA) -</p> <p>Home Occupation</p>	<p>(b) Council may request the Commission to impose a condition at the time of subdivision for the provision of Strategic Fire Breaks and other fire safety facilities. Such facilities shall be provided to the satisfaction of Council and the Fire &amp; Emergency Services Authority and in accordance with the Fire Management Plan.</p> <p>(c) Council shall require that individual landowners are responsible for the maintenance of any strategic firebreaks crossing individual lots.</p> <p>(d) The clearing of firebreaks other than for strategic firebreak purposes will not be permitted unless for safety reasons to comply with Council and Fire &amp; Emergency Services Authority requirements.</p> <p>(e) Low Fuel Areas a minimum of 20m wide shall be provided and maintained around all buildings.</p> <p>(f) Council may request the Commission to impose a condition at the time of subdivision for the provision of fire hydrants at intervals of 200 metres along subdivisional water mains.</p> <p>(iv) Vegetation Protection and Control</p> <p>(a) No clearing of remnant vegetation shall occur except for:</p> <ul style="list-style-type: none"> <li>— clearing to comply with the requirements of the Bush Fires Act (as amended)</li> <li>— clearing may reasonably be required to construct an approved building and curtilage</li> <li>— clearing trees that present an imminent danger to human health</li> <li>— clearing to establish a low fuel buffer</li> <li>— clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council</li> <li>— that which is prescribed in the Environmental Protection Regulations 2004</li> <li>— strategic fire breaks or hazard separation zones</li> </ul> <p>(b) Council may request the Commission to impose a condition at the time of the subdivision for the preparation and implementation of a public open space and tree planting strategy. Such strategy shall use local native tree and shrub species. Trees only should be used in road reserves.</p>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 12 Lot 999 Kearsley Road, Denmark and Lot 106 McLean Road, Denmark</b>  <i>AMD 89 GG 30/10/09</i>	Residential Permitted Use (P) -  Single House.  Permitted at Council's Discretion (AA) -  Home Occupation	<div style="display: flex; justify-content: space-between;"> <div style="width: 10%;">(v)</div> <div>Building Materials, Colours and Heights</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 10%;">(a)</div> <div>All buildings constructed within the zone shall be sympathetic to existing landscape elements (landform and vegetation) in terms of their location, scale, height, materials and colour.</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 10%;">(vi)</div> <div>Fencing</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 10%;">(a)</div> <div>No boundary fencing shall be constructed of fibre cement or metal sheeting. If boundary fencing is utilized, it shall be of rural construction such as pine posts/steel posts and 7 strand ringlock to the satisfaction of Council.</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 10%;">(vii)</div> <div>On-site Effluent Disposal</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 10%;">(a)</div> <div>On-site effluent disposal shall be the responsibility of the individual landowner and shall involve the use of on-site disposal systems approved by Council in accordance with Health Department of WA and Department of Environment and Conservation guidelines.</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 10%;">(viii)</div> <div>Urban Water Management Plan</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 10%;">(a)</div> <div>Council may request the Commission to impose a condition at the time of subdivision for the preparation and implementation of a detailed Urban Water Management Plan (UWMP) in accordance with Water Sensitive Urban Design Principles, as detailed in the Stormwater Management Manual for Western Australia. This plan is to be developed in consultation with the Shire of Denmark, to the satisfaction of the Department of Water.</div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 10%;">(ix)</div> <div>Prospective Purchasers</div> </div> <div style="margin-top: 10px;"> Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Special Residential Zone Area No. 12 acknowledge and accept these Special Provisions prior to entering into an agreement to acquire any property. </div>

# APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 12 Lot 999 Kearsley Road, Denmark and Lot 106 McLean Road, Denmark</b>  <i>AMD 89 GG 30/10/09</i>	Residential Permitted Use (P) -  Single House.  Permitted at Council's Discretion (AA) -  Home Occupation	<p>For lot 999 Kearsley Road and lot 106 McLean Road, that:</p> <p>Land managed by the Department of Environment and Conservation is in close proximity and that some or all of the following activities may occur from time to time</p> <ul style="list-style-type: none"> <li>— prescribed burning for conservation and/or fire hazard reduction purposes</li> <li>— baiting with approved poisons to control introduced predators of native fauna</li> <li>— application of herbicides and other chemicals for weed and plant disease control.</li> </ul>
<b>SRes 12 McLean's Mill Special Residential</b>  <b>Pt Lot 5 Cussons Road, West Denmark</b>  <i>AMD 102 GG 28/05/10</i>	Residential  Permitted use (P) -Single House  Permitted at Council's Discretion (AA): -Home Occupation -Home Business	<p>(i) Subdivision of Special Residential Zone No.12 is to be generally in accordance with the Subdivision Guide Plan.</p> <p>(ii) The maximum number of lots shall be 20 with a 2000m2 minimum site area.</p> <p>(iii) The Western Australian Planning commission may consider minor variations to the subdivision guide plan however the further breakdown of lots will be contrary to the Scheme.</p> <p>(iv) (a) no building may be closer to the boundary of a lot than-</p> <ul style="list-style-type: none"> <li>• From the front of a lot - 10 metres</li> <li>• From the rear of a lot – 10 metres</li> <li>• From the side of a lot – 5 metres</li> </ul> <p>(b) in the case of Lots 11, 12 and 13 on the Subdivision Guide Plan, dwelling location shall be restricted to within the building envelopes designated. Building envelopes shall be shown on the titles of these lots in accordance with the Subdivision Guide Plan.</p> <p>(c) Notwithstanding (a) above, Council may approve a lesser distance if it can be shown to the satisfaction of Council that the topography or shape of the lot or indigenous vegetation upon it makes it desirable to vary this position.</p> <p>(v) (a) dwelling and outbuildings shall be designed and constructed of materials which allow them to blend into the land scape of the site. Council shall refuse to approve roofs constructed of reflective materials such as unpainted zincalume, white and off-white colours. Council will be supportive of external walls and roofs with green, brown, terra cotta or dark blue toning in keeping with the amenity of the area.</p> <p>(b) On Lots 13 – 20, all outbuildings shall be attached to the dwelling to reduce impact on visual amenity from South Coast Highway.</p>



## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 12 McLean's Mill Special Residential</b>  <b>Pt Lot 5 Cussons Road, West Denmark</b>  <i>AMD 102 GG 28/05/10</i>	Residential  Permitted use (P) -Single House  Permitted at Council's Discretion (AA): -Home Occupation -Home Business	<div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(c)</div> <div>All dwellings shall be single storey and shall not exceed 6 metres in height which is measured vertically from the highest natural ground level.</div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(d)</div> <div>in recognising the topography of the land, Council will show a preference for housing design which is split level and stepped in design.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(e)</div> <div>Council may vary the single storey height limit where it can be proven that a variation would not adversely affect the visual amenity of the locality.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(f)</div> <div>Proposals to vary the height restrictions pursuant to (f) above, shall be accompanied such plans. Elevations and sketches as in determined by Council to assess the effect on visual amenity and the natural screening properties of vegetation and topography.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(g)</div> <div>Council may permit fencing through areas of remnant vegetation on the basis fencing is restricted to post and ringlock or similar and the fencing does not require the removal of karri trees.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(h)</div> <div>On Lots 1-10 and 14-20 on the Subdivision Guide Plan, all fencing shall be restricted to pine/steel post and wire type construction to retain the open appearance of the area.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(i)</div> <div>In the case of Lots 11, 12 and 13 on the Subdivision Guide Plan, boundary fencing of any type shall not be permitted. Boundary demarcation shall take the form of bollards or similar to minimise disturbance of vegetation.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(j)</div> <div>There shall be no fencing, boundary or other, constructed of fibre cement or metal sheeting permitted anywhere within the zone.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(vi)</div> <div style="display: flex; flex-direction: column;"> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(a)</div> <div> no clearing of vegetation shall occur except for- <ul style="list-style-type: none"> <li>• Clearing to comply with the requirements of the Bush Fires Act 1954 (as amended);</li> <li>• Clearing required to establish a building protection zone;</li> <li>• Clearing as may reasonably be required to construct an approved building and curtilage;</li> <li>• Trees that are dead, diseased or dangerous;</li> <li>• Clearing to gain vehicular access to an approved dwelling or any other clearing which may be approved by the Council;</li> </ul> </div> </div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(b)</div> <div>Additional tree planting may be required as a condition of development approval. Species shall consist of endemic natives.</div> </div> </div> <div style="margin-bottom: 10px;"> <div style="display: flex; align-items: flex-start;"> <div style="margin-right: 10px;">(c)</div> <div>Where it is determined that erosion has occurred as a result of the development of private property, Council may require the landowner to implement erosion control</div> </div> </div> </div> </div> </div> </div>

# **APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)**

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 12 McLean's Mill Special Residential</b></p> <p><b>Pt Lot 5 Cussons Road, West Denmark</b></p> <p><i>AMD 102 GG 28/05/10</i></p>	<p>Residential</p> <p>Permitted use (P) -Single House</p> <p>Permitted at Council's Discretion (AA): -Home Occupation -Home Business</p>	<p>Measures in accordance with the requirements and specifications of Council in the interests of preventing further land degradation.</p> <p>(d) In the event that provision (v (c)) above is not complied with, Council may carry out appropriate remedial works. Any expenses incurred by Council in carrying out such works shall be borne by the landowner.</p> <p>(vii) (a) Council shall request the Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots.</p> <p>(b) If a reticulated water service is not available to the zone then the Council will seek to have the appropriate dormant infrastructure laid by the developer to the Water Corporations specifications and satisfaction for connection once a reticulated service can be supplied and guaranteed.</p> <p>(c) All Buildings are to have a minimum roof area of 200m<sup>2</sup> and are to be connected to a rainwater tank or similar approved storage facility for the collection of stormwater for use as a potable source of water until such time as the reticulated water service is available.</p> <p>(d) Once a reticulated water service is available, all lots must connect to this service however in support of State sustainability principles it is highly recommended that harvested water remain the primary source of water to each dwelling.</p> <p>(viii) Council may request the Commission to impose a condition at the time of subdivision for the provision of underground electrical connections to the lots.</p> <p>(ix) (a) All dwelling shall be connected to onsite effluent disposal system for the suitable for the long term usage to the satisfaction of Council in accordance with the effluent disposal report.</p> <p>(b) No more than one effluent disposal system will be permitted on each lot.</p> <p>(x) (a) Council shall request the commission to impose a condition at the time of subdivision for the construction of the strategic firebreaks as shown on the Subdivision Guide Plan. The strategic firebreaks shall be constructed to a standard suitable for all year access by a heavy duty fire appliances and two wheel drive vehicles.</p> <p>(b) Where a lot is traversed by a strategic firebreak as shown on the Subdivision Guide Plan, the owner of the lot shall maintain such firebreak to the satisfaction of Council. Fencing and/or unlocked gates across the strategic firebreak shall only be permitted at the discretion of and to the satisfaction of Council and FESA.</p> <p>(c) Council may request the Commission to impose a condition at the time of subdivision for the implementation of the developer's responsibilities of the Fire Management Plan.</p>

# **APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)**

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<p><b>SRes 12 McLean's Mill Special Residential</b></p> <p><b>Pt Lot 5 Cussons Road, West Denmark</b></p> <p><i>AMD 102 GG 28/05/10</i></p>	<p>Residential</p> <p>Permitted use (P) -Single House</p> <p>Permitted at Council's Discretion (AA): -Home Occupation -Home Business</p>	<p>(d) Building protection zones at least 20 metres wide shall be established and maintained around all buildings.</p> <p>(e) It shall be the responsibility of individual landowners to maintain free access at all times around buildings for emergency purposes.</p> <p>(f) Fire hydrants shall be provided at intervals of 200 metres along subdivisional water mains to the satisfaction of Council, the Water Corporation and FESA for the connection of reticulated hydrants when a water service becomes available in the area.</p> <p>(g) In the interim, a watertank and standpipe shall be installed by the developer which meets the minimum requirements of Council and FESA and dedicated for fire fighting purposes.</p> <p>(h) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are aware of the fire management guidelines of the Fire Management Plan and the Homeowners Bushfire Survival Manual.</p> <p>(i) Council may request Commission to impose a condition at the time of subdivision requiring the creation of hazard separation areas.</p> <p>(j) Landowners are to be responsible for maintaining hazard separation areas on individual lots.</p> <p>(k) Any clearing for building protection zones and/or fire hazard protection shall have regard to the values of existing karri trees on the site. Clearing shall be carried out in a sensitive manner with a view to retaining such trees wherever possible.</p> <p>(l) All dwellings shall be built in accordance with Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas".</p> <p>(xi) Preparation of an Urban Water Management Plan shall be required at subdivision stage and implementation shall occur consistent with the recommendations of that plan and to the satisfaction of the Department of Water.</p> <p>(xii) (a) Council may request the Commission to impose a condition at the time of subdivision for the preparation and subsequent implementation of a landscaping plan incorporating additional screen planting and the inclusion of street tree planting on internal roads within the site. Species shall be endemic native.</p> <p>(b) Council may request the Commission to impose a condition at the time of subdivision for the removal of Taylorina or any other declared weeds from Road Reserves and private lots.</p>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
<b>SRes 12 McLean's Mill Special Residential</b>  <b>Pt Lot 5 Cussons Road, West Denmark</b>  <i>AMD 102 GG 28/05/10</i>	Residential  Permitted use (P) -Single House  Permitted at Council's Discretion (AA): -Home Occupation -Home Business	(c) It shall be the responsibility of the landowner to preclude the establishment of invasive weed species on the individual allotments.  (d) Where in the opinion of Council invasive weed species are invading any land within the zone, notice may be served on the owner of the land, requiring immediate eradication of those weed species specified in the notice.  (e) In order to protect native fauna values in the adjacent bushland landowners are discouraged from keeping cats. If kept, cats and dogs should be controlled to minimise their impacts on fauna (eg. night curfews, and containing dogs on private property or on a lead when walking).  (f) The development shall prepare an information sheet which shall be disturbed to prospective purchasers detailing measures to minimise the impact of cats and dogs on fauna within natural bushland settings.  (xiii) There is to be no direct access to South Coast Highway from lots 11, 12.  (xiv) A contribution to the upgrading of the intersection between Cussons Road and South Coast Highway shall be paid by the subdivider at subdivision stage.  (xv) Construction of the internal road connecting to Ruhen Place shall have regard to objectives of retaining floristic values within the road reserve minimising through traffic using the road as an alternative access to Cussons Road, without compromising road safety. Road design should incorporate reduced pavement widths, traffic calming features and alignment of pavement and services that maximises retention of Karri trees.  (xvi) The subdivider shall make arrangements to the satisfaction of council to ensure prospective purchasers are made aware of these Special Residential Zone Provisions.
<b>SRes 13 Kearsley Road Special Residential Zone</b>  <b>Pt Lot 348 &amp; 349 Kearsley Road, Denmark</b>  <i>AMD 106 GG 23/08/11</i>	Residential  Permitted Use (P): -Single House  Permitted at Council's Discretion (AA): -Home Occupation -Holiday  <i>-On on the basis that it is limited to accommodation solely within the approved single house and accommodates a maximum of 6 guests (excluding owners).</i>	(i) (a) The minimum lot size shall be 2000m <sup>2</sup> .  (b) Subdivision shall generally be in accordance with the Subdivision Guide Plan endorsed by the WAPC and signed by the CEO. The Western Australian Planning Commission may consider minor variations to the Subdivision Guide Plan however the further breakdown of lots will be contrary to the Scheme.  (ii) All buildings shall be set back from the lot boundaries as follows -  <ul style="list-style-type: none"> <li>• 8m from the front of the lot,</li> <li>• 8m from the rear of the lot, and</li> <li>• 5m from the side of the lot.</li> <li>• On the lots allocated 'Building Envelopes' on the Subdivision Guide Plan, dwellings shall be confined to the Building Envelopes unless otherwise approved by the Council.</li> </ul>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>(iii) Council may request the Commission to impose a condition at the time of subdivision for the provision of underground power to the lots.</p> <p>(iv) Roads within the zone shall -</p> <p style="padding-left: 40px;">(a) be located in a manner which retains remnant vegetation so as to be sympathetic to the landscape and minimises visual impact.</p> <p style="padding-left: 40px;">(b) be drained underground and kerbed to meet the requirements and specification of Council.</p> <p>(v) Council may request the Commission impose a condition at the subdivision stage of development requiring a contribution to the upgrading of Kearsley Road.</p> <p>(vi) (a) No clearing of remnant vegetation shall occur except for –</p> <ul style="list-style-type: none"> <li>• clearing to comply with the requirements for the Shire of Denmark Fire Break Notice;</li> <li>• clearing that may be reasonably be required to construct an approved building, cartilage and vehicular access, or any other clearing which may be approved by Council;</li> <li>• clearing required to establish strategic fire breaks and building protection/hazard separation zones;</li> <li>• clearing trees that present an imminent danger to human health;</li> <li>• that which is prescribed in Environmental Protection (Clearing of Native Vegetation) Regulations 2004.</li> </ul> <p style="padding-left: 40px;">(b) Council may require as a condition of development approval additional tree/shrub planting using endemic native species and the removal of any identified plant weed species.</p> <p>(vii) (a) Reflective colours and materials such as zincalume, will not be permitted.</p> <p style="padding-left: 40px;">(b) All residential buildings shall be a maximum height of 7.5m.</p> <p>(viii) Council may request the Commission to impose a condition at the time of subdivision for the provision of reticulated water to the lots and fire hydrants at intervals of 200 metres along the subdivisional water mains.</p> <p>(ix) If boundary fencing is utilised, it shall be of rural construction such as pine posts/steel posts and 7 strand ringlock to the satisfaction of Council.</p> <p>(x) On-site effluent disposal shall be the responsibility of the individual landowner and shall involve the use of alternative treatment units (ATUs) or other conventional septic tank systems as approved by Council's Environmental Health Officer in accordance with Health Department of WA and Department of Environment Guidelines.</p>

## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>(xi) Council may request the Commission to impose a condition at the time of subdivision for the preparation and implementation of a nutrient stripping and sediment retention Stormwater Management Plan compliant with the principles of Water Sensitive Urban Design to the satisfaction of Council and the Department of Water.</p> <p>(xii) (a) Council may request the Commission to impose a condition at the subdivision stage requiring the implementation of the Fire Protection Plan.</p> <p>(b) Council shall require that individual landowners are responsible for the maintenance of any strategic firebreak where it crosses the landowner's lot.</p> <p>(c) The clearing of firebreaks other than for strategic firebreak purposes will not be permitted unless for safety reasons to comply with Council and FESA requirements.</p> <p>(d) Council may request the Commission to impose a condition at the subdivision stage requiring the subdivider to advise prospective purchasers of the lots of the fire management guidelines of the Homeowners Bushfire Survival Manual and that driveways will need to comply with level 2 of AS3959 Construction of Buildings in Bushfire Prone Areas.</p> <p>(e) On those lots adjoining or adjacent to the POS or remnant vegetation, Council shall require all buildings to be constructed in accordance with Australian Standard 3959 "Construction of Buildings in Bushfire Prone Areas".</p> <p>(f) In cases where only part of the zone is developed, an interim firebreak system shall be prepared and put in place to the satisfaction of Council and the Fire and Emergency Services Authority.</p> <p>(g) Building protection and hazard separation zones shall be provided and maintained around all buildings.</p> <p>(xiii) Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Special Residential Zone Area No. 13 -</p> <ul style="list-style-type: none"> <li>• acknowledge and accept these Special Provisions.</li> </ul> <p>(xiv) Council may request the Commission to impose a condition at the time of subdivision requiring placement of a notification on the certificates of title of lots adjoining reserve 35621 that it is managed by the Department of Environment and Conservation for conservation of flora and fauna purposes and may undertake management activities such as spraying, baiting and other practices accordingly.</p> <p>(xv) Council may request the Commission to impose a condition at the time of subdivision that a Vegetation Management Plan be prepared and implemented, in consultation with the Department of Environment and Conservation.</p> <p>(xvi) Council may request the Commission to impose a condition at the time of subdivision requiring the construction and/or financial contribution towards the construction of a dual use path to</p>

# APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>connect to the existing Shire path network.</p> <p>(xvii) Council may request the Commission to impose a condition at the time of subdivision that a conservation covenant be placed on the certificate of title of the two large lots to be created from Lot 349 adjoining Reserve 35621.</p>
<p><b>S Res 15 Warham Road Special Residential Zone</b></p> <p><b>Lots 632, 22 and 1 Mount Shadforth Road and Part Lot 355 Warham Road, Denmark.</b> AMD 122 GG 12/11/13</p>	<p>Permitted Use (P): - Single House - Home Occupation</p> <p>Permitted at Council's Discretion (AA): - Cottage Industry - Home Business</p>	<p>(i) The minimum size for new lots is 5000m<sup>2</sup>.</p> <p>(ii) Subdivision shall generally be in accordance with the endorsed Subdivision Guide Plan.</p> <p>(iii) All buildings shall be located as follows –</p> <ul style="list-style-type: none"> <li>• 8m from the Warham Road lot frontage;</li> <li>• 10m from the rear of the lot/Mt Shadforth Road;</li> <li>• 5m from the side of the lot; and</li> <li>• Development (excluding fences) to be setback 30m from Millars Creek.</li> </ul> <p>(iv) No clearing of remnant vegetation shall occur except for –</p> <ul style="list-style-type: none"> <li>• Clearing to comply with the requirements of the Shire of Denmark Annual Fire Regulation Notice;</li> <li>• Removal of trees that are diseased or dangerous;</li> <li>• Clearing required to establish/maintain a fuel reduced Building Envelope;</li> <li>• Clearing to gain vehicular access to an approved dwelling; or</li> <li>• Any other clearing which may be approved by the Council.</li> </ul> <p>(v) If boundary fencing is utilised, it shall be of rural construction such as pine posts/steel posts and strand to the satisfaction of Council.</p> <p>(vi) On-site effluent disposal shall be the responsibility of the individual landowner and shall involve the use of on-site disposal systems approved by Council on accordance with Health Department of WA regulations and guidelines.</p> <p>(vii) Council shall request the WAPC to impose conditions at the subdivision stage requiring the subdivider to advise prospective purchasers of the land of the following –</p> <ul style="list-style-type: none"> <li>• Fire management guidelines and responsibilities; and</li> <li>• That sewer is not available.</li> </ul> <p>(viii) Council shall request the WAPC to impose a condition at the time of subdivision for additional tree/shrub planting for screening purposes along Mount Shadforth Road.</p> <p>(ix) Council shall request the WAPC impose a condition at the time of subdivision for Warham Road to be upgraded to the satisfaction of Council.</p> <p>(x) All lots shall be connected to the WA Water Authority reticulated water supply scheme.</p>

**APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)**

PARTICULARS OF THE LAND	PROPOSED USES	SPECIAL PROVISIONS
		<p>(xi) Council shall request the WAPC to impose conditions at the subdivision stage requiring the preparation of a Fire Management Plan and the implementation of the specific fire protection measures as set out in such a plan.</p> <p>(xii) Council shall require all buildings to be designed and constructed in accordance with the construction requirements of Australian Standard 3959 – Construction of Buildings in Bushfire Prone Areas for the determined BAL.</p>



## APPENDIX XIV - SPECIAL RESIDENTIAL ZONES (CONT'D)

AMD 146 GG 22/12/23

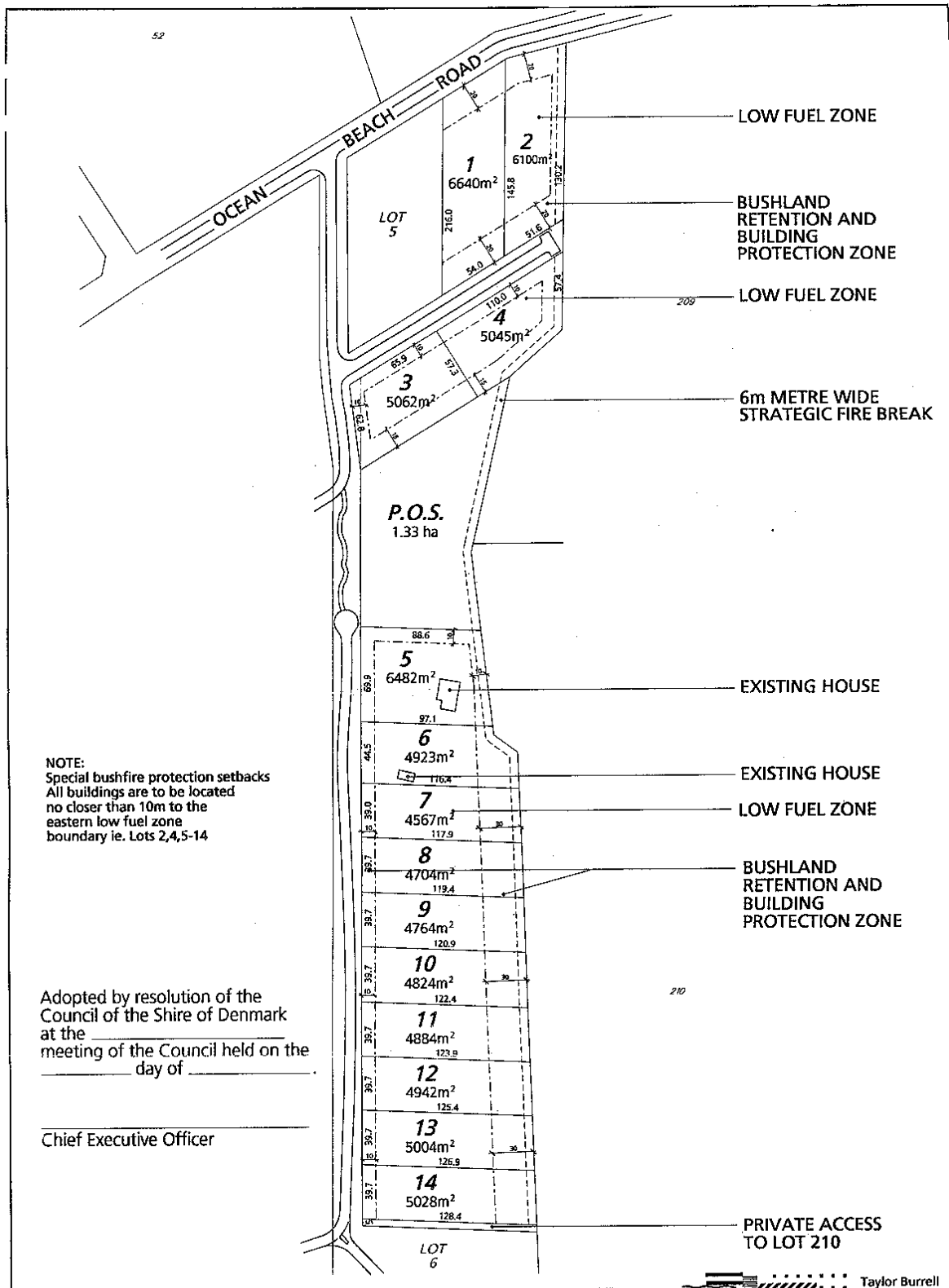
The table sets out requirements relating to development that are additional to those set out in the R-Codes, precinct structure plans, local development plans or State or local planning policies.

Table

Additional requirements that apply to land in Scheme Area

NO.	DESCRIPTION OF LAND	REQUIREMENT
SR1	Lot 621 Harlequin Street and Lot 1 South Coast Highway	Structure planning is to: <ul style="list-style-type: none"><li>• Provide for fully serviced residential development with reticulated sewer and underground power.</li><li>• Ensure protection of view lines from South Coast Highway, the Denmark-Nornalup Rail Trail and adjacent established residential areas.</li><li>• Incorporate measure for identification, retention and management of quality fauna habitat.</li><li>• Retain areas containing significant environmental value, including consolidated areas of native vegetation, and provide ecological linkages.</li><li>• Identify mechanisms to ensure the protection of trees identified to be retained on private residential lots.</li></ul>

# SUBDIVISION GUIDE PLAN - WEEDON HILL SPECIAL RESIDENTIAL ZONE (LOT 4 OCEAN BEACH ROAD)



SUBDIVISION GUIDE PLAN  
WEEDON HILL  
SPECIAL RESIDENTIAL ZONE  
LOT 4 OCEAN BEACH ROAD

## **SUBDIVISION GUIDE PLAN - LOT 371 HORSLEY ROAD**

## APPENDIX XV - STATUTORY DECLARATION - ANCILLARY ACCOMMODATION

### SHIRE OF DENMARK - TOWN PLANNING SCHEME NO. 3

I/We .....  
(Full Christian Names) (Surname Block Letters)

of .....

in the State of Western Australia apply for approval to build ancillary accommodation on

Lot ..... House No. ....

Street ..... Suburb .....

and do solemnly and sincerely declare that the additional accommodation required on the said land referred to above is intended for use and occupancy by

.....  
.....  
.....

a relative(s), aged or dependent person(s) to the owner of the said lot and for no other purpose and that in the event of the said occupant or occupants vacating the ancillary accommodation then such additional building shall revert to a Class 1 building (single occupancy residence) and shall not be inhabited by any persons other than the owner of the property without special approval in writing issued by the Chief Executive Officer, Shire of Denmark.

And we make this solemn declaration under the provisions of Section 106 of the Evidence Act 1906.

Declared at ..... in the said State

this ..... day of ..... 19 .....

Before me .....  
(Justice of the Peace/Commissioner for Declarations)

Owner's signature .....

Proposed occupant's signature .....

## APPENDIX XVI - LANDSCAPE PROTECTION ZONE

AMD 60 GG 24/3/00

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP1</b></p> <p><b>1. Lapko Road Landscape Protection Zone</b></p> <p>Lot 1 Lapko Road, Denmark</p> <p><i>AMD 85 GG 3/9/04</i></p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>▪ .... Residential Dwelling House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ .... Home Occupation</li> <li>▪ .... Keeping of Stock</li> </ul> <p>Permitted at Council's Discretion Subject to Advertising (SA):</p> <ul style="list-style-type: none"> <li>▪ .... Gallery/Restaurant on the basis that it is limited to a maximum floor area of 250m<sup>2</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>i) Subdivision of Landscape Protection Zone Area No. 1 shall generally be in accordance with the Subdivision Guide Plan endorsed by the Chief Executive Officer.</li> <li>ii) Council may recommend minor variations to the Western Australian Planning Commission but will not recommend the further breakdown of the lots created.</li> <li>iii) The Objective of Landscape Protection Zone Area. 1 is to provide for retreat living opportunities where: <ul style="list-style-type: none"> <li>▪ individual landowners have joint ownership and management responsibilities over the bulk of the site and its flora and fauna</li> <li>▪ rehabilitation and regeneration is actively promoted;</li> <li>▪ the landscape qualities of the natural amphitheatre can be enhanced; and</li> <li>▪ development is undertaken in harmony with the environment and surrounding landuses.</li> </ul> </li> <li>iv) Applications for development approval shall be accompanied by complete details of colour, finishes, materials and detailed Strata Lot site, improvement and building plans and elevations from at least the front and largest side view.</li> <li>v) Strata Lots shall be setback a minimum of 10m from the parent lot boundary.</li> <li>vi) <ul style="list-style-type: none"> <li>a) All buildings and structures on Strata Lots shall be confined to the Development Area and centrally grouped within that area, as shown on the Subdivision Guide Plan.</li> <li>b) No buildings or structures shall be permitted on Communal Lot 1, as shown on the Subdivision Guide Plan.</li> </ul> </li> <li>vii) <ul style="list-style-type: none"> <li>a) Intensive agricultural pursuits shall be prohibited.</li> <li>b) The keeping of stock may be permitted within the confines of individual Strata Lot boundaries subject to Clause (b), stocking rates in accord with Agriculture WA guidelines and stock proof fencing of the Strata Lot boundary to Council's satisfaction.</li> <li>c) Notwithstanding vii) b) above, the keeping of horses shall be prohibited.</li> </ul> </li> </ul>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP1</b></p> <p><b>1. Lapko Road Landscape Protection Zone (Cont'd)</b></p> <p>Lot 1 Lapko Road, Denmark</p> <p><i>AMD 85 GG 3/9/04</i></p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>▪ .... Residential Dwelling House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ .... Home Occupation</li> <li>▪ .... Keeping of Stock</li> </ul> <p>Permitted at Council's Discretion Subject to Advertising (SA):</p> <ul style="list-style-type: none"> <li>▪ .... Gallery/Restaurant on the basis that it is limited to a maximum floor area of 250m<sup>2</sup>.</li> </ul>	<p>d) The keeping of domestic pets (excluding cats, dogs &amp; rabbits) may be permitted subject to:</p> <ul style="list-style-type: none"> <li>▪ measures being implemented to confine the pet/s to a strata lot at all times unless accompanied by an adult landowner and</li> <li>▪ the pet not creating a nuisance within the zone.</li> </ul> <p>Where nuisance is found to be caused, Council may require that the pet be removed from the zone.</p> <p>e) If the keeping of stock or a particular domestic pet is posing an identifiable nuisance or hazard to residents, wildlife, flora and/or landform, Council may take such measures as deemed necessary to eliminate adverse effect with all costs being borne by the subject Strata Lot owner.</p> <p>viii) a) Dwelling houses and all outbuildings shall not exceed 10 metres in height which is measured vertically from the natural ground level.</p> <p>b) Cut and fill of the site shall be kept to a minimum with preference given to split level development, the breaking up of building mass and minimal site disturbance through earthworks. Council shall require the stockpiling and replacement of topsoil to disturbed areas after construction.</p> <p>c) The use of pale, off white or reflective materials and finishes such as zincalume will not be permitted. Council shall require the use of tonings that blend into the landscape, vegetation and/or the structure's backdrop. Council shall prefer the use of natural materials such as stone, brick, rammed earth and/or timber and advocate green to brown tonings/ natural hues.</p> <p>d) Water tanks shall be painted or coloured an appropriate shade of brown or green or suitably screened with vegetation and shall be located within an approved development area, to the satisfaction of Council.</p> <p>e) Strata Lot access ways and other earthworks shall be designed to minimise visual impact and erosion potential by being aligned with the contours of the site. Stormwater shall be managed via local infiltration.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP1</b></p> <p><b>1. Lapko Road Landscape Protection Zone (Cont'd)</b></p> <p>Lot 1 Lapko Road, Denmark</p> <p><i>AMD 85 GG 3/9/04</i></p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>▪ .... Residential Dwelling House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ .... Home Occupation</li> <li>▪ .... Keeping of Stock</li> </ul> <p>Permitted at Council's Discretion Subject to Advertising (SA):</p> <ul style="list-style-type: none"> <li>▪ .... Gallery/Restaurant on the basis that it is limited to a maximum floor area of 250m<sup>2</sup>.</li> </ul>	<p>ix) a) No clearing of endemic vegetation shall be permitted, except for:</p> <ul style="list-style-type: none"> <li>▪ Clearing within the prescribed Strata Lots as may reasonably be required to construct an approved dwelling and associated structures and facilities.</li> <li>▪ Trees that are diseased or dangerous.</li> <li>▪ Clearing to gain vehicular access to an approved Strata Lot.</li> <li>▪ Selective clearing of vegetation to provide a low fuel area.</li> </ul> <p>b) No clearing shall be permitted within Communal Lot 1.</p> <p>c) Additional tree planting and revegetation may be required as a condition of development approval.</p> <p>d) Council shall show its preference for domestic gardens utilising indigenous native species. Council shall discourage the establishment of expansive introduced lawns.</p> <p>e) Landowners and the Strata Company shall be responsible for the maintenance of tree cover and the eradication of invasive weeds on individual and Communal Lots.</p> <p>f) In the event of non compliance with ix) e) above, Council may serve notice on the landowner/Strata Company requiring the compliance with clause ix) e) above, within 3 months of the serving of the said notice. In the event the required action is not undertaken, Council may carry out such works as are deemed necessary to eliminate adverse effect with all costs being borne by the landowner.</p> <p>g) With the intention of minimising the risk of dieback spread, cut and fill is to be minimised and any imported topsoil, fill and other soil aggregates shall be obtained from classic dieback free sources.</p> <p>h) Council may request the Commission to impose a condition at the time of subdivision requiring the preparation of a dieback control plan for the subdivision construction stage/s, to Council's satisfaction.</p> <p>i) Within 12 months of the development being approved, the Strata Company shall prepare a management plan in consultation with CALM for the long term management of the <i>E. virginia</i> population occurring in Landscape Protection Zone Area No. 1.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP1</b></p> <p><b>1. Lapko Road Landscape Protection Zone (Cont'd)</b></p> <p>Lot 1 Lapko Road, Denmark</p> <p><i>AMD 85 GG 3/9/04</i></p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>▪ .... Residential Dwelling House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ .... Home Occupation</li> <li>▪ .... Keeping of Stock</li> </ul> <p>Permitted at Council's Discretion Subject to Advertising (SA):</p> <ul style="list-style-type: none"> <li>▪ .... Gallery/Restaurant on the basis that it is limited to a maximum floor area of 250m<sup>2</sup>.</li> </ul>	<p>j) The creation of walk trails and/or lookout points within the forested areas of the zone shall not be permitted.</p> <p>k) Council may request the Commission to impose a condition at the time of subdivision requiring the identification and protection of significant vegetation through subdivisional works.</p> <p>x) a) Each dwelling house or ancillary dwelling is to be provided with a water supply with a minimum capacity of 92,000 litres.</p> <p>b) Potable water supply and storage shall be located within the development area.</p> <p>c) Telstra and Western Power services shall be located in a single underground trench and follow the alignment of Strata Lot access ways from where Parent Lot hookup is made to Strata Lots.</p> <p>xi) a) On-site effluent disposal shall be the responsibility of individual landowners.</p> <p>b) Council shall require the use of amended soil or aerobic type effluent disposal systems.</p> <p>c) No more than one effluent disposal system shall be permitted per Strata Lot.</p> <p>xii) a) Council may request the Commission to impose a condition at the time of subdivision requiring the construction of emergency access and that Strata Lot access ways include low fuel (slashed) verges to a total width of 10m which includes access carriageways.</p> <p>b) The clearing of fire breaks other than for the abovementioned strategic fire break purposes is not permitted.</p> <p>c) An area not less than 20 metres wide surrounding buildings shall be maintained in a low fuel condition by individual landowners. Council shall show its preference for the slashing of undergrowth to maintain low fuel areas.</p> <p>d) Dwellings shall be designed and constructed in accord with AS 3959 "The Construction of Buildings in Bushfire - Prone Areas.</p>



## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP1</b></p> <p><b>1. Lapko Road Landscape Protection Zone (Cont'd)</b></p> <p>Lot 1 Lapko Road, Denmark</p> <p><i>AMD 85 GG 3/9/04</i></p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>▪ .... Residential Dwelling House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ .... Home Occupation</li> <li>▪ .... Keeping of Stock</li> </ul> <p>Permitted at Council's Discretion Subject to Advertising (SA):</p> <ul style="list-style-type: none"> <li>▪ .... Gallery/Restaurant on the basis that it is limited to a maximum floor area of 250m<sup>2</sup>.</li> </ul>	<p>e) Council may request the Commission to impose a condition at the time of subdivision requiring the provision of a 92 000 litre standpipe and hardstand facility, located as marked on the Subdivision Guide Plan.</p> <p>f) All dwellings and each lot shall have installed and operational, an effective sprinkler system to dampen buildings and their surrounds in the event of a fire. The sprinkler system is to serve each residence using a fire proof main and is to be fed by an easy to operate independent fire pump (refer BFS Booklet "Will You Survive" - Sprinkler Systems).</p> <p>g) Access to a 2WD vehicular standard shall be maintained at all times to the rear of Strata Lots and around Communal Lot 2. The responsibility for maintaining this access shall rest with individual Strata Lot owners and for Communal Lot 2, the Strata Company.</p> <p>h) Domestic potable supplies shall be available for fire fighting purposes and shall be fitted with a 64mm Female British Instantaneous Coupling and gate valve to Council and Bush Fires Board satisfaction.</p> <p>i) It shall be the responsibility of the Strata Company to maintain pastured areas on Communal Lots and the access way margins in a low fuel state.</p> <p>j) It shall be the responsibility of the Strata Lot owners to maintain low fuel areas on Strata Lots.</p> <p>k) Within 12 months of the development being approved, the Strata Company shall prepare a Bush Fire and Emergency Response Plan to the Satisfaction of Council and the Bush Fires Board.</p> <p>l) Council may request the Commission to impose a condition at the time of subdivision to ensure that, following liaison with Council, adequate fire suppression capabilities and fire fighting equipment is provided.</p> <p>xiii) a) Council may request the Commission to impose a condition at the time of subdivision requiring that the subdivider/s contribute to the upgrading of Lapko Road in accordance with Council's Development Standard.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP1</b></p> <p><b>1. Lapko Road Landscape Protection Zone (Cont'd)</b></p> <p>Lot 1 Lapko Road, Denmark</p> <p><i>AMD 85 GG 3/9/04</i></p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>▪ .... Residential Dwelling House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ .... Home Occupation</li> <li>▪ .... Keeping of Stock</li> </ul> <p>Permitted at Council's Discretion Subject to Advertising (SA):</p> <ul style="list-style-type: none"> <li>▪ .... Gallery/Restaurant on the basis that it is limited to a maximum floor area of 250m<sup>2</sup>.</li> </ul>	<p>b) Council may request the Commission to impose a condition at the time of subdivision requiring that existing tracks, where not utilised for Strata Lot access ways or other access purposes, be blocked from use and allowed to regenerate.</p> <p>xiv) a) Fencing shall be designed and constructed so as to minimise site disturbance. Topsoil shall be stockpiled and returned to disturbed areas.</p> <p>b) Where it is not proposed to fence individual Strata Lots, Strata Lot boundaries shall be suitably defined by pegs and/or cairns.</p> <p>xv) a) Council may request the Commission to impose a condition at the time of subdivision requiring that access way margins be stabilised as soon as is practically possible after construction and allowed to regenerate.</p> <p>b) Individual landowners are responsible for maintaining vegetation cover on individual Strata Lots. Where areas are to be rehabilitated, rehabilitation is to be undertaken utilising endemic native species and be ongoing until vegetation cover is established and the area stabilised in accord with Council's development standard.</p> <p>xvi) a) Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Landscape Protection Zone Area No. 1 are given a copy of these Provisions prior to entering into an agreement to acquire any property.</p> <p>b) Council may request the Commission to impose a condition at the time of subdivision requiring the preparation of an Information Document, to be provided to prospective and actual purchasers, discussing and recommending actions to:</p> <ul style="list-style-type: none"> <li>▪ Identify the social and environmental responsibilities living in such an area brings.</li> <li>▪ Identify the statutory requirements of the Shire of Denmark Town Planning Scheme No 3 and the proposed management provisions.</li> <li>▪ Identify and outline historic (and current) uses on the land, such as potato farming/ intensive horticulture and recreational use.</li> </ul>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP1</b></p> <p><b>1. Lapko Road Landscape Protection Zone (Cont'd)</b></p> <p>Lot 1 Lapko Road, Denmark</p> <p><i>AMD 85 GG 3/9/04</i></p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>▪ .... Residential Dwelling House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>▪ .... Home Occupation</li> <li>▪ .... Keeping of Stock</li> </ul> <p>Permitted at Council's Discretion Subject to Advertising (SA):</p> <ul style="list-style-type: none"> <li>▪ .... Gallery/Restaurant on the basis that it is limited to a maximum floor area of 250m<sup>2</sup>.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Discuss vegetation, land rehabilitation methods and dieback control and hygiene approaches and identify any preferred actions/methods.</li> <li>▪ Discuss differing effluent disposal methods and preferred options.</li> <li>▪ Encourage cooperative maintenance/management works.</li> <li>▪ Discuss differing vermin/exotic vegetation control methods and identify preferred approaches.</li> <li>▪ Provide a list of suitable vegetation for revegetation works.</li> <li>▪ Discuss fire preparedness, actions to take upon outbreak and structure protection.</li> <li>▪ Identify nearby landuses and potential for off site impacts (specifically the adjoining goat stud and orcharding activities and nearby tourist maze).</li> </ul> <p>xvii) a) Within Landscape Protection Zone Area No. 1 the construction of buildings including associated site works and removal of vegetation, shall require Planning Consent</p> <p>b) All applications for Planning Consent shall be accompanied by complete details of building materials and colours.</p> <p>c) Provision shall be made to Council's satisfaction to ensure Strata Company bylaws reflect and do not conflict with the provisions and objectives of Landscape Protection Zone Area No. 1.</p>
<p><b>LP2</b></p> <p><b>2. Sunrise Road Landscape Protection Zone</b></p> <p>Portion Lot 550 Sunrise Road, Denmark</p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Direction (AA):</p> <ul style="list-style-type: none"> <li>- Home Occupation</li> <li>- Cottage Industry</li> </ul>	<p>i) Subdivision of Landscape Protection Zone Area No. 2 shall generally be in accordance with the Subdivision Guide Plan endorsed by the Chief Executive Officer. The dwelling density shall not exceed one dwelling per two hectares.</p> <p>ii) Council may recommend minor variations to the Subdivision Guide Plan to the Western Australian Planning Commission but will not recommend the further breakdown of the lots created.</p> <p>iii) The Objective of Landscape Protection Zone Area No. 2 is to provide for retreat living opportunities where:</p> <ul style="list-style-type: none"> <li>▪ regeneration of bushland areas is actively promoted;</li> <li>▪ areas of locally important vegetation cover are protected;</li> <li>▪ cooperative land management is required;</li> <li>▪ the landscape qualities of the site can be enhanced; and</li> </ul>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP2</b></p> <p><b>2. Sunrise Road Landscape Protection Zone (Cont'd)</b></p> <p>Portion Lot 550 Sunrise Road, Denmark</p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Direction (AA):</p> <ul style="list-style-type: none"> <li>- Home Occupation</li> <li>- Cottage Industry</li> </ul>	<ul style="list-style-type: none"> <li>▪ site development is undertaken in harmony with surrounding proposed landuses.</li> <li>iv) Applications for development approval shall be accompanied by complete details of colours, finishes, materials and detailed Strata Lot site improvement and building plans and elevations from at least the front and largest side view.</li> <li>v) Strata Lots/Development Areas shall be located generally as shown on the Subdivision Guide Plan.</li> <li>vi) a) All buildings and structures on Strata Lots shall be confined to the Strata Lot/Development Area.</li> <li>b) No buildings or structures shall be permitted within Vegetation Protection Areas as shown on the Subdivision Guide Plan.</li> <li>vii) a) Intensive agriculture pursuits shall be prohibited.</li> <li>b) The keeping of stock shall be restricted to existing cleared and fenced areas of the site.</li> <li>c) Stock carrying capacity shall be determined by the application of Agriculture WA stocking rate guidelines to the cleared and fenced areas of the zone on a strata lot pro-rata basis.</li> <li>d) Landowners shall be responsible for the construction and maintenance of stock proof fencing to protect Vegetation Protection Areas and revegetation as shown on the Subdivision Guide Plan.</li> <li>e) Cats, dogs and rabbits are considered to pose a threat to native flora and/or fauna. Domestic pets which do not pose a threat to native flora and/or fauna, may be kept within the zone under the following circumstances: <ul style="list-style-type: none"> <li>▪ Domestic pets must be confined to Strata Lots at all times unless accompanied by a responsible person.</li> <li>▪ Domestic pets may be confined by means other than fencing, as long as restriction to the Strata Lot is assured.</li> <li>▪ If fencing is erected as the means of confining domestic pets, the standard of fencing must be sufficient to ensure containment of the pet/s.</li> </ul> </li> <li>viii) a) All structures shall be so designed and constructed to ensure development is of the highest quality.</li> </ul>
<b>LP2</b>	Rural Residential	b) Dwelling houses and all

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>2. Sunrise Road Landscape Protection Zone (Cont'd)</b></p> <p>Portion Lot 550 Sunrise Road, Denmark</p>	<p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Direction (AA):</p> <ul style="list-style-type: none"> <li>- Home Occupation</li> <li>- Cottage Industry</li> </ul>	<p>outbuildings shall not exceed 10 metres in height which is measured vertically from the finished ground level.</p> <ul style="list-style-type: none"> <li>c) Cut and fill of the site shall be kept to a minimum with preference given to the split level development, the breaking up of building mass and minimal site disturbance through earthworks. Council shall require the stockpiling and replacement of topsoil to disturbed areas after construction.</li> <li>d) The use of pale, off white or reflective materials and finishes such as zincalume will not be permitted. Council shall require the use of tonings that blend into the landscape, vegetation and/or the structure's backdrop. Council shall prefer the use of natural materials such as stone, brick, rammed earth and/or timber and advocate green to brown tonings/natural hues.</li> <li>e) Water tanks shall be painted or coloured an appropriate shade of brown or green or suitably screened with vegetation and shall be located within an approved Development Area, to the satisfaction of Council.</li> <li>f) Strata Lot access ways and other earthworks shall be designed to minimise visual impact and erosion potential by being aligned with the contours of the site. Storm water shall be managed via local infiltration.</li> <li>ix) <ul style="list-style-type: none"> <li>a) No clearing of endemic vegetation shall be permitted, except for: <ul style="list-style-type: none"> <li>▪ Clearing within the prescribed Development Area/Strata Lot as may reasonably be required to construct an approved dwelling and associated structures and facilities.</li> <li>▪ Trees that are diseased or dangerous.</li> <li>▪ Clearing to gain vehicular access to an approved Strata Lot.</li> <li>▪ Selective clearing of vegetation to provide low fuel areas around buildings.</li> </ul> </li> <li>b) Council may request the Commission to impose a condition at the time of subdivision for tree/shrub planting as shown on the Subdivision Guide Plan. Such tree/shrub planting shall be appropriately maintained for a minimum of 3 years.</li> <li>c) Additional tree planting and revegetation may be required as a condition of development approval.</li> </ul> </li> </ul>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP2</b></p> <p><b>2. Sunrise Road Landscape Protection Zone (Cont'd)</b></p> <p>Portion Lot 550 Sunrise Road, Denmark</p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Direction (AA):</p> <ul style="list-style-type: none"> <li>- Home Occupation</li> <li>- Cottage Industry</li> </ul>	<ul style="list-style-type: none"> <li>d) Landowners and the Strata Company shall be responsible for the maintenance of tree cover and the eradication of invasive weeds on Strata and Communal Lots, where applicable.</li> <li>e) In the event of non compliance with ix) d) and vii) b) above, Council may serve notice on the landowner/Strata Company (as appropriate) requiring the compliance with clause ix) d) and vii) b) above, within 3 months of the serving of the said notice. In the event the required action is not undertaken, Council may carry out such works as are deemed necessary to eliminate adverse effect with all costs being borne by the landowner/Strata Company (as appropriate).</li> <li>f) With the intention of minimising the risk of dieback spread, cut and fill is to be minimised and any imported topsoil, fill and other soil aggregates shall be obtained from classic dieback free sources.</li> <li>x) a) Each dwelling house or ancillary dwelling is to be provided with a water supply with a minimum capacity of 92,000 litres.</li> <li>b) Potable water supply and storage shall be located within the Strata Lot/Development Area.</li> <li>c) Telstra and Western Power services shall be located in a single underground trench and follow the alignment of access ways from where Parent Lot hookup is made to Strata Lots.</li> <li>d) The Strata Company shall be responsible for collecting and disposing of all solid waste generated within Landscape Protection Zone Area No. 2 to Council's satisfaction.</li> <li>xi) a) Requirements to onsite effluent disposal shall be determined by Council subject to detailed site assessment, particularly in regards to infiltration, soil profiles and groundwater levels.</li> <li>b) No more than one effluent disposal system shall be permitted per Strata Lot.</li> </ul>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP2</b></p> <p><b>2. Sunrise Road Landscape Protection Zone (Cont'd)</b></p> <p>Portion Lot 550 Sunrise Road, Denmark</p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Direction (AA):</p> <ul style="list-style-type: none"> <li>- Home Occupation</li> <li>- Cottage Industry</li> </ul>	<p>xii) a) Council may request the Commission to impose a condition at the time of subdivision requiring the construction of strategic fire breaks/emergency access as shown on the Subdivision Guide Plan along with variations thereto to meet the specifications of Council and the Bush Fires Service, and that Strata Lot access ways include low fuel (slashed) verges.</p> <p>b) The clearing of fire breaks other than for the abovementioned strategic fire break purposes is not permitted.</p> <p>c) Low Fuel Areas and strategic fire breaks on common property shall be maintained by the Strata Company.</p> <p>d) Access to a 2WD vehicular standard shall be maintained at all times to the rear of Strata Lots. The responsibility for maintaining this access shall rest with individual Strata Lot owners.</p> <p>e) Domestic potable supplies shall be available for fire fighting purposes and shall be fitted with a 64mm Female British Instantaneous Coupling and gate valve to Council and Bush Fires Board satisfaction.</p> <p>f) It shall be the responsibility of individual Strata Lot owners to maintain any low fuel areas on individual Strata Lots.</p> <p>g) Council may request the Commission to impose a condition at the time of subdivision for a contribution toward the provision of fire fighting facilities and services within the locality.</p> <p>h) A designated water supply for fire fighting purposes shall be provided in accordance with Council and Bush Fires Service specifications.</p> <p>xiii) a) Council may request the Commission to impose a condition at the time of subdivision requiring that the subdivider/s contribute to the upgrading of Sunrise Road.</p> <p>b) Council may request the Commission to impose a condition at the time of subdivision requiring that existing tracks, where not utilised for Strata Lot access ways or other access purposes, be blocked from vehicular use and be allowed to regenerate.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP2</b></p> <p><b>2. Sunrise Road Landscape Protection Zone (Cont'd)</b></p> <p>Portion Lot 550 Sunrise Road, Denmark</p>	<p>Rural Residential Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Direction (AA):</p> <ul style="list-style-type: none"> <li>- Home Occupation</li> <li>- Cottage Industry</li> </ul>	<p>xiv) a) Fencing shall be designed and constructed so as to minimise site disturbance. Topsoil shall be stockpiled and returned to disturbed areas.</p> <p>b) Where it is not proposed to fence individual Strata Lots, Strata Lot boundaries shall be suitably defined by pegs and/or cairns.</p> <p>xv) Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Landscape Protection Zone Area No. 2 are given a copy of these Provisions prior to entering into an agreement to acquire any property.</p> <p>xvi) a) Within Landscape Protection Zone Area No. 2. the construction of buildings including associated site works and removal of vegetation, shall require Planning Consent.</p> <p>b) All applications for Planning Consent shall be accompanied by complete details of building materials and colours.</p> <p>c) Provision shall be made to Council's satisfaction to ensure the Strata Management Statement reflects and does not conflict with the provisions and objectives of Landscape Protection Zone Area No. 2.</p> <p>xvii) Council will require that all prospective purchasers and successors in title are advised in writing that adjacent properties are utilised for rural pursuits where rural activities are undertaken</p>
<p><b>LP3</b></p> <p><b>3. Peace Street Landscape Protection Zone</b></p> <p>Lot 2 Peace Street, West Denmark</p> <p>AMD 77 GG 2/5/06</p>	<p>Rural Residential Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>- Aquaculture</li> <li>- Community Purpose</li> <li>- Home Occupation</li> <li>- Cottage Industry</li> <li>- Rural Industry</li> <li>- Rural Pursuit</li> </ul>	<p>i) Subdivision of Landscape Protection Zone Area No. 3 shall generally be in accordance with the Subdivision Guide Plan. The dwelling density shall not exceed one dwelling per hectare.</p> <p>ii) Council may recommend minor variations to the Subdivision Guide Plan to the Western Australian Planning Commission but will not recommend the further breakdown of the lots created.</p> <p>iii) The objective of Landscape Protection Zone No. 3 is to develop an eco village based on permaculture design and sustainable living systems where:</p> <ul style="list-style-type: none"> <li>• remnant vegetation is protected;</li> </ul>



## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP3</b></p> <p><b>3. Peace Street Landscape Protection Zone</b></p> <p>Lot 2 Peace Street, West Denmark</p> <p>(Cont'd)</p> <p>AMD 77 GG 2/5/06</p>	<p>Rural Residential Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>- Aquaculture</li> <li>- Community Purpose</li> <li>- Home Occupation</li> <li>- Cottage Industry</li> <li>- Rural Industry</li> <li>- Rural Pursuit</li> </ul>	<ul style="list-style-type: none"> <li>• limited timber and wildflower harvesting is permitted in accordance with an approved management plan;</li> <li>• residential housing and associated uses are integrated into the landscape in harmony with surrounding landuse;</li> <li>• organic gardening, use of solar power, alternative on site effluent treatment systems such as composting toilets and recycling of wastewater are promoted;</li> <li>• water sensitive design principles ensure there are no off site impacts in terms of drainage, erosion and export of nutrients.</li> </ul> <p>iv) Applications for planning consent shall be accompanied by complete details of colours, finishes, materials and detailed Strata Lot site improvement and building plans and elevations from at least the front and largest side view.</p> <p>v) a) No development other than essential services such as underground power, telecommunications, water supply and strategic firebreaks shall be permitted within the Vegetation Protection Area as shown on the Subdivision Guide Plan.</p> <p>b) All development such as dwellings, sheds, water tanks and approved landuse shall be located within the strata lots and common property as shown on the Subdivision Guide Plan.</p> <p>vi) a) Organic gardens and stock shall be restricted to existing cleared land and in the case of stock, fenced areas of the site.</p> <p>b) With the exception of cats, the keeping of domestic pets, may be permitted subject to:</p> <ul style="list-style-type: none"> <li>• measures being implemented to confine the pets to a strata lot at all times unless accompanied by an adult landowner and</li> <li>• the pet not creating a nuisance within the zone.</li> </ul> <p>c) Where nuisance is found to be caused, Council may require that the pet be removed from the zone.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP3</b></p> <p><b>3. Peace Street Landscape Protection Zone</b></p> <p>Lot 2 Peace Street, West Denmark</p> <p>(Cont'd)</p> <p><i>AMD 77 GG 2/5/06</i></p>	<p>Rural Residential Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>- Aquaculture</li> <li>- Community Purpose</li> <li>- Home Occupation</li> <li>- Cottage Industry</li> <li>- Rural Industry</li> <li>- Rural Pursuit</li> </ul>	<p>d) If the keeping of stock or a particular domestic pet is posing an identifiable nuisance or hazard to residents, wildlife, flora and/or landform, Council may take such measures as deemed necessary to eliminate adverse effect with all costs being borne by the subject Strata Lot owner.</p> <p>vii) a) Dwelling houses and all outbuildings shall not exceed 6 metres in height which is measured vertically from the natural ground level.</p> <p>b) Cut and fill of the site shall be kept to a minimum with preference given to split level development, the breaking up of building mass and minimal site disturbance through earthworks. Council shall require the stockpiling and replacement of topsoil to disturbed areas after construction.</p> <p>c) The use of pale, white/off white or reflective materials and finishes such as unpainted zincalume will not be permitted. Council shall require the use of tonings that blend into the landscape, vegetation and/or the structure's backdrop. Council shall prefer the use of natural materials such as stone, brick, rammed earth and/or timber and advocate green to brown tonings/natural hues.</p> <p>d) Water tanks shall be painted or coloured an appropriate shade of brown or green and shall be located within designated strata lots/common property, to the satisfaction of Council.</p> <p>e) Strata Lot access ways and other earthworks shall be designed to minimise visual impact and erosion potential by being aligned where possible with the contours of the site. Stormwater and drainage using water sensitive design principles to Council and Department of Environment requirements. A nutrient stripping/sediment retention drainage management plan will be required as a condition of subdivision approval. Comprehensive subsoil interceptor drains shall be constructed up hill from both clusters of strata lots.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP3</b></p> <p><b>3. Peace Street Landscape Protection Zone</b></p> <p>Lot 2 Peace Street, West Denmark</p> <p>(Cont'd)</p> <p>AMD 77 GG 2/5/06</p>	<p>Rural Residential Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>- Aquaculture</li> <li>- Community Purpose</li> <li>- Home Occupation</li> <li>- Cottage Industry</li> <li>- Rural Industry</li> <li>- Rural Pursuit</li> </ul>	<p>viii) a) No clearing of endemic vegetation shall be permitted, except for:</p> <ul style="list-style-type: none"> <li>• Clearing within the prescribed Strata Lots as may reasonably be required to construct an approved dwelling and associated structures and facilities.</li> <li>• Trees that are dead, diseased or dangerous.</li> <li>• Clearing to gain vehicular access to an approved Strata Lot.</li> <li>• Selective clearing of vegetation required within the building protection and hazard reduction zones as defined in the Fire Management Plan.</li> <li>• Limited timber harvesting providing it is in accordance with a management plan prepared by the Living Water Permaculture Foundation and approved by Council as part of the strata management statement prior to any harvesting.</li> </ul> <p>b) Additional tree planting and revegetation may be required as a condition of planning consent.</p> <p>c) Council shall show its preference for domestic gardens utilising indigenous native species.</p> <p>d) Landowners and the Strata Company shall be responsible for the maintenance of tree cover and the eradication of invasive weeds on individual and common property lots as part of the strata management statement.</p> <p>e) In the event of non compliance with vii) (d) above, Council may serve notice on the landowner/Strata Company requiring the compliance with clause (vii) (d) above, within 3 months of the serving of the said notice. In the event the required action is not undertaken, Council may carry out such works as are deemed necessary to eliminate adverse effect with all costs being borne by the landowner.</p> <p>f) With the intention of minimising the risk of dieback spread, cut and fill is to be minimised and any imported topsoil, fill and other soil aggregates shall be obtained from certified dieback free sources.</p> <p>ix) a) Each single house or ancillary dwelling is to be provided with a potable water supply to Council and Health Department satisfaction.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP3</b></p> <p><b>3. Peace Street Landscape Protection Zone</b> (Cont'd)</p> <p>Lot 2 Peace Street, West Denmark</p> <p><i>AMD 77 GG 2/5/06</i></p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>- Aquaculture</li> <li>- Community Purpose</li> <li>- Home Occupation</li> <li>- Cottage Industry</li> <li>- Rural Industry</li> <li>- Rural Pursuit</li> </ul>	<ul style="list-style-type: none"> <li>b) Telstra and Western Power services shall be located in a single underground trench and follow the alignment of access ways from where Parent Lot hookup is made to Strata Lots.</li> <li>c) The Strata Company shall be responsible for collecting and disposing of all solid waste generated to Council's satisfaction.</li> </ul> <p>x) (a) On site effluent disposal shall be the responsibility of individual landowners.</p> <p>(b) On site effluent disposal shall be by way of composting toilets designed to Health Department of WA requirements. Disposal of greywater shall be located on common property and not on the individual lots. Areas nominated for effluent disposal shall be demonstrated to be suitable for effluent disposal.</p> <p>(c) Notwithstanding (b) above, other alternative treatment systems designed to suit site conditions may be used subject to Council and Health Department of WA approval.</p> <p>xi) a) Council may request the Commission to impose a condition at the time of subdivision requiring the construction of strategic fire breaks/emergency access as shown on the Fire Management Plan along with variations thereto to meet the specifications of Council and FESA.</p> <p>b) The clearing of fire breaks other than for the abovementioned strategic firebreak purposes is not permitted.</p> <p>c) Building protection, hazard reduction zones and strategic fire breaks on common property, as shown on the Fire Management Plan, shall be maintained by the Strata Company.</p> <p>d) It shall be the responsibility of individual Strata Lot owners to maintain the building protection zone on individual Strata Lots.</p> <p>e) A designed water supply for fire fighting purposes as shown on the Fire Management Plan shall be provided in accordance with Council and Fire &amp; Emergency Services Authority specifications.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP3</b></p> <p><b>3. Peace Street Landscape Protection Zone</b> (Cont'd)</p> <p>Lot 2 Peace Street, West Denmark</p> <p><i>AMD 77 GG 2/5/06</i></p>	<p>Rural Residential</p> <p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>- Aquaculture</li> <li>- Community Purpose</li> <li>- Home Occupation</li> <li>- Cottage Industry</li> <li>- Rural Industry</li> <li>- Rural Pursuit</li> </ul>	<ul style="list-style-type: none"> <li>f) Houses within the northern portion of the property shall be designed in accordance with Australian Standard 3959, Construction of Buildings in Bushfire Prone Areas.</li> <li>g) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and Australian Standard 3959.</li> <li>h) Development shall comply with the fire management plan.</li> <li>i) The Strata Management Statement shall clearly identify the individual landowner and strata company responsibilities in relation to the implementation and ongoing management of the fire management plan.</li> <li>j) Council may request the Commission impose a condition requiring a contribution towards fire fighting facilities and equipment at the subdivision stage of development.</li> <li>xii) a) Fencing shall be designed and constructed so as to minimise site disturbance.</li> <li>b) Where it is not proposed to fence individual Strata Lots, Strata Lot boundaries shall be suitably defined by pegs and/or cairns.</li> <li>xiii) Provision shall be made to Council's satisfaction to ensure prospective purchasers of land are given a copy of these Provisions prior to entering into an agreement to acquire any property.</li> <li>xiv) a) The construction of buildings including associated site works and removal of vegetation, shall require Planning Consent.</li> <li>b) All applications for Planning Consent shall be accompanied by complete details of building materials and colours.</li> <li>c) Provision shall be made to Council's satisfaction to ensure the Strata Management Statement reflects and does not conflict with the provisions and objectives of Landscape Protection Zone Area No. 3.</li> </ul>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP3</b></p> <p><b>3. Peace Street Landscape Protection Zone</b></p> <p>Lot 2 Peace Street, West Denmark</p> <p>(Cont'd)</p> <p>AMD 77 GG 2/5/06</p>	<p>Rural Residential Permitted Use (P):</p> <ul style="list-style-type: none"> <li>- Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>- Aquaculture</li> <li>- Community Purpose</li> <li>- Home Occupation</li> <li>- Cottage Industry</li> <li>- Rural Industry</li> <li>- Rural Pursuit</li> </ul>	<p>xv) No vehicular access is permitted to Warham Road except for emergency vehicles as detailed in the Fire Management Plan.</p>
<p><b>LP4</b></p> <p><b>4. Lot 2 Pt 4328 Lights Road, Denmark</b></p> <p>AMD 81 GG 31/1/06</p>	<p>Permitted Uses (P)</p> <ul style="list-style-type: none"> <li>* Single House</li> </ul> <p>Permitted Uses at Council's discretion (AA)</p> <ul style="list-style-type: none"> <li>* Home Occupation</li> <li>* Cottage Industry</li> </ul>	<ol style="list-style-type: none"> <li>1. Development and strata proposals within Landscape Protection Zone No. 4 shall generally be in accordance with the Subdivision Guide Plan. Council may recommend minor variations to the Subdivision Guide Plan to the Western Australian Planning Commission but will not recommend the further breakdown of the lots created.</li> <li>2. The objective of Landscape Protection Zone Area No. 4 is to provide for retreat living opportunities where: <ol style="list-style-type: none"> <li>a) individual landowners have shared access and management responsibilities over a large vegetated portion of the site, and its flora and fauna;</li> <li>i) the landscape qualities of the Lot can be enhanced; and</li> <li>ii) development is undertaken in harmony with the environment and surrounding landuses.</li> </ol> </li> <li>3. Applications for development approval shall be accompanied by complete details, colours, finishes, materials and strata lot improvements, building plans and elevations from at least front and largest side views.</li> <li>4. All building and structures shall be confirmed to the development area as shown on the Subdivision Guide Plan.</li> <li>5. Intensive agricultural pursuits shall be prohibited.</li> <li>6. The keeping of horses, sheep or goats, or other grazing animals shall be prohibited on any Lot unless written approval from Council, and fencing has been installed to the satisfaction of Council to exclude animals from the Priority Conservation Area as depicted on the Subdivision Guide Plan. The keeping of cats and dogs shall be prohibited.</li> </ol>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP4</b></p> <p><b>4. Lot 2 Pt 4328 Lights Road, Denmark</b> (Cont'd)</p> <p><i>AMD 81 GG 31/1/06</i></p>	<p>Permitted Uses (P)</p> <p>* Single House</p> <p>Permitted Uses at Council's discretion (AA)</p> <p>* Home Occupation</p> <p>* Cottage Industry</p>	<p>7. If the keeping of stock or a particular domestic pet is posing an identifiable nuisance or hazard to residents, wild life, flora and/or landform, Council may take such measures deemed necessary to eliminate adverse affects with all costs being borne by the subject strata lot owner.</p> <p>8. Dwelling houses and all out buildings shall not exceed 10 metres in height which is measured vertically from the natural ground level.</p> <p>9. The use of pale, off-white or reflective materials and finishes such as zincalume will not be permitted. Council shall require the use of tonings that blend into the landscape, vegetation and/or the structure's backdrop. Council shall prefer the use of natural materials such as stone, brick, rammed earth and/or timber, and advocate green to brown tonings.</p> <p>10. Water tanks shall be painted or coloured an appropriate shade of green or brown, or suitably screened with vegetation, and should be located within an approved development area to the satisfaction of Council.</p> <p>11. No clearing of endemic vegetation shall be permitted except for:</p> <p style="margin-left: 40px;">a) Clearing within the prescribed area within individual strata lots as may reasonably be required to construct an approved dwelling and associated structures and facilities;</p> <p style="margin-left: 40px;">b) Trees that are dead, diseased or dangerous;</p> <p style="margin-left: 40px;">c) Clearing to gain vehicular access to an approved strata lot;</p> <p style="margin-left: 40px;">d) Selective clearing of vegetation to provide a low fuel area.</p> <p>12. The Fire Hazard Separation Zones depicted upon the approved Fire management Plan shall be maintained by the landowners in accordance with the specifications of the Fire Management Plan.</p> <p>13. Each dwelling house or ancillary dwelling is to be provided with a water supply with a minimum capacity of 92,000 litres.</p> <p>14. On site effluent disposal shall be the responsibility of individual landowners, and Council may require the use of amended soil or aerobic type effluent disposal systems.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LP4</b></p> <p><b>4. Lot 2 Pt 4328 Lights Road, Denmark (Cont'd)</b></p> <p><i>AMD 81 GG 31/1/06</i></p>	<p>Permitted Uses (P)</p> <ul style="list-style-type: none"> <li>* Single House</li> </ul> <p>Permitted Uses at Council's discretion (AA)</p> <ul style="list-style-type: none"> <li>* Home Occupation</li> <li>* Cottage Industry</li> </ul>	<p>15. The clearing of firebreaks other than for the strategic firebreak depicted on the Subdivision Guide Plan is not permitted.</p> <p>16. An area of not less than 35 metres wide surrounding buildings shall be maintained in a low fuel condition by individual landowners. Council shall show its preference for the slashing of undergrowth to maintain low fuel areas.</p> <p>17. Dwellings shall be designed and constructed in accord with AS3959 "The Construction of Buildings in Bushfire Prone Areas".</p> <p>18. The subdivider shall prepare and implement a Native Vegetation Management and Revegetation Plan, that includes provision for screen planting to address visibility of development from Lights Road.</p> <p>19. Prior to Strata Title Certification the developer shall prepare and implement a Fire Management Plan that identifies and implements construction requirements relative to strategic firebreaks, water supplies and equipment, and any other fire requirement that may be deemed necessary to the specification and satisfaction of the Local Authority and FESA.</p> <p>20. The Strata Titling of the land shall include a common area over the Priority Conservation Area, supported by a Conservation Covenant, and a Strata Management Statement providing for management of fire safety, flora, fauna, and access with the Priority Conservation Area.</p>
<p><b>LP5</b></p> <p><b>5. Howe Road Landscape Protection Zone</b></p> <p>Lots 101 &amp; 103 Howe Road, Denmark</p> <p><i>AMD 105 GG 20/11/09</i></p>	<p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>— Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>— Home Occupation</li> <li>— Rural Pursuit (only on cleared common property areas)</li> <li>— Cottage Industry</li> <li>— Use of the dwelling for home holiday accommodation.</li> </ul>	<p><b>1.0 Plan of Subdivision</b></p> <p>1.1 Subdivision of Landscape Protection Zone Area No. 5 shall by way of strata title and generally be in accordance with the Subdivision Guide Plan endorsed by the Chief Executive Officer.</p>



## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LPS5</b></p> <p><b>5. Howe Road Landscape Protection Zone</b></p> <p>Lots 101 &amp; 103 Howe Road, Denmark</p> <p><i>AMD 105 GG 20/11/09</i></p>	<p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>— Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>— Home Occupation</li> <li>— Rural Pursuit (only on cleared common property areas)</li> <li>— Cottage Industry</li> <li>— Use of the dwelling for home holiday accommodation.</li> </ul>	<p>1.2 Council may recommend minor variations to the Western Australian Planning Commission but will not recommend the further breakdown of the lots created.</p> <p><b>2.0 Objective of Landscape Protection Zone No. 5</b></p> <p>The Objective of the Landscape Protection Zone Area No. 5 is to provide for retreat living opportunities where:</p> <ul style="list-style-type: none"> <li>• Individual landowners have joint ownership and management responsibilities over the bulk of the site and its flora and fauna.</li> <li>• Development is undertaken in harmony with the environment and surrounding landuse.</li> </ul> <p><b>3.0 Development</b></p> <p>3.1 Applications for development approval shall be accompanied by complete details of colours finishes, materials and detailed Strata Lot site improvement and building plans and elevations from at least the front and largest side view.</p> <p>3.2 (a) All buildings and structures on Strata Lots shall be confined to the Development Areas as shown on the Subdivision Guide Plan.</p> <p>(b) The minimum setback for a Development Area shall be 10 metres from the strata lot boundary unless otherwise determined by Council due to fire protection requirements.</p> <p>3.3 The keeping of stock shall be restricted to existing cleared and fenced areas of the site.</p> <p>3.4 Stock carrying capacity shall be determined by the application of Agriculture WA stocking rate guidelines to the cleared and fenced areas of the zone on a strata lot pro-rata basis.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LPS5</b></p> <p><b>5. Howe Road Landscape Protection Zone</b></p> <p>Lots 101 &amp; 103 Howe Road, Denmark</p> <p><i>AMD 105 GG 20/11/09</i></p>	<p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>— Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>— Home Occupation</li> <li>— Rural Pursuit (only on cleared common property areas)</li> <li>— Cottage Industry</li> <li>— Use of the dwelling for home holiday accommodation.</li> </ul>	<p>3.5 Landowners shall be responsible for the construction and maintenance of stock proof fencing to protect existing vegetation areas and revegetation as shown on the Subdivision Guide Plan.</p> <p>3.6 Cats and rabbits will not be permitted within the zone.</p> <p>Domestic pets which do not pose a threat to native flora and/or fauna, may be kept within the zone under the following circumstances:</p> <ul style="list-style-type: none"> <li>• Domestic pets must be confined to Strata Lots at all times unless accompanied by a responsible person.</li> <li>• Domestic pets may be confined by means other than fencing, as long as restriction to the Strata Lot is assured.</li> <li>• If fencing is erected as the means of confining domestic pets, the standard of fencing must be sufficient to ensure containment of the pet/s.</li> </ul> <p>3.7 (a) Dwelling houses shall not exceed 6 metres in height which is measured vertically from the natural ground level.</p> <p>(b) Cut and fill of the site shall be kept to a minimum with preference given the split level development, the breaking up of building mass and minimal site disturbance through earthworks, Council shall require stockpiling and replacement of topsoil to disturbed areas after construction.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LPS5</b></p> <p><b>5. Howe Road Landscape Protection Zone</b></p> <p>Lots 101 &amp; 103 Howe Road, Denmark</p> <p><i>AMD 105 GG 20/11/09</i></p>	<p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>— Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>— Home Occupation</li> <li>— Rural Pursuit (only on cleared common property areas)</li> <li>— Cottage Industry</li> <li>— Use of the dwelling for home holiday accommodation.</li> </ul>	<p>3.8 The use of pale, off white or reflective materials and finishes such as zincalume will not be permitted. Council shall require the use of tonings that blend into the landscape, vegetation and/or the structure's backdrop. Council shall prefer the use of natural materials such as stone, brick, rammed earth and/or timber and colours such as slate grey, dark green, brown and blue. The use of all building materials will need to comply with Fire Protection requirements in the Fire Protection Plan (Appendix A).</p> <p>3.9 Water tanks shall be painted or coloured appropriate shades of brown or green and suitably screened with vegetation and shall be located within an approved development area, to the satisfaction of Council.</p> <p>3.10 Strata Lot access ways and other earthworks shall be designed to minimise visual impact and erosion potential by being aligned with the contours of the site. Stormwater shall be managed via local infiltration.</p> <p><b>4.0 Vegetation &amp; Habitat Protection</b></p> <p>(a) No clearing of endemic vegetation shall be permitted except for:</p> <ul style="list-style-type: none"> <li>• Clearing within the prescribed Strata Lots as may reasonably be required to construct an approved dwelling and associated structures and facilities.</li> <li>• Trees that present an imminent danger to human health.</li> <li>• Clearing to gain vehicular access to an approved Strata Lot.</li> <li>• Selective clearing of vegetation to provide a low fuel area.</li> </ul>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LPS5</b></p> <p><b>5. Howe Road Landscape Protection Zone</b></p> <p>Lots 101 &amp; 103 Howe Road, Denmark</p> <p><i>AMD 105 GG 20/11/09</i></p>	<p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>— Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>— Home Occupation</li> <li>— Rural Pursuit (only on cleared common property areas)</li> <li>— Cottage Industry</li> <li>— Use of the dwelling for home holiday accommodation.</li> </ul>	<ul style="list-style-type: none"> <li>• Additional tree planting and revegetation may be required as a condition of development approval.</li> </ul> <p>(b) Domestic gardens should utilise locally indigenous native species, Council shall discourage the establishment of expansive introduced lawns and exotic plant species.</p> <p>(c) Landowners and the Strata Company shall be responsible for the maintenance of tree cover and the eradication of invasive weeds on individual lots and within the common property areas.</p> <p>(d) In the event of non compliance with Clause 4.0 (a) &amp; (c) above, Council may serve notice on the landowner/Strata Company requiring compliance with Clause 4.0 (a) &amp; (c) above, within 3 months of the serving of the said notice. In the event the required action is not undertaken, Council may carry out such works as are deemed necessary to eliminate adverse effect with all costs being borne by the landowner.</p> <p>(e) With the intention of minimising the risk of dieback spread, cut and full is to be minimised and any imported topsoil, fill and other soil aggregates shall be obtained from classic dieback free sources.</p> <p>(f) Council may request the Commission to impose a condition at the time of subdivision requiring the preparation of a dieback control plan for the subdivision construction stage/s, to Council's satisfaction.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LPS5</b></p> <p><b>5. Howe Road Landscape Protection Zone</b></p> <p>Lots 101 &amp; 103 Howe Road, Denmark</p> <p><i>AMD 105 GG 20/11/09</i></p>	<p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>— Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>— Home Occupation</li> <li>— Rural Pursuit (only on cleared common property areas)</li> <li>— Cottage Industry</li> <li>— Use of the dwelling for home holiday accommodation.</li> </ul>	<p><b>5.0 Water Supply</b></p> <p>5.1 Each dwelling house or ancillary dwelling is to be provided with a water supply with a minimum capacity of 92,000 litres.</p> <p>5.2 Potable water supply and storage shall be located within the Development Area.</p> <p><b>6.0 Effluent Disposal</b></p> <p>6.1 Requirements for onsite effluent disposal shall be determined by Council subject to detailed site assessment particularly with regard to infiltration, soil profiles and ground water levels.</p> <p>6.2 No more than one effluent disposal system shall be permitted per Strata Lot.</p> <p><b>7.0 Bushfire Management &amp; Control</b></p> <p>(a) Council may request the Commission to impose a condition at the time of subdivision requiring the construction of strategic fire breaks/emergency access as shown on the Fire Management Plan along with variations thereto to meet the specifications of Council and/or the relevant fire authority.</p> <p>(b) Building protection, hazard reduction zones and strategic fire breaks on common property, as shown on the Fire Management Plan, shall be maintained by the Strata Company.</p> <p>(c) It shall be the responsibility of individual Strata Lot owners to maintain the building protection zone on individual Strata Lots.</p> <p>(d) A designated water supply for fire fighting purposes, as shown on the Fire Management Plan, shall be provided in accordance with the relevant fire authority specifications.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LPS5</b></p> <p><b>5. Howe Road Landscape Protection Zone</b></p> <p>Lots 101 &amp; 103 Howe Road, Denmark</p> <p><i>AMD 105 GG 20/11/09</i></p>	<p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>— Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>— Home Occupation</li> <li>— Rural Pursuit (only on cleared common property areas)</li> <li>— Cottage Industry</li> <li>— Use of the dwelling for home holiday accommodation.</li> </ul>	<p>(e) All dwellings shall be designed and constructed in accordance with Australian Standard 3959—Construction of Buildings in Bushfire Prone Areas.</p> <p>(f) The subdivider shall make arrangements to the satisfaction of Council to ensure prospective purchasers are aware of the fire management guidelines of the Homeowners Bushfire Survival Manual and Australian Standard 3959.</p> <p>(g) Development shall comply with the Fire Management Plan.</p> <p>(h) The Strata Management Statement shall clearly identify the individual landowner and Strata Company responsibilities in relation to the implementation and ongoing maintenance of the requirements of the Fire Management Plan.</p> <p>(i) All fire risk mitigation measures contained in the approved Fire Management Plan and required to be implemented by landowners and/or the Strata Company will be subject to the overriding statutory provisions of the Bush Fire Act and the Shire's Fire Regulations Notice, as may be amended from time to time.</p> <p><b>8.0 Road Access</b></p> <p>Council may request the Commission to impose a condition at the time of subdivision requiring that the subdivider/s contribute to the upgrading of Howe Road to the specification of Council and the "Planning for Bushfire Protection" document.</p> <p><b>9.0 Fencing</b></p> <p>Fencing of the Development Area is permitted where such fencing is of a rural post and strand construction or similar, or, in the case of fencing to contain a domestic pet kept pursuant to Provision 3.6, an alternative approved by Council.</p>

## APPENDIX XVI – LANDSCAPE PROTECTION ZONE – (Cont'd)

### PROVISIONS RELATING TO SPECIFIED AREAS

(a) Particulars of the Land	(b) Proposed Uses	(c) Special Provisions
<p><b>LPS5</b></p> <p><b>5. Howe Road Landscape Protection Zone</b></p> <p>Lots 101 &amp; 103 Howe Road, Denmark</p> <p><i>AMD 105 GG 20/11/09</i></p>	<p>Permitted Use (P):</p> <ul style="list-style-type: none"> <li>— Single House</li> </ul> <p>Permitted at Council's Discretion (AA):</p> <ul style="list-style-type: none"> <li>— Home Occupation</li> <li>— Rural Pursuit (only on cleared common property areas)</li> <li>— Cottage Industry</li> <li>— Use of the dwelling for home holiday accommodation.</li> </ul>	<p><b>10.0 Information/Notification of Prospective Purchasers.</b></p> <p>10.1 Provision shall be made to Council's satisfaction to ensure prospective purchasers of land within Landscape Protection Zone Area No. 5 are given a copy of these Provisions prior to entering into an agreement to acquire any property.</p> <p>10.2 Provisions shall be made to Council's satisfaction to ensure the Strata Management Statement acknowledges the legitimate ongoing agricultural/rural pursuits conducted in close proximity to the land and that the Strata Management Statement reflects and does not conflict with the provisions and objectives of Landscape Protection Zone Area No. 5.</p>

## APPENDIX XVII – SCHEDULE OF PUBLIC USE RESERVES

PARTICULARS OF THE LAND		PUBLIC USE	CONDITIONS OF PUBLIC USE
P1	<p>50ha Portion of Reserve 24913, Ocean Beach</p> <p><i>AMD 88 GG 13/1/06</i></p>	Wind Energy Facility	<p>(i) An application for Planning Scheme Consent will be required to be submitted to Council prior to development</p> <p>(ii) Noise generated shall not exceed 5dB(A) above the background sound level or 35dB(A) using a 10 minute Laeq, whichever is the greater, at surrounding noise-sensitive premises</p> <p>(iii) The maximum number of turbines shall be limited to four (4) and sited to minimise the visual impact. Council approval shall be required prior to construction, and any planning application shall be considered in consultation with DPI and CALM</p> <p>(iv) Public (vehicular and pedestrian) access routes, and any other on site access routes, shall be sited to minimise the visual impact. Council approval shall be required prior to construction, and any planning application shall be considered in consultation with DPI and CALM</p> <p>(v) Preparation of a decommissioning and rehabilitation plan detailing how the site will be rehabilitated at the end of the lease</p> <p>(vi) Preparation and implementation of a landscaping plan which addresses priority species protection, dieback control, weed eradication and revegetation following construction</p> <p>(vii) Preparation and implementation of a drainage management plan</p> <p>(viii) Preparation and implementation of an erosion control plan for both wind and water</p>



# APPENDIX XVII – SCHEDULE OF PUBLIC USE RESERVES (CONT'D)

PARTICULARS OF THE LAND		PUBLIC USE	CONDITIONS OF PUBLIC USE
P2	<p>3.5ha consisting of Lot 1079 and portion of Lot 1078 Scotsdale Road.</p> <p><i>AMD 93 GG 9/2/07</i></p>	Multi-Purpose Health Service Facility.	<p>(i) Before the portion of Lot 1078 Scotsdale Road, Denmark is transferred from Parks and Reserve to Public Use Reserve (Hospital), the proponent (the Health Department) is to:</p> <p>(a) Agree to provide the Shire of Denmark with the sum of \$250,000 to improve public access to the remainder of Lot 1078:</p> <p>(b) Provide the Shire of Denmark with a landscaping plan for the portion of Lot 1078 to be transferred showing the integration of the hospital grounds with the surrounding park.</p> <p>(ii) An application for planning consent will be required to be submitted to Council prior to development.</p> <p>(iii) Preparation and implementation of a landscaping plan which ensures the gardens complement and blend with community park proposals.</p> <p>(iv) Preparation and implementation of a nutrient stripping/sediment retention drainage management plan.</p> <p>(v) Vehicular entry and exit is to be to Scotsdale Road to Councils standards. Jon Glade is not to be used for vehicular access.</p> <p>(vi) No independent living retirement village accommodation is permitted.</p> <p>(vii) All buildings shall be designed to blend in with the environment and external materials shall be of non reflective colours (unpainted zincalume, white and off white is not permitted).</p> <p>(viii) All buildings to be designed within sustainable/energy efficient principles.</p>

**APPENDIX XVII – SCHEDULE OF PUBLIC USE RESERVES (CONT'D)**

<b>PARTICULARS OF THE LAND</b>		<b>PUBLIC USE</b>	<b>CONDITIONS OF PUBLIC USE</b>
P2	<p>3.5ha consisting of Lot 1079 and portion of Lot 1078 Scotsdale Road. (Cont'd)</p> <p><i>AMD 93 GG 9/2/07</i></p>	Multi-Purpose Health Service Facility.	(ix) Site plan and building layout to have regard to the possible to have regard to the possible need to widen Scotsdale Road to a dual carriageway including roundabout treatment and tree retention.

## APPENDIX XVIII – SPECIAL USE ZONES

AMD 141 GG 29/12/17

SU No.	Particulars of the Land	Special Uses	Conditions
SU1	<p>Ptn of No. 652 (Lot 2) South Coast Highway, Hay</p> <p>AMD 141 GG 29/12/17</p>	<p>Rural Enterprise Precinct</p> <p><u>Objectives:</u></p> <ul style="list-style-type: none"> <li>• To provide for light industrial and ancillary residential development on one lot.</li> <li>• To provide for lot sizes in the range of 1 to 4 hectares.</li> <li>• To carefully design rural enterprise estates to provide a reasonable standard of amenity (within the precinct and the surrounding locality) without limiting light industrial land uses.</li> <li>• To provide a transition use between the 'General Industry zone to the north of the precinct and South Coast Highway, acknowledging the precinct's location on South Coast Highway being the 'gateway' into Denmark.</li> <li>• To notify prospective purchasers of potential amenity impacts from industrial land uses on-site and from the adjoining industrial area.</li> </ul>	<ol style="list-style-type: none"> <li>Notwithstanding any other provisions of the scheme, the following land uses are the only permissible land uses in this zone: <ul style="list-style-type: none"> <li><u>'AA' Uses:</u> <ul style="list-style-type: none"> <li>• Light Industry</li> </ul> </li> <li><u>'SA' Uses:</u> <ul style="list-style-type: none"> <li>• Aquaculture</li> <li>• Garden Centre</li> <li>• Service Industry</li> <li>• Transport Depot</li> </ul> </li> <li><u>'IP' Uses:</u> <ul style="list-style-type: none"> <li>• Single House</li> </ul> </li> </ul> </li> <li>Prior to subdivision and/or development of the site (excluding subdivision of the subject site to reflect the boundaries of the 'General Industry' and 'Special Use' zones), the following documents are to be prepared and approved by the local government: <ol style="list-style-type: none"> <li>a Local Development Plan;</li> <li>an Urban Water Management Plan endorsed by the applicable agency;</li> <li>a Landscape Plan to identify areas of vegetation retention and/or revegetation of the road reserve along McIntosh Rd and vegetation retention and/or revegetation areas to address visual amenity impacts of the development from South Coast Highway; and</li> <li>a Bushfire Management Plan endorsed by the applicable agency.</li> </ol> </li> <li>The Local Development Plan is to guide and coordinate development and subdivision of the site and shall suitably address matters including, but not necessarily limited to: <ol style="list-style-type: none"> <li>lot configuration;</li> <li>provision of reticulated water;</li> <li>location of suitable development areas for industrial uses and ancillary residential development on-site;</li> </ol> </li> </ol>

## APPENDIX XVIII – SPECIAL USE ZONES (CONT'D)

			<ul style="list-style-type: none"> <li>(iv) land use buffer considerations in accordance with the Environmental Protection Authority's <i>Guidance Statement No. 3 – Separation Distances between Industrial and Sensitive Land Uses</i>;</li> <li>(v) appropriate height and design of buildings and structures to mitigate risks to safety and amenity associated with the proposed use in relation to approved adjoining and surrounding land uses including the airport;</li> <li>(vi) the water usage requirements of the proposed industry;</li> <li>(vii) pollutants such as oil, grease and suspended solids not to be permitted to enter natural drainage systems;</li> <li>(viii) vehicular access arrangements – noting no vehicular access is permissible to South Coast Highway (other than an emergency access way as approved by Main Roads WA);</li> <li>(ix) servicing arrangements including stormwater management; and</li> <li>(x) signage, building material and fencing considerations.</li> </ul> <p>4. Development and subdivision shall generally be in accordance with the approved Local Development Plan.</p>
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## ADOPTION

1. Adopted by resolution of the Council of the Shire of Denmark at the Special meeting of the Council held on the **17th** day of **March 1989**.

.....

D MORRELL  
PRESIDENT

.....

P DURTANOVICH  
SHIRE CLERK

2. **FINAL APPROVAL** - Adopted for final approval by resolution of the Council of the Shire of Denmark at the Special meeting of the Council held on the **10th** day of **November 1992** and the seal of the Municipality was pursuant to that resolution hereunto affixed in the presence of:

.....

D MORRELL  
PRESIDENT

DATE: 25/1/94

.....

P DURTANOVICH  
SHIRE CLERK

.....

DATE: 25/1/94

3. **STATE PLANNING COMMISSION** - Recommended/Submitted for final approval

.....

M R ALLEN  
FOR THE CHAIRMAN OF THE  
STATE PLANNING COMMISSION

DATE: 23/2/94

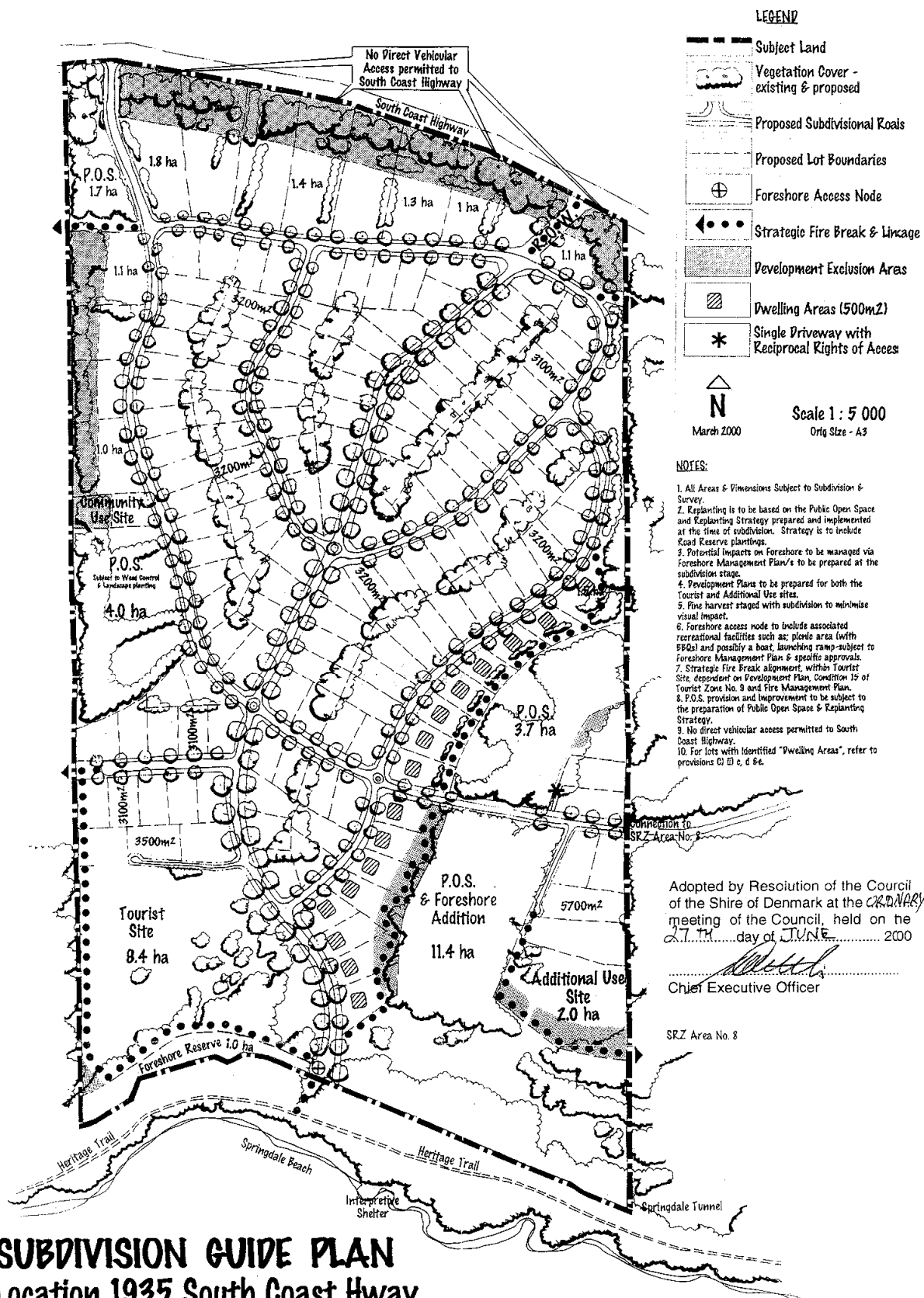
This Scheme Text is to be read in conjunction with the approved Map of the Scheme described in Clause 1.4 of this Scheme and to which formal approval was given by the Hon Minister for Planning on 26th day of February 1994.

4. **MINISTER FOR PLANNING** - Final approval granted.

.....

RICHARD LEWIS  
MINISTER FOR PLANNING

DATE: 26/2/94



# **SUBDIVISION GUIDE PLAN** **Location 1935 South Coast Hwy.** **Shire of Denmark TPS No. 3 Amendment 66**

