



SHIRE OF CAPEL

DISTRICT PLANNING SCHEME

TOWN PLANNING SCHEME NO. 7

Updated October 2017

USER NOTES

- 1 This print out is not an official version of the legislation. For legal purposes an extract of relevant government gazettes should be obtained.
- 2 Amendments which have been made to the Scheme since its initial gazettal have been denoted in italics and have been identified on the left hand side of each page by the Amendment Number (e.g. AN:2) and the gazettal date of the amendment (e.g. GG:14/5/99).

Scheme Text Update

Scheme initially gazetted 17 March 1998

1 st Update	-	June 2001
2 nd Update	-	July 2002
3 rd Update	-	March 2003
4 th Update	-	June 2004
5 th Update	-	June 2005
6 th Update	-	July 2006
7 th Update	-	September 2007
8 th Update		June 2009
9 th Update		April 2010
10 th Update		November 2010
11 th Update		March 2011
12 TH Update		July 2013
13 th Update		May 2015
14 th Update		October 2016
15 th Update		October 2017

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

PART I - PRELIMINARY

1.1 CITATION

This Town Planning Scheme may be cited as the Shire of Capel - District Town Planning Scheme No. 7 - hereinafter called "The Scheme" and shall come into operation on the publication of notice of the Minister's final approval thereof in the Government Gazette.

1.2 RESPONSIBLE AUTHORITY

The responsible authority for carrying out the Scheme is the Council of the Shire of Capel, hereinafter referred to as "The Council".

1.3 SCHEME AREA

The Scheme applies to the whole of the land within the Municipal District of the Shire of Capel hereinafter called "the Scheme Area".

1.4 CONTENTS OF THE SCHEME

The Scheme comprises of:

- (a) this Scheme Text
- (b) the Scheme Map sheets 1 - 10

1.5 ARRANGEMENT OF THE SCHEME

The Scheme is divided into the following Parts:

- Part I - Preliminary
- Part II - Reserves
- Part III - Zones
- Part IV - Non-conforming Use
- Part V - Development of Land and Requirements in Particular Zones
- Part VI - Shire Land Use Strategy
- Part VII - General Provisions
- Part VIII - Administration

1.6 SCHEME OBJECTIVES

- 1.6.1 To direct and control the development of the Scheme area in such a way as shall promote and safeguard the health, safety, economic and general welfare of its inhabitants and shall conserve the natural values of the District.
- 1.6.2 To reserve land required for public purposes.
- 1.6.3 To control the use of land by allocating zones to land within the scheme area for the various purposes described in the Scheme.
- 1.6.4 To provide standards to secure and maintain the orderly and properly planned development of land within the Scheme Area.
- 1.6.5 To make provision for other matters authorised by the enabling Act.

1.7 REVOCATION OF EXISTING SCHEME

Shire of Capel Town Planning Schemes numbered 2,4,5 and 6 which came into operation by publication in the Government Gazette on the 5th April 1974, 3rd December 1982,

20th July 1984 and 1st February 1985, respectively, and all amendments thereto are 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 I, the Act 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 - RESERVED LAND

2.1 RESERVES

Certain lands within the Scheme area are classified as -
(a) Regional Reserves; or
(b) Local Reserves.

2.2 REGIONAL RESERVES

- 2.2.1 *The lands shown as "Regional Reserves" on the Scheme Map are lands reserved under the Greater Bunbury Region Scheme and are shown on the Scheme Map for the purposes of the Western Australian Planning Commission Act 1985. These lands are not reserved under the Scheme.*
- 2.2.2 *The approval of the local government under the Scheme is not required for the commencement or carrying out of any use or development on a Regional Reserve.*

Note: The provisions of the Greater Bunbury Region Scheme continue to apply to such Reserves and approval is required under the Greater Bunbury Region Scheme from the Commission for the commencement or carrying out of any use or development on a Regional Reserve unless specifically excluded by the Region Scheme.

2.3 LOCAL RESERVES

- 2.3.1 *"Local Reserves" are delineated and depicted on the Scheme map according to the legend on the Scheme map.*
The Scheme contains 4 types of reserves set out hereunder:-
Recreation
Public Purposes
Major Road
Railway
- 2.3.2 *Land set aside under this Scheme for the purpose of a reservation is deemed to be reserved for the purpose indicated on the Scheme Map. On land designated as a Public Purposes Reserve the purpose shall be that which is notated on the Scheme Map or where no notation is given the purpose shall be that for which a Public Authority has acquired the land or holds the vesting of the land pursuant to the Land Act 1933 (as amended).*

- 2.3.3 *Except as otherwise provided in this Part a person shall not carry out any development on land reserved under this Scheme, other than the erection of a boundary fence, without first applying for and obtaining the written consent of the Council.*
- 2.3.4 *In giving its consent the Council shall have regard to the ultimate purposes intended for the reserve and shall in the case of land reserved for the purpose of a public authority confer with that authority before giving its consent.*
- 2.3.5 *Where a Council refuses planning consent for the development of land reserved under the Scheme on the ground that the land is reserved for public purposes, 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.*
- 2.3.6 *Claims for such compensation shall be lodged at the office of the Council not later than six calendar months after the date of the decision of the Council refusing consent or granting it subject to conditions that are unacceptable to the applicant.*
- 2.3.7 *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 subject to conditions that are unacceptable to the applicant.*
- 2.3.8 *The Council may deal with or dispose of land acquired for a Reserve or pursuant to Clause 2.7 upon such terms and conditions as it thinks fit provided the land is used for, or preserved for, a use compatible with the use for which it was reserved.*

PART III – ZONES AND SPECIAL CONTROL AREAS

AN: 48
GG:
28.09.2012

3.1 ZONES AND SPECIAL CONTROL AREAS

- 3.1.1 There are hereby created the several zones and Special Control Areas set out hereunder:
Residential
Rural
Special Rural
Town Centre
Light Industry
General Industry
Special Uses
Foreshore Protection
~~Dalyellup~~ Urban Development Zone

AN: 2
GG: 14/5/99
AN: 25
GG: 2/11/07

- 3.1.2 The zones and special Control Areas are delineated and depicted on the Scheme map according to the legend thereon.

3.2 ZONING TABLE

- 3.2.1 The Zoning Table contained in Appendix 2 to this Scheme indicates, subject to the provisions of the Scheme, the several uses permitted in the Scheme Area in the various zones such uses being determined by cross reference between the list of Use Classes on the left hand side of the zoning table and the list of zones at the top of the zoning table.

- 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 provided it complies with the relevant standards and requirements laid down in the Scheme and all conditions (if any) imposed by the Council in granting planning consent;
 - 'AA' means that the use is not permitted unless the Council has granted its planning consent;
 - 'SA' means that the use is not permitted unless the Council has granted planning consent after Notice of Application has been given in accordance with Clause 8.2;
 - 'IP' means that the use is not permitted unless incidental to the predominant use as determined and approved by Council;
 - 'X' means the use is not permitted by the Scheme.
- 3.2.3 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.
- 3.2.4 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 consistent with the objectives and purposes of the particular zone and is therefore permitted; or
 - b) Determine by absolute majority that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the advertising procedures of **Clause 8.2** in considering an application for planning consent; or
 - c) Determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 8,
clause 64

3.3 ADDITIONAL USES

- 3.3.1 Notwithstanding anything contained within the zoning table the land specified in Appendix 3 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 that schedule.
- 3.3.2 Where an implementation date has been included as a condition against an additional use in Appendix 3 and the additional use has not been substantially implemented after expiration of the date specified in the condition then the provisions of Clause 3.3.1 shall cease to have effect for that particular use.

3.4 SPECIAL USE ZONE

No person shall use land or any building or structure thereon in a Special Use Zone, except for the purpose set against that land in Appendix 4 and subject to compliance with any conditions specified in the Appendix with respect to the land.

3.5 SPECIAL CONTROL AREAS

- 3.5.1 The following special control areas are shown on the Scheme Map –
- (a) Development Contribution areas shown on the Scheme Map as 'DCA' with a green border and a number and included in Appendix 17.

3.5.2 In respect of a special control area shown on the Scheme Map, the provisions applying to the special control area apply in addition to the provisions applying to any underlying zone or reserve and any general provisions of the Scheme.

PART IV - NON-CONFORMING USES

4.1 NON-CONFORMING USE RIGHTS

Except as otherwise provided in this part, no provision of the Scheme shall prevent:

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

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% 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 *except with the planning approval of the Council.*

4.6 SUBDIVISION OF LAND

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

AN:6
GG: 21/5/99

4.7 REGISTER OF NON-CONFORMING USES

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

PART V - DEVELOPMENT OF LAND AND REQUIREMENTS IN PARTICULAR ZONES AND SPECIAL CONTROL AREAS

5.1 DEVELOPMENT OF LAND

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 7,
clause 60 and 61

- 5.1.1 Subject to Clause 5.1.2, a person shall not commence or carry out development of any land, including a change of use of land, within the Scheme Area without first having applied for and obtained the planning consent of the Council under the Scheme.
- 5.1.2 The planning consent of the Council is not required for the following development of land:
- (a) The use of land in a reserve, where such land is held by the Council or vested in a public authority;
 - (i) For the purpose for which the land is reserved under the Scheme; or
 - (ii) In the case of land vested in a public authority, for any purpose for which such land may be lawfully used by that authority.
 - (b) The erection of a boundary fence except as otherwise required by the Scheme;
 - (c) 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;
 - (d) The carrying out of works for the maintenance, improvement or other alteration of any building, being the works which affect only the interior of the building or which do not materially affect the external appearance of the building or which do not create additional leasable floorspace;
 - (e) 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;
 - (f) The erection of a single house, including ancillary outbuildings, in a zone where a single house is permitted by the Scheme, and the relevant development standards and requirements of the Scheme are complied with and a building license is obtained; and
 - (g) The use of land which is permitted in the zone in which that land is situated provided it does not involve the carrying out of any building or other works.
- 5.1.3 Notwithstanding Clause 5.1.2 if Council determines that a development nominated therein may prejudicially affect the amenity of the locality or adjoining land it may require an application for planning consent to be lodged and thereafter such application shall be dealt with in accordance with the Scheme.

5.2 DEVELOPMENT TABLE

- 5.2.1 Appendix 5 contains a Development Table - General and a Development Table - Outbuildings which set out the development standards that apply to the various uses of land specified therein, subject to the provisions of the Scheme.
- 5.2.2 Subject to the provisions of the Scheme, no person shall develop any land for a use or purpose specified in the Development Table otherwise than in accordance with the relevant standards of the Development Table.
- 5.2.3 Where a particular use of land is not specified in the Development Table the Council may grant its planning consent to development upon the land subject to such conditions as it thinks fit.
- 5.2.4 Where a development standard is not specified with respect to a particular use of land referred to in the Development Table the Council may apply such development standard as it thinks fit provided that such standard does not contravene the Building Code of Australia.

5.3 RESIDENTIAL ZONE

- 5.3.1 Council's objectives in controlling development within the Residential Zone are to:
- (a) Provide sufficient zoned land in appropriate locations to meet the needs of the anticipated population without restricting the choice of sites;
 - (b) Promote and safeguard the health, safety, convenience, general welfare and the amenities of residential areas and their inhabitants.
- 5.3.2 Council's policy in carrying out the objectives for land zoned Residential is as follows:
- (a) Subdivisions shall have regard to any overall structure plan adopted by Council; and
 - (b) The Residential Planning Codes shall apply to all residential development as provided for in this Scheme.
- 5.3.3 Residential Planning Codes:
- 5.3.3.1 For the purpose of this Scheme "Residential Planning Codes" means the Residential Planning codes set out in Appendix No. 2 to the Statement of Planning Policy No. 1 together with any amendments thereto.
 - 5.3.3.2 A copy of the Residential Planning Codes shall be kept and made available for public inspection at the offices of the Council.
 - 5.3.3.3 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 and the Schedules to those Codes.
 - 5.3.3.4 The Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the Residential Planning Code density numbers superimposed on the particular areas shown on the Scheme Map *or Development Guide Plan approved in accordance with the provisions of Clause 5.10 of the Scheme* as being contained within the outer edges of the black borders or, where adjoining, as being contained within the centre lines of those borders.
 - 5.3.3.5 Notwithstanding that a single house does not require the prior approval of the Council pursuant to the Scheme, any person who wishes Council to vary any particular standard of the R.Codes

relating to the erection of a single house shall, at the time of lodging an application for a building licence or earlier, apply in writing to Council, seeking Council's approval for the variation.

The Council may approve the variation with or without conditions or may refuse to approve the variation. The Council shall, before granting its approval, satisfy itself that:

- (a) The variation requested is one which the Council has the power to approve; and
- (b) Approval of that variation would not compromise the objectives of the R Codes.

5.3.4 Special Application - Residential Planning Codes

AN60

GG: 01/04/16

5.3.4.1 In the areas coded R10/R15 and R10/R30 the R10 development standards shall apply unless the site is connected to a reticulated sewerage system.

5.3.4.2 Where the R2.5 or R5 development standards apply the minimum setback from side boundaries shall be 6 metres and the provisions of Clauses 1.5.8 (c), (d), (e) and (f) and 2.1.2 of the Residential Planning Codes shall not apply.

5.3.4.3 Additional Accommodation shall comply with the provisions of Clause 7.2 of the Scheme.

5.3.4.4 Council may if it so desires adopt a plan setting out the position of a building envelope having a maximum area of 1000m² on lots within an area with a residential density code of R.2.5. Upon adoption of the plan by Council the owner of a lot shall construct all future buildings within the building envelope shown thereon unless Council approves a modification to the adopted plan.

5.3.4.5 Where the residential density code of R1 is applied to land within the Scheme the development standards set out in the Residential Planning Codes for the Code of R2.5 shall apply.

5.3.5 Parking of Commercial Vehicles

5.3.5.1 No commercial vehicle in excess of three tonnes tare weight shall be permitted on any residential lot without the Planning Consent of the Council except for the purpose of delivery or loading normally associated with domestic uses.

5.3.5.2 The Council shall not grant its consent under Clause 5.3.5.1 unless:

- (a) Provision is made for the vehicle to be housed in a garage or parked behind the building line;
- (b) In the Council's opinion the parking of the vehicle will not prejudicially affect the amenity of the neighbourhood due to emission of light, noise, vibration, smell, fumes, smoke or dust.

5.3.5.3 Where the Council grants its consent pursuant to Clause 5.3.5.1 such consent shall be on an annual basis renewable at the Council's discretion and the Council shall not renew its consent if the parking of the vehicle in question:

- (a) Is determined by Council to be causing a nuisance or annoyance to the owners or occupiers of land in the neighbourhood; or
- (b) Does not comply with the provisions of Clause 5.3.5.2.

5.3.5.4 Where the Council revokes its approval or decides not to renew its consent for the parking of such a vehicle on a residential lot, no person shall upon the subject land park a vehicle in excess of three tonnes tare weight without the approval of the Council.

AN: 27
GG: 17/2/06

5.3.6 Areas Not Connected to a Public Reticulated Water Supply

An owner or occupier of a lot zoned Residential and which is not connected to a public reticulated water supply shall:

- (a) Connect any new dwelling to a rainwater storage tank having a minimum capacity of 92,000 litres; and
- (b) Limit clearing of natural vegetation on the lot to a building envelope having an area of 1000m² and any additional clearing necessary to establish a *drive and any firebreaks* required pursuant to and an Order made under Section 33 of the Bush Fires Act 1954 (as amended).

5.3.7 Residential Precinct Standards

In addition to any provisions which are more generally applicable to land zoned Residential Appendix 15 sets out specific standards for the development of land within particular Residential Precincts which are identified on the Scheme Map sheets.

5.3.8 *Connection to Reticulated Sewerage System*

The Council may refuse to permit the erection of any grouped or multiple dwelling unit in any zone unless it can be connected to a reticulated sewerage system.

AN60
GG: 01/04/16

5.4 TOWN CENTRE ZONE

5.4.1 Council's objectives in controlling development within the Town Centre are to:

- (a) Encourage development of a high environmental standard appropriate to a Town Centre serving both the town and surrounding rural community;
- (b) Promote convenient and safe shopping facilities and relate these to the social, business and entertainment functions of the Town Centre;
- (c) Encourage a wide range of compatible uses under one zone including shops, offices, car parks, cultural and community facilities, mixed development and new concepts; and
- (d) Promote townscape improvement in accordance with an adopted Townscape Plan.

5.4.2 Notwithstanding the development standards set out in the Development Table contained in Appendix No. 5 Council may approve the following variations within the Town Centre Zone:

- (a) A bonus plot ratio of 20% may be granted where Council is satisfied that public open area or areas, courtyards or colonnades or other setbacks or preservation of historic structures warrants the increase in the permissible plot ratio;
- (b) Site coverage up to 100% where Council is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing, loading and unloading, stormwater drainage,

effluent disposal and any other matter which Council deems necessary;
and

- (c) A zero building setback from the front boundary where landscaped and paved pedestrian areas are to be provided adjacent to the front boundary, and Council is satisfied that adequate arrangements have been made in regard to access, car parking, circulation of traffic, safety, servicing loading and unloading.

5.5 LIGHT INDUSTRY ZONE

5.5 Council's objectives in controlling development within the Light Industrial Zone are to:

- (a) Encourage the consolidation and improvement of industrial development into areas appropriately located and controlled for that purpose; and
- (b) Protect the amenity of adjacent areas.

5.5.2 Council's policy in carrying out the objectives for land zoned for Light Industry is:

- (a) Subdivision should have regard to an overall structure plan adopted by Council.
- (b) Landscaped buffers shall be established and maintained in accordance with an approved plan relating to the zone as a whole.

5.5.3 Factory Tenement Buildings:

No person shall construct a factory tenement building unless:

- (a) Each tenement has a floor area of at least 100 square metres;
- (b) The floor of each tenement has a minimum dimension of at least eight metres;
- (c) Each tenement has an adjoining open storage yard at least one half the floor area of the tenement;
- (d) Every open storage yard is screened from view from a public road by a wall or fence not less than 1.8 metres in height;
- (e) Each tenement together with its open storage yard has direct access to a service access road not less than six metres in width; and
- (f) Each tenement is separated from each adjoining tenement by an internal wall or walls constructed of brick, stone, concrete or other material of equal or greater fire rating approved by the Council.

5.6 SPECIAL RURAL ZONE

5.6.1 Council's objective in making provision for a Special Rural Zone is to identify land within the Scheme Area which is suitable for closer subdivision to provide for such uses as hobby farms, rural-residential retreats, intensive agriculture including market gardens and viticulture, the keeping of horses in such a manner as to make provision for retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

5.6.2 In addition to any provisions which are more generally applicable to land zoned Special Rural, Appendix 6 sets out specific provisions for controlling, land uses and development relating to particular Special Rural Zone Areas. No person shall use or develop land zoned Special Rural except in accordance with the provisions set out for the particular Special Rural Zone Area. The Appendix also sets out subdivision areas that the Council shall recommend to the Western Australian Planning Commission.

5.6.3 On land zoned Special Rural, the following general provisions shall apply:

- (a) Subdivision to be generally in accordance with an adopted subdivision guide plan for a particular Special Rural Zone Area;
- (b) All buildings erected on a lot shall have a minimum setback of 20m from all lot boundaries unless otherwise specified in a particular Special Rural Zone Area;
- (c) Council may if it so desires adopt a plan setting out the position of a building envelope on lots. Upon adoption of the plan by Council the owner of a lot shall construct all future buildings within the building envelope shown thereon unless Council approves modification to the adopted plan;
- (d) No more than one single dwelling house per lot shall be erected;
- (e) No person shall clear natural vegetation *on* any part of a lot, except for the purpose of establishing fire breaks, driveways and areas for buildings, without the written approval of the Council;
- (f) Prior to subdividing land, a developer shall liaise with the ~~Bush Fires Board~~ *Fire and Emergency Services Authority of Western Australia* and Council to identify a system of strategic and individual lot fire breaks to be constructed at the time of subdivision;
- (g) With the intention of preventing land degradation Council may, with the advice of Agriculture Western Australia specify, require removal of, or reduction in, the number of stock on any lot within the zone;
- (h) Prior to occupation of any dwelling house within the zone, it shall be provided with a potable water supply by connection to either a public reticulated water system, an underground bore or a rainwater storage system with a minimum capacity of 92,000 litres, or a combination of either to the satisfaction of the Council; and
- (i) Any owner of a lot on which a strategic firebreak has been constructed by a subdivider shall maintain the firebreak in the position and in accordance with the dimensions and standards of construction that were set at the time of subdivision. Where a strategic firebreak alignment passes from one lot to an adjoining lot or to a road reserve the owner of the lot or lots shall provide a gateway with a minimum width of 3.6 metres in boundary fences.

AN: 27
GG: 17/2/06

AN: 12
GG: 03/02/04

5.7 RURAL ZONE

5.7.1 Council's objective in the assessment of subdivision referrals and management of land uses in the Rural Zone is to preserve the character of the rural area, discourage the removal of prime agricultural land from agricultural production and prevent adverse affects on the continuation of established or potential agricultural industries.

5.7.2 Council's policy in assessing applications for Planning Consent, or referrals from the Western Australian Planning Commission of subdivision applications, will be to have regard to:

- (a) The objective set out in Clause 5.7.1 and any policy document adopted pursuant to Clause 8.9 of the Scheme which is directed at achieving that objective;
- (b) The need to provide for land to be held in lots that are suitable for the long term use of the land for Rural Pursuits, and in particular applications for subdivision of Rural land should demonstrate the facilitation of ongoing farming of the land;

- (c) The availability of services required to support the proposed development or subdivision and the economic impact of the provision, extension or upgrading of those services that may be required;
- (d) The adequacy of the roads, existing or proposed in the area, which may be needed to support the amount of road traffic expected to be generated by the development or subdivision; and
- (e) The need to impose such conditions as Council deems appropriate in order to minimise any adverse affect the development or subdivision may have on the environment of the area.

5.7.3 In the Rural Zone the following shall apply to buildings:

- (a) No more than one single dwelling house per lot shall be erected unless Council is satisfied that an additional dwelling is required to provide accommodation for a farm employee on a lot used as part of an economically active farming enterprise.
- (b) Subject to Clause 7.11.2(d) of the Scheme, the minimum setback from lot boundaries for a building is 20 metres.
- (c) A building shall not be constructed on a lot where the distance between side boundaries precludes the building from being setback a minimum of 20 metres from such boundaries.
- (d) A lot on which it is proposed to construct a dwelling shall at the discretion of Council have frontage to a constructed public road which has a minimum standard of a graded and stabilised track within a dedicated road reserve.

5.7.4 In the Rural Zone the following shall apply to lots with an area of less than 15ha:

- (a) Notwithstanding that in table no. 1 of the Scheme a number of uses of land are designated as uses that are permitted ("P") under the Scheme in the Rural Zone, all such uses of land, other than a single dwelling, shall not be permitted unless approval is granted by the Council.
- (b) Applications for the approval of the Council required by Sub-clause 5.7.4(a), shall be dealt with in accordance with Clauses 8.1 and 8.3 of the Scheme.
- (c) The Council shall have regard to the following in considering an application for its approval required by Sub-clause 5.7.4(a):
 - (i) The suitability of the land for the proposed use and without limiting the generality of the foregoing the potential for environmental degradation.
 - (ii) The likelihood of any adverse impacts on the amenity of the locality.
 - (iii) The likelihood of any adverse impacts on established Rural Uses in the locality.
 - (iv) The standard of road access to the lot and the extent of any contribution to the upgrading of the road that it may require.

5.7.5 *Where Council grants a Planning Consent to develop a caravan park in the Rural Zone pursuant to Clause 3.2.2 no person shall occupy any of the forms of accommodation identified in the definition of Caravan Park in Appendix 1 of the Scheme for other than holiday accommodation wherein the total stay will be limited to a maximum of 3 months in any 12 month period.*

AN:34
GG:29/6/07

5.8 SPECIAL USE ZONE

Notwithstanding any other provision of the Scheme in regard to a development permitted in a Special Use Zone Council may at its discretion specify additional site requirements in regard to lot area, minimum effective frontage, development type and style, plot ratio, car parking, setbacks or any other development provision.

5.9 FORESHORE PROTECTION ZONE

5.9.1 Council's objectives in controlling development within the Foreshore Protection Zone are to:

- (a) Protect the foreshores of the ocean, rivers, watercourses and lakes from development which may cause land degradation, including that resulting from wind and water erosion; and
- (b) Permit the use of land in a manner consistent with the long term stability of the foreshore land.

5.9.2 The uses of land permitted within the zone are Rural Pursuit, Public Recreation, Drainage and such other uses as determined by Council to be consistent with Clause 5.9.1.

5.9.3 With the intention of preventing land degradation Council may, with the advice of Agriculture Western Australia, require removal of, or reduction in, the number of stock on land within the zone or require modification to cultivation practices.

AN:2
GG: 14/5/99
AN 25
GG: 18/9/07

5.10 ~~DALYELLUP~~ URBAN DEVELOPMENT ZONE

5.10.1 Objective

~~The Dalyellup Urban Development Zone is in interim zoning for land, which has previously been recognised as having potential for urban development in the Bunbury Wellington Region Plan and the Greater Bunbury Structure Plan. Council's objective is to provide for future urban development after comprehensive planning by means of preparation of an outline development plan. It is intended that land in this zone shall be progressively developed for residential purposes and for commercial, community and other use normally associated with residential estates. The zone is designed to be flexible in nature so as to overcome the inherent problems associated with detailed zoning of land prior to lot boundaries being established by subdivision.~~

5.10.2 Objectives for Urban Design in the ~~Dalyellup Beach Estate~~ Urban Development Zone

- (a) To provide for the development of a functional and cohesive community consistent with the orderly and proper planning and in the interest of the amenity of the ~~Estate~~ Urban Development Zone,
- (b) To provide an approximate mixture of lot sizes and dwelling types in order to promote a diverse community in an attractive built environment,
- (c) ~~To integrate strong linear open space linkages into the subdivision design based upon existing vegetation,~~ To establish the need for public open space provision and the form in which it should be provided, being active or passive, and giving due regard to the opportunity to incorporate remnant vegetation and other natural land form features,
- (d) To implement a clearly defined road hierarchy and pedestrian movement system which provides high levels of access to all areas within the ~~Estate~~ Urban Development Zone and to provide good connectivity to surrounding localities,
- (e) To provide appropriate retail, service commercial, commercial and community facilities to service the needs of the residents of the ~~Estate~~ Urban Development Zone with a view to integrating such facilities to maximise convenience,
- (f) To ensure that the build and natural environment of the ~~Estate~~ Urban Development Zone is developed and managed in a sustainable manner to provide quality lifestyle opportunities for the residents; and
- (g) ~~Have regard to the Estates coastal position in the design of the subdivision.~~ To have regard to the Urban Development Zone's relationship to sensitive landforms such as coastal dunes, rivers, wetlands etc.

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GG: 2/11/07

5.10.3 Development Approval

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GG: 24/0415/

- (a) No development shall be approved within the Urban Development Zone unless it is generally in accordance with an approved Outline Development Plan approved by Council and the Western Australian Planning Commission.
- (b) The provisions of Clause 5.1 DEVELOPMENT OF LAND apply in the Urban Development Zone. Permitted uses of land are those uses nominated on the approved Outline Development Plan.
- (c) Subdivision, development and the use of land shall comply with any Land Use and Implementation Notes recorded on or attached as a schedule to an adopted Outline Development Plan.

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GG: 2/11/07

~~No development shall be approved within the Dalyellup Urban Development Zone unless it is generally in accordance with an approved Outline Development Plan approved by the Council and the Western Australian Planning Commission.~~

~~The provisions of Clause 5.1 DEVELOPMENT OF LAND apply in the Dalyellup Urban Development Zone. Permitted uses of land are those uses nominated on the approved Outline Development Plan.~~

5.10.4 Subdivision

Prior to making recommendations to the Western Australian Planning Commission on subdivision applications the Council shall have approved an Outline Development Plan.

5.10.5 Outline Development Plan Requirements

An Outline Development Plan may comprise of a plan, diagram or report, or a combination of these, in such detail as determined by Council, to demonstrate that the land can be developed in a coordinated and orderly manner consistent with regional and district planning objectives. An Outline Development Plan may take the form of a Local Structure Plan, Subdivision Guide Plan, Land Use Plan; or Development Plan depending on the issues to be addressed in each case. Information supporting an Outline Development Plan may include the following.

- (a) *A statement or plan placing the Outline Development Plan in a wider context.*
- (b) *Existing Conditions:*
 - *cadastral and topographical information*
 - *existing land uses and development*
 - *vegetation and soil type*
 - *hydrological conditions of the land including depths to water tables, location of wetlands, watercourses, drainage lines and land which may be subject to inundation*
 - *utility services*
 - *any other identified development constraints*
 - *~~interim 1km Waste Water Treatment Plant Buffer.~~ relationship of the Urban Development Zone to industrial or utility service buffer zones*
 - *sites of Aboriginal and European heritage value.*

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GG: 2/11/07

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- (c) *Proposed Development*

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GG: 2/11/07

- *movement systems including road layout, pedestrian networks and public transportation corridors, and the new relationship of these to the surrounding district*
- *community facilities*
- *commercial facilities*
- *public open space*
- *indicative subdivision layout and proposed residential densities*
- *indicated finished topographical levels*
- ~~environmental assessment~~ *assessment of natural environment*
- *proposed fire protection measures*
- *additional school facilities*
- *public utilities including sewerage, water supply, drainage, gas, electricity and communication services.*

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- (d) *Implementation Statement*
- *staging of subdivision and development*
 - *commitments to the provision of community services*
 - *proposals for cost sharing*
 - *proposals for resolving any outstanding issues.*
- (e) *such other information as the Council considers necessary, including, but not limited to, any additional requirements specified in Appendix 16.*

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GG: 2/11/07

5.10.6 Advertising an Outline Development Plan

Prior to considering an Outline Development Plan the Council may require it to be advertised for a period generally between 21 and 42 days in accordance with any one or more of the following measures:

- (a) *as part of an Amendment to a Town Planning Scheme*
- (b) *written notice to the owners or occupiers of land within an area determined by Council as likely to be affected by the plan*
- (c) *a sign or signs being displayed on or near the land*
- (d) *referral of the plan to any government agency or community group that it considers may have an interest and/or*
- (e) *any other means of notification deemed to be reasonably necessary by the Council.*

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 4,
clause 18

AN:25
GG: 2/11/07

Where an Outline Development Plan has been advertised before the Gazettal of ~~Amendment No. 2~~ a scheme amendment in a manner which would have complied with the provisions of Clause 5.10.6 has those provisions been in operation at the time of the advertising, such advertising shall be deemed to satisfy the requirements hereof as if the Gazettal had occurred before the advertising.

5.10.7 Council Adoption of an Outline Development Plan

In considering a proposed Outline Development Plan the Council after advertising the plan and considering any submissions which are received shall:

- (a) *reject the plan; or*
- (b) *adopt the plan with or without modifications.*

Where the Council either rejects or requires the plan to be modified it shall state the reasons for doing so.

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 4,
clause 19

5.10.8 WAPC Adoption of an Outline Development Plan

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 4,
clause 20, 22 – 24,
26 -28

An Outline Development Plan shall have no effect until such time it has been endorsed by the Western Australian Planning Commission. In submitting the Outline Development Plan for endorsement the Council shall include:

- (a) a copy of the plan and any modifications*
- (b) a copy of the explanatory report which accompanies the plan*
- (c) a schedule of all submissions and responses received as a result of advertising the plan. This schedule shall include Council's resolution in respect of each submission.*

5.10.9 Modification of an Outline Development Plan

An Outline Development Plan may be modified by the Council provided that:

- (a) for a major modification the procedures contained in Clauses 5.10.6, 5.10.7 and 5.10.8 are complied with; or*
- (b) for a minor modification the Council may approve such a modification without complying with the procedures contained in Clauses 5.10.6 and 5.10.7 but may refer the modification to the Western Australian Planning Commission and relevant government agencies for comment.*

5.10.10 Outline Development Plan Refinement

Council may require the preparation of further Outline Development Plans for any area notwithstanding that an Outline Development Plan may exist for that area. Such a plan may be a refinement of an existing plan and shall be read in conjunction with it. When a further Outline Development is required it shall be prepared and adopted in accordance with the provisions of Clauses 5.10.5 to 5.10.8 (inclusive).

5.10.11 Appeal

Where an applicant, having lodged an Outline Development Plan with Council or the Western Australian Planning Commission, is aggrieved by the Council or the Commission:

- (a) refusing to adopt the Outline Development Plan*
- (b) approving the Outline Development Plan subject to conditions, modifications or requirements unacceptable to the applicant; or*
- (c) failing to make a decision on the Outline Development Plan within 120 days of the date of submission, or such longer period agreed in writing between Council and the applicant,*

shall have a right of appeal under Part V of the Town Planning and Development Act 1928 for a period of 60 days from the date of being notified of the decision.

5.10.12 *Unless otherwise agreed to by Council, the proponent of development or subdivision within the ~~Dalyellup~~ Urban Development zone shall meet the cost of preparing, advertising or modifying an Outline Development Plan.*

5.10.13 Development Precincts

Council may nominate areas of land within the Urban Development zone as precincts that are identified by a boundary line on the Scheme Map within which, in addition to any provisions that are more generally applicable to land in the zone, specific standards for the subdivision and development of the land within the particular Development Precinct shall apply. The standards applicable to individual Development Precincts are set out in Appendix 16 of the Scheme.

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 4,
clause 29

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 4,
clause 25

AN:25
GG: 207

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 4,
clause 21

AN: 23
GG: 18.08.06

5.11

SPECIAL CONTROL AREAS – DEVELOPMENT CONTRIBUTION AREA

AN: 48
GG: 28.09.12

5.11.1. Interpretation

In Clause 5.11, unless the context otherwise requires -

‘Administrative costs’ means such costs as are reasonably incurred for the preparation and (with respect to standard infrastructure items) implementation of the development contribution plan.

‘Administrative items’ means the administrative matters required to be carried out by or on behalf of the local government in order to prepare and (with respect to standard infrastructure items) implement the development contribution plan, including legal, accounting, planning engineering, and other professional advice.

‘Cost apportionment schedule’ means a schedule prepared and distributed in accordance with clause 5.11.9.

‘Cost contribution’ means the contribution to the cost of infrastructure and administrative costs.

‘Development contribution area’ means the area shown on the Scheme map as ‘DCA’ with a number and included in Appendix 17.

‘Development contribution plan’ means a development contribution plan prepared in accordance with the provisions of *State Planning Policy 3.6 Development Contributions for Infrastructure* and the provisions of this clause 5.11 of the Scheme (as incorporated in Appendix 17 to this Scheme).

‘Development contribution plan report’ means a report prepared and distributed in accordance with clause 5.11.10.

‘Infrastructure’ means the standard infrastructure items and community infrastructure, including recreational facilities; community centres; child care and after school centres; libraries and cultural facilities and such other services and facilities for which development contributions may reasonably be requested having regard to the objectives, scope and provisions of this Scheme.

‘Infrastructure costs’ means such costs as are reasonably incurred for the acquisition and construction of infrastructure.

‘Local government’ means the local government or local governments in which the development contribution area is located or through which the services and facilities are provided.

‘Owner’ means an owner of land that is located within a development contribution area.

5.11.2. Purpose

The purpose of having development contribution areas is to -

- (a) provide for the equitable sharing of the costs of infrastructure and administrative costs between owners;
- (b) ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and
- (c) coordinate the timely provision of Infrastructure.

5.11.3. Development contribution plan required

A development contribution plan is required to be prepared for each development contribution area.

5.11.4. Development contribution plan part of Scheme

The development contribution plan is incorporated in Appendix 17 as part of this scheme.

5.11.5. Subdivision and development

The local government shall not withhold its support for subdivision or strata subdivision or refuse to approve a development solely for the reason that a development contribution plan is not in effect, there is no approval to advertise a development contribution plan, or that there is no other arrangement with respect to an owners contribution towards the provision of community infrastructure.

5.11.6. Guiding principles for development contribution plans

The development contribution plan for any development contribution area is to be prepared in accordance with the following principles -

(a) Need and the nexus

The need for the infrastructure included in the plan must be clearly demonstrated (need) and the connection between the development and the demand created should be clearly established (nexus).

(b) Transparency

Both the method for calculating the development contribution and the manner in which it is applied should be clear, transparent and simple to understand and administer.

(c) Equity

Development contributions should be levied from all developments within a development contribution area, based on their relative contribution to need.

(d) Certainty

All development contributions should be clearly identified and methods of accounting for cost adjustments determined at the commencement of a development.

(e) Efficiency

Development contributions should be justified on a whole of life capital cost basis consistent with maintaining financial discipline on service providers by precluding over recovery of costs.

(f) Consistency

Development contributions should be applied uniformly across a development contribution area and the methodology for applying contributions should be consistent.

(g) Right of consultation and review

Owners have the right to be consulted on the manner in which development contributions are determined. They also have the opportunity to seek a review by an independent third party if they believe the calculation of the costs of the contributions is not reasonable.

(h) Accountable

There must be accountability in the manner in which development contributions are determined and expended.

5.11.7 Content of development contribution plans

A development contribution plan is to specify -

- (a) the development contribution area to which the development contribution plan applies;
- (b) the infrastructure and administrative items to be funded through the development contribution plan;
- (c) the method of determining the cost contribution of each owner; and
- (d) the priority and timing for the provision of infrastructure.

5.11.8 Period of development contribution plan

A development contribution plan shall specify the period during which it is to operate.

5.11.9 Land Excluded

In calculating both the area of an owner's land and the total area of land in a development contribution area, the area of land provided in that development contribution area for –

- (a) roads designated under the Bunbury Region Scheme as primary regional roads and other regional roads;
- (b) existing public open space;
- (c) existing government primary and secondary schools; and
- (d) such other land as is set out in the development contribution plan, is to be excluded.

5.11.10 Development contribution plan report and cost apportionment schedule.

- 5.11.10.1 Within 90 days of the development contribution plan coming into effect, the local government is to adopt and make available a development contribution plan report and cost apportionment schedule to all owners in the development contribution area.
- 5.11.10.2 The development contribution plan report and the cost apportionment schedule do not form part of the Scheme, but once adopted by the local government they are subject to review as provided under clause 5.11.11.

5.11.11 Cost contributions based on estimates.

- 5.11.11.1 The determination of Infrastructure costs and administrative costs is to be based on amounts expended, but when expenditure has not occurred, it is to be based on the best and latest estimated costs available to the local government and adjusted accordingly, if necessary.
- 5.11.11.2 Where a cost apportionment schedule contains estimated costs, such estimated costs are to be reviewed at least annually by the local government -
 - (a) in the case of land to be acquired, in accordance with clause 5.11.12; and
 - (b) in all other cases, in accordance with the best and latest information available to the local government,

until the expenditure on the relevant item of infrastructure or administrative costs has occurred.
- 5.11.11.3 The local government is to have such estimated costs independently certified by appropriate qualified persons and must provide such independent certification to an owner when requested to do so.
- 5.11.11.4 Where any cost contribution has been calculated on the basis of an estimated cost, the local government -

- (a) is to adjust the cost contribution of any owner in accordance with the annual review of estimated costs; and
 - (b) may accept a cost contribution, based upon estimated costs, as a final cost contribution and enter into an agreement with the owner accordingly.
- 5.11.11.5 Where an owner's cost contribution is adjusted under clause 5.11.11.4, the local government, on receiving a request in writing from an owner, is to provide the owner with a copy of estimated costs and the calculation of adjustments.
- 5.11.11.6 If an owner objects to the amount of a cost contribution, the owner may give notice to the local government requesting a review of the amount of the cost contribution by an appropriate qualified person ('independent expert') agreed by the local government and the owner at the owner's expense, within 28 days after being informed of the cost contribution.
- 5.11.11.7 If the independent expert does not change the cost contribution to a figure acceptable to the owner, the cost contribution is to be determined -
- (a) by any method agreed between the local government and the owner; or
 - (b) if the local government and the owner cannot agree on a method pursuant to (a) or on an independent expert, by arbitration in accordance with the *Commercial Arbitration Act 1985*, with the costs to be shared equally between the local government and owner.

5.11.12 Valuation

- 5.11.12.1 Clause 5.11.12 applies in order to determine the value of land to be acquired for the purpose of providing Infrastructure.
- 5.11.12.2 In clause 5.11.12:
- 'Value' means the fair market value of land, at a specified date, which is defined as the capital sum that would be negotiated in an arms length transaction in an open and unrestricted market, assuming the highest and best use of the land with all its potential and limitations (other than the limitation arising from the transaction for which the land is being valued), wherein the parties act knowledgeably, prudently and without compulsion to buy or sell.
- 'Valuer' means a licensed valuer agreed by the local government and the owner or, where the local government and the owner are unable to reach agreement, by a valuer appointed by the Australian Property Institute.
- 5.11.12.3 If an owner objects to a valuation made by the valuer, the owner may give notice to the local government requesting a review of the amount of the value, at the owner's expense, within 28 days after being informed of the value.
- 5.11.12.4 If following a review, the valuer's determination of the value of the land is still not a figure acceptable to the owner, the value is to be determined -
- (a) by any method agreed between the local government and the owner; or
 - (b) if the local government and the owner cannot agree, the owner may apply to the State Administrative Tribunal for a review of the matter under part 14 of the *Planning and Development Act 2005*.

5.11.13 Liability for cost contributions

- 5.11.13.1 An owner must make a cost contribution in accordance with the applicable development contribution plan and the provisions of clause 5.11.

- 5.11.13.2 An owner's liability to pay the owner's cost contribution to the local government arises on the earlier of -
- (a) the Western Australian Planning Commission endorsing its approval on the deposited plan or survey strata plan of the subdivision of the owner's land within the development contribution area;
 - (b) the commencement of any development that requires planning consent on the owner's land within the development contribution area;
 - (c) the approval of any strata plan by the local government or Western Australian Planning Commission on the owner's land within the development contribution area;
 - (d) the approval of a change or extension of use by the local government on the owner's land within the development contribution area.

The liability arises only once upon the earliest of the above listed events.

- 5.11.13.3 Notwithstanding clause 5.11.13.2, an owner's liability to pay the owner's cost contribution does not arise if the owner commences development of the first single house or outbuildings associated with that first single house on an existing lot which has not been subdivided or strata subdivided since the coming into effect of the development contribution plan.
- 5.11.13.4 Where a development contribution plan expires in accordance with clause 5.11.8, an owner's liability to pay the owner's cost contribution under that development contribution plan shall be deemed to continue in effect and be carried over into any subsequent development contribution plan which includes the owner's land, subject to such liability.

5.11.14 Payment of cost contribution

- 5.11.14.1 The owner, with the agreement of the local government, is to pay the owner's cost contribution by -
- (a) cheque or cash;
 - (b) transferring to the local government or a public authority land in satisfaction of the cost contribution;
 - (c) the provision of physical infrastructure;
 - (d) some other method acceptable to the local government; or
 - (e) any combination of these methods.
- 5.11.14.2 The owner, with the agreement of the local government, may pay the owner's cost contribution in a lump sum, by instalments or in such other manner acceptable to the local government.
- 5.11.14.3 Payment by an owner of the cost contribution, including a cost contribution based upon estimated costs in a manner acceptable to the local government, constitutes full and final discharge of the owner's liability under the development contribution plan and the local government shall provide certification in writing to the owner of such discharge if requested by the owner.

5.11.15 Charge on land

- 5.11.15.1 The amount of any cost contribution for which an owner is liable under clause 5.11.13, but has not paid, is a charge on the owner's land to which

the cost contribution relates, and the local government may lodge a caveat, at the owner's expense, against the owner's certificate of title to that land.

- 5.11.15.2 The local government, at the owner's expense and subject to such other conditions as the local government thinks fit, can withdraw a caveat lodged under clause 5.11.15.1 to permit a dealing and may then re-lodge the caveat to prevent further dealings.
- 5.11.15.3 If the cost contribution is paid in full, the local government, if requested to do so by the owner and at the expense of the owner, is to withdraw any caveat lodged under clause 5.11.15.

5.11.16 Administration of funds

- 5.11.16.1 The local government is to establish and maintain a reserve account in accordance with the *Local Government Act 1995* for each development contribution area into which cost contributions for that development contribution area will be credited and from which all payments for the infrastructure costs and administrative costs within that development contribution area will be paid. The purpose of such a reserve account or the use of money in such a reserve account is limited to the application of funds for that development contribution area.
- 5.11.16.2 Interest earned on cost contributions credited to a reserve account in accordance with clause 5.11.15.1 is to be applied in the development contribution area to which the reserve account relates.
- 5.11.16.3 The local government is to publish an audited annual statement of accounts for that development contribution area as soon as practicable after the audited annual statement of accounts becomes available.

5.11.17 Shortfall or excess in cost contributions

- 5.11.17.1 If there is a shortfall in the total of cost contributions when all cost contributions have been made or accounted for in a particular development contribution area, the local government may -
- (a) make good the shortfall;
 - (b) enter into agreements with owners to fund the shortfall; or
 - (c) raise loans or borrow from a financial institution.
- but nothing in paragraph 5.11.17.1(a) restricts the right or power of the local government to impose a differential rate to a specified development contribution area in that regard.
- 5.11.17.2 If there is an excess in funds available to the development contribution area when all cost contributions have been made or accounted for in a particular development contribution area, the local government is to refund the excess funds to contributing owners for that development contribution area. To the extent, if any, that it is not reasonably practicable to identify owners and/or their entitled amount of refund, any excess in funds shall be applied, to the provision of additional facilities or improvements in that development contribution area.

5.11.18 Powers of the local government

The local government in implementing the development contribution plan has the power to -

- (a) acquire any land or buildings within the Scheme area under the provisions of the *Planning and Development Act 2005*; and

- (b) deal with or dispose of any land which it has acquired under the provisions of the *Planning and Development Act 2005* in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.

5.11.19 Arbitration

Subject to clauses 5.11.11.3 and 5.11.11.4, any dispute between an owner and the local government in connection with the cost contribution required to be made by an owner is to be resolved by arbitration in accordance with the *Commercial Arbitration Act 1985*.

PART VI - LAND USE STRATEGY

6.1 SHIRE LAND USE STRATEGY

- 6.1.1 Council may from time to time prepare and review a Land Use Strategy for the Shire for the purpose of setting scheme policies for the management of development, land uses and subdivision in all areas of the Scheme.
- 6.1.2 A Shire Land Use Strategy shall have the status of a Scheme Policy and be adopted in accordance with the procedure set out in Clause 8.9 of the Scheme after compliance with any requirement of the Western Australian Planning Commission in respect to the preparation of such a strategy.
- 6.1.3 The Scheme shall be amended to incorporate appropriate sections of the Land Use Strategy which are necessary to implement land use proposals.
- 6.1.4 A Shire Land Use Strategy may set out policy areas selected for various uses of land and in particular those uses provided for in the various zones described in Part V of the Scheme.
- 6.1.5 When determining a planning consent application, a subdivision referral from the WAPC or a change of zone, Council shall consider the Land Use Strategy.

PART VII - GENERAL PROVISIONS

7.1 ACCESS FOR LOADING AND UNLOADING OF VEHICLES

- 7.1.1 No person shall use a building for business or industry or for any purpose for which a licence has been granted under the Liquor Licensing Act 1988, unless there is provided a paved access-way for vehicles from a street to the rear of the building for the purpose of loading and unloading and of a nature mentioned hereunder.
- 7.1.2 The access-way shall be so constructed that vehicles using it may return to a street in forward gear.
- 7.1.3 If there exists a right-of-way to the side or rear of the lot, an area shall be paved on the lot so that vehicles when loading or unloading shall not remain in the right-of-way and the area shall be of such a size that if no alternative route exists vehicles may manoeuvre so as to return to a street in forward gear.
- 7.1.4 Except as hereinafter mentioned the access-way shall be not less than four and one half metres in width. If the size of the lot makes the provision of a four and one half metres wide access-way impracticable or unreasonable the Council may permit an access-way of a narrower width but in no case less than three metres in width.

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 2,
Division 1, clause 2

Question ?

7.2 ANCILLARY ACCOMMODATION

Where Council grants approval to the development of ancillary accommodation the following shall apply:

- (a) The accommodation shall be attached to the dwelling;
- (b) The total floor area of the accommodation shall not exceed 60m² and there shall be a maximum of two habitable rooms;
- (c) The accommodation shall not be occupied without a permit to do so being granted by Council; and
- (d) The owner of any premises for which approval has been granted for use as additional accommodation shall notify the Council forthwith when the occupant for whom the approval was granted no longer permanently resides therein and the premises shall not then be re-occupied as Added Accommodation Unit without prior approval of the Council.

7.3 TRAFFIC ENTRANCES

- 7.3.1 The Council may refuse to permit more than one vehicular entrance or exit to or from any lot. The Council may require separate entrances and exits; or may require that entrances and exits be placed in positions nominated by it, if it considers such provision necessary to avoid or to reduce traffic hazards.
- 7.3.2 Access to a lot for vehicles shall not be permitted directly to or from major roads where access is available from side or rear streets.
- 7.3.3 Where access to a lot abutting a major road is available only from that road, parking, servicing and circulation areas within the lot shall be designed and constructed so as to allow unhindered movement within the lot and to enable vehicles to enter and leave the site in forward gear.

7.4 DISPOSAL OF WASTES

No person shall, without the approval of the Council, use any land for the disposal or dumping of any form of rubbish or waste matter, either temporarily or permanently, other than in conjunction with a permitted or approved use of the subject land.

7.5 HOME OCCUPATIONS

- 7.5.1 A person may with the Planning Consent of Council, conduct a Home Occupation provided that the Home Occupation complies with the following:
 - (a) It 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 noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water or waste products;
 - (b) It does not entail the employment of any person not a member of the occupier's family;
 - (c) It does not occupy an area greater than 20 square metres, provided that Council may at its discretion approve of the use of more than 20 square metres of area on a lot which has an area of more than 1 hectare;
 - (d) It 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;
 - (e) It does not, in the opinion of the Council, by reason of its nature or scale, constitute a use that would be more appropriately located in a zone other than a Residential, or Special Rural Zone; and

- (f) It will not, in the opinion of the Council generate a volume of traffic that would prejudice the amenity of the area.
- 7.5.2 Council's Planning Consent to carry on a home occupation shall apart from any specific conditions imposed by Council, be subject to the following general conditions:
- (a) The approval shall be personal to the applicant and shall not be transferred to or assigned to any other person;
 - (b) The approval shall not run with the land in respect of which it was granted;
 - (c) The person to whom approval is granted by the Council to carry on a home occupation shall not carry on that home occupation at any premises other than the land in respect of which the Council's approval is granted;
 - (d) A time limit of 12 months after which the home occupation must cease unless a further Planning Consent is granted; and
 - (e) If a home occupation has been carried on with the approval of the Council and if in the opinion of the Council such home occupation is causing a nuisance or annoyance to owners or occupiers of land in the neighbourhood, the Council may withdraw the approval granted by it and after such withdrawal, no person shall upon the subject land carry on a home occupation unless a further approval to do so is granted by the Council.

7.6 PROTECTION OF COASTAL AREA

- 7.6.1 In order to preserve and protect against development which may or could destroy the existing physical characteristics and flora adjacent to the coast no development except:
- (a) A public road;
 - (b) A public footpath;
 - (c) A building for the use or convenience of the general public;
- and for which Council approval has been given shall be permitted generally within 100 metres of the seaward crest of a stable sand dune, which is undisturbed by wave or wind erosion.
- 7.6.2 Notwithstanding the provisions of Clause 7.6.1 Council may approve of a use and/or development with a greater or lesser setback where in an adopted Coastal Management Plan or *Outline Development Plan approved in accordance with Clause 5.10 of the Scheme Text* for a locality, a greater or lesser setback is specified for a particular use and/or development.

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7.7 DEVELOPMENT OF LOTS WITH MORE THAN ONE STREET FRONTAGE

In the case of all zones except the Residential Zone Council shall decide to which street frontage the street setback shall be applied and allow up to a 50% reduction in the street frontage setback to the other street provided that adequate sight lines for traffic are maintained and the requirements of Clause 7.8 are complied with.

7.8 VISUAL TRUNCATION - CORNER LOTS AND VEHICULAR ACCESS WAYS

Except with the approval of the Council, no building, wall, fence or other form of visual obstruction greater than 0.75 metres in height, measured from the natural ground level at the boundary, shall be constructed or placed on a lot within a 15 metre truncation of a street corner as depicted in Appendix 7 or within a 3 metre by 1.5 metre truncation of a vehicular accessway as depicted in Appendix 7.

7.9 CAR PARKING

- 7.9.1 The off street car parking requirements for particular uses are listed in Appendix 8.
- 7.9.2 Land and buildings shall not be used or developed:
- (a) For any use mentioned in Appendix 8 unless off street parking is provided in accordance with the requirements set out therein; or
 - (b) For any use not mentioned in Appendix 8 unless off street parking is provided as determined by Council.
- 7.9.3 All off street parking areas shall be:
- (a) Designed and laid out in accordance with the specifications set out in Appendix 9; and
 - (b) Paved, marked and drained to the reasonable satisfaction of Council.
- 7.9.4 Where the owner can demonstrate to the satisfaction of the Council that there is not the demand for the number of parking spaces specified in the Appendix 8 landscaping may be provided in lieu of car parking spaces not constructed and the landscaping shall be included in calculations as car parking but not as landscaping, provided that the Council may from time to time require that additional parking spaces be provided by the owner up to the maximum number specified in the Zoning and Development Table.
- 7.9.5 In the Town Centre Zone where a developer can satisfy the Council that the minimum car parking requirements cannot be provided on the site the Council may accept a cash payment in lieu of the provision of car parking spaces, but subject to the requirements of this Clause:
- (a) A cash-in-lieu payment shall be not less than the estimated cost to the owner of providing and constructing the parking spaces required by the Scheme, plus the value as estimated by the Valuer General, or by a licensed Valuer appointed by Council of that area of his land which would have been occupied by the parking spaces; and
 - (b) Before the Council agrees to accept a cash payment in lieu of the provision of parking spaces, the Council must either have already provided a public car park nearby, or must have firm proposals for providing a public car park area nearby within a period of not more than eighteen months from the time of agreeing to accept the cash payment.
Payments made under this Clause shall be paid into a special fund to be used to provide public car parks and the Council may use this fund to provide public car parks anywhere in the immediate vicinity.
- 7.9.6 Council may approve an application for development where the number of car parking spaces proposed to be provided is less than the number required pursuant to the Scheme provided the applicant can demonstrate that other off street parking facilities are available to be shared with other land uses operating at different times and provided:
- (a) The Council is satisfied that no conflict will occur in the operation of land uses for which the joint use of parking facilities is proposed; and
 - (b) Landowners who request sharing of parking facilities enter into a legal agreement for reciprocal rights to parking facilities.

7.10 LANDSCAPING

The landscaping requirement shown in the Development Table or referred to in the Scheme means an open area designed, developed and maintained as garden planting and areas for pedestrian use. At the discretion of Council natural bushland, swimming pools and areas under covered ways may be included within the landscaping requirement, however garbage collection and handling spaces, and other open storage areas shall not be included. In considering the landscaping requirement of any application for planning consent, the following criteria shall apply:

- (a) Access driveways between a street alignment and any buildings may be included in the landscaping requirement but otherwise car parking areas and driveways shall not be included;
- (b) The Council may in a landscaped area restrict the use of concrete, gravel, pebble and similar hard materials and require in lieu thereof, the planting of drought resistant trees and shrubs of a type that require little maintenance;
- (c) Where a proposed development utilises less than fifty percent of the allowable plot ratio, the Council may reduce the landscaping requirement, provided that the landscaping requirement shall be required proportionately as subsequent development occurs;
- (d) Except where the provisions of the Scheme specify otherwise, a requirement of the landscaping of any development is that one native or locally acceptable tree capable of growing to a height of at least five metres shall be planted for every ten square metres of landscape area. Council may relax this requirement in the case of residential land use;
- (e) Landscaping required pursuant to this Scheme or pursuant to a conditional planning consent shall be carried out at the time of the development or at such other time as may be agreed in writing between the developer and the Council and shall thereafter be permanently maintained to the satisfaction of the Council; and
- (f) A landscaping strip with a minimum width of 2m shall be provided between car parking areas and adjoining street boundaries.

7.11 HIGHWAY PROTECTION AREA

7.11.1 Land bounded by the Highway Protection Lines defined on the Scheme Map as being 100 metres distant from either side of the centre line of the road reserve of Bussell Highway, South Western Highway, or by the boundary of the Railway Reserve, where such reserve adjoins the Highway, shall be a Highway Protection Area within which special conditions shall apply to uses allowable under the Scheme zoning provisions in order to protect the function, amenity and visual character of the Highway.

7.11.2 Within the Highway Protection Area the following conditions will apply in addition to, or in limitation of any other conditions or limitations imposed under the zoning provisions of this Scheme.

- (a) The Council shall not approve the erection of any advertisement for a service or commodity, which is not produced, offered or sold on the lot on which the advertisement is erected;
- (b) The Council will not approve the erection of an advertisement for the sale of land other than on the lot which is offered for sale;
- (c) Subdivision of land zoned Special Rural in the Highway Protection Area shall not be approved without the responsible authority being satisfied that

- ribbon development control measures have been considered and that access points to the Highway are limited to those approved by Council and the Main Roads Department. Service roads may be provided in the Special Rural zoned land to connect to the approved access points on the Highway;
- (d) A building setback line of 40 metres from the edge of the Highway reserve will apply. Service roads may be constructed within this building setback area;
 - (e) Notwithstanding the provisions of Clause 7.11.2(d) of this clause the building lines within the Special Rural Zone shall be determined by Council in accordance with requirements for specific Special Rural Zone areas set out in Appendix 6.
 - (f) Council in its absolute discretion may refuse, limit or otherwise restrict an extractive industry within the Highway Protection Area.
 - (g) *Despite sub paragraphs (a) and (b) the Council may approve a sign within the Highway Protection Area that is within a defined area of Common Interest as may be identified within a Policy adopted pursuant to Clause 8.9 of the Scheme.*

7.12 ADVERTISEMENTS

7.12.1 Power to Control Advertisements

For the purpose of this Scheme, the erection, placement and display of advertisements and the use of land and buildings for that purpose is development within the definition of the Act requiring, except as otherwise provided, the planning consent of Council. Such planning consent is required in addition to any licence pursuant to Council's Signs and Hoarding and Bill Posting Local Laws.

Applications for Council's consent pursuant to this Part shall be submitted in accordance with the provisions of Clause 8.1 of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix 10 giving details of the advertisement(s) to be erected, placed or displayed on the land.

7.12.2 Existing Advertisements

Advertisements which:

- (a) were lawfully erected, placed or displayed prior to the approval of this Scheme; or
- (b) may be erected, placed or displayed pursuant to a licence or other approval granted by the Council prior to the approval of the 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.

7.12.3 Consideration of Applications

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

7.12.4 Exemptions from the Requirement to Obtain Consent

Subject to the provisions of the Main Roads (Control of Signs) Regulations 1983 and notwithstanding the provisions of Clause 7.12.1, the Council's prior consent is not required in respect of those advertisements listed in Appendix 11 which for the purpose of this Part are referred to as "exempted advertisements". The exemptions listed in Appendix 11 do not apply to places, buildings, conservation areas or landscape protection zones which are either:

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

7.12.5 Discontinuance

Notwithstanding the scheme objectives and Clause 7.12.4, where the Council can demonstrate exceptional circumstances which cause an exempted or existing advertisement to seriously conflict with the objectives of this part, it may by notice in writing (giving clear reasons) require the advertiser to remove, relocate, adapt, or otherwise modify the advertisement within a period of time specified in the notice.

7.12.6 Derelict or Poorly Maintained Signs

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

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

7.12.7 Notices

"The Advertiser" shall be interpreted as any one group or any group comprised of the landowner, occupier or licensee. Any notice served in exceptional circumstances pursuant to Clause 7.12.5 or pursuant to Clause 7.12.6 shall be served upon the advertiser and shall specify:

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

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

7.12.8 Scheme to Prevail

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

7.12.9 Enforcement and Penalties

The offences and penalties provisions specified in Clause 8.5 of the scheme apply to the advertiser in this part.

GG: 25/08/15
Deemed Provisions,
Part 10,
clause 80

7.13 WAYSIDE STALLS

- 7.13.1 No person shall erect or maintain a wayside stall on private land associated with a rural pursuit or otherwise unless the Council has granted planning consent to do so, and such stall shall not offer for sale any commodity that has not been grown or produced on the land on which the stall is situated.
- 7.13.2 In making its determination on an application for planning consent, Council shall take into consideration the following matters:
- (a) The position and width of all points of vehicular access to the site and areas set aside for parking of vehicles are adequate and do not cause a hazard to the free flow of traffic;
 - (b) Advertising signs associated with the stall do not detract from the landscape character of the locality or have an undesirable effect on the safety of vehicles or persons using the road;
 - (c) The appearance and design of the stall does not detract from the visual quality of the locality;
 - (d) Any other matter whether of the same kind as the foregoing or not which Council considers relevant; and
 - (e) Where a wayside stall is proposed for land adjoining a controlled access highway or other major highway Council shall refer the matter to Main Roads WA for comment prior to making its determination.
- 7.13.3 A wayside stall shall be setback a minimum distance of 30m from the road front boundary of a lot.
- 7.13.4 Notwithstanding the provisions in Clause 7.13.2, no Planning Consent shall be issued for a wayside stall to be located in any part of a controlled access highway or other major highway reserve.

7.14 HERITAGE - PRECINCTS AND PLACES OF CULTURAL SIGNIFICANCE

7.14.1 Purpose and Intent

The purpose and intent of the heritage provisions are:

- (a) to facilitate the conservation of places of heritage value;
- (b) to ensure as far as possible that development occurs with due regard to heritage values.

7.14.2 Heritage List

7.14.2.1 The Council shall establish and maintain a Heritage List of places considered by the Council to be of heritage significance and worthy of conservation. For the purposes of this Clause, the Heritage List means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Municipal Inventory.

7.14.2.2 The Council shall keep copies of the Heritage List with the Scheme documents for public inspection during normal office hours.

7.14.3 Designation of Heritage Precincts

7.14.3.1 The Council may designate an area of land to be a heritage precinct where, in the opinion of the Council, special planning control is needed to conserve and enhance the heritage values and character of the area.

7.14.3.2 The Council shall adopt for each heritage precinct a policy statement which shall comprise:

- (a) a map showing the boundaries of the precinct;

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 3,
clause 8

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 3,
clause 9

- (b) a list of places of heritage significance;
 - (c) objectives and guidelines for the conservation of the precinct.
 - 7.14.3.3 The Council shall keep a copy of the policy statement for any designated heritage precinct with the Scheme documents for public inspection during normal office hours.
 - 7.14.3.4 The procedure to be followed by the Council in designating a heritage precinct shall be as follows:
 - (a) the Council shall notify in writing each owner of land affected by the proposal;
 - (b) the Council shall advertise the proposal by way of a notice in a newspaper circulating in the district, by the erection of a sign in a prominent location in the area affected by the designation, and by such other methods as the Council consider necessary to ensure widespread notice of the proposal, describing the area subject of the proposed designation and where the policy statement which applies to the precinct may be inspected;
 - (c) the Council shall invite submissions on the proposal within 28 days of the date specified in the notice referred to immediately above;
 - (d) the Council shall carry out such other consultations as it thinks fit;
 - (e) the Council shall consider any submissions made and resolve to designate the heritage precinct with or without modification or reject the proposal after consideration of submissions;
 - (f) the Council shall forward notice of its decision to the Heritage Council of WA and State Planning Commission.
 - 7.14.3.5 The Council may modify or may cancel a heritage precinct or any policy statement which relates to it by following the procedure set out in sub-clause 5.1.3.4 above.
- 7.14.4 Applications for Planning Approval
 - 7.14.4.1 In dealing with any matters which may affect a heritage precinct or individual entry on the Heritage List, including any application for planning approval, Council shall have regard to any heritage policy of the Council.
 - 7.14.4.2 The Council may, in considering any application that may affect a heritage precinct or individual entry on the Heritage List, solicit the views of the Heritage Council of WA and any other relevant bodies, and take those views into account when determining the application.
 - 7.14.4.3 Notwithstanding any existing assessment on record, Council may require a heritage assessment to be carried out prior to the approval for any development proposed in a heritage precinct or individual entry listed on the Heritage List.
 - 7.14.4.4 For the purposes of sub-clause 5.1.1 of the Scheme the term 'development' shall have the meaning as set out in the Town Planning and Development Act (as amended) but shall also include, in relation to any place entered in the Heritage List or contained within a heritage precinct, any act or thing that it likely to

significantly change the external character of the building, object, structure or place.

7.14.5 Formalities of Application

7.14.5.1 In addition to the application formalities prescribed in sub-clause 7.14.4 and any formalities or requirements associated with application for planning approval contained in any other provision of the Scheme, the Council may require an applicant for planning approval where the proposed development may affect a place of cultural heritage significance or a heritage precinct, to provide one or more of the following to assist the Council in its determination of the application:

- (a) street elevations drawn to a scale not smaller than 1:100 showing the proposed development and the whole of the existing development on each lot immediately adjoining the land the subject of the application, and drawn as one continuous elevation;
- (b) In addition to a site plan, a plan of the proposed development site showing existing and proposed ground levels over the whole of the land the subject of the application, and the location, type and height of all existing structures and of all existing vegetation exceeding 2 metres in height, and marking any existing structures and vegetation proposed to be removed; such plan shall be drawn to the same scale as the site plan;
- (c) a detailed schedule of all finishes, including materials and colours of the proposed development and, unless the Council exempts the applicant from the requirement or any part of it, the finishes of the existing developments on the subject lot and on each lot immediately adjoining the subject lot; and
- (d) any other information which the Council indicates that it considers relevant.

7.14.6 Variations to Scheme Provisions

7.14.6.1 Where desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values, the Council may vary any provision of the Scheme provided that, where in the Council's opinion the variation of a provision is likely to affect any owners or occupiers in the general locality or adjoining the site which is the subject of consideration for variation, the Council shall:

- (a) consult the affected parties by following one or more of the provisions dealing with advertising uses pursuant to clause 8.2; and
- (b) have regard to any expressed views prior to making its decision to grant the variation.

7.14.6.2 In granting variations under sub-clause 7.14.6.1 the Council may enter into a heritage agreement under Part 4 of the Heritage of Western Australia Act 1990 with an owner who would benefit from the variation.

The agreement may specify the owner's obligations and contain memorials noted on relevant Certificates of Title.

PART VIII - ADMINISTRATION

8.1 APPLICATION FOR PLANNING CONSENT

- 8.1.1 Every Application for Planning Consent shall be made in the form prescribed in Appendix 12 to the Scheme and shall be accompanied by such plans and other information as is required by the Scheme.
- 8.1.2 Unless Council waives any particular requirement every Application for Planning Consent shall be accompanied by:
- (a) A plan or plans to a scale of not less than 1:500 showing:
 - (i) Street names, lot number(s), north point and the dimensions of the site;
 - (ii) The location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the site;
 - (iii) The existing and proposed means of access for pedestrians and vehicles to and from the site;
 - (iv) The location, number dimensions and layout of all car parking spaces intended to be provided;
 - (v) The location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the site and the means of access to and from those areas; and
 - (vi) The location, dimensions and design of any landscaped, open storage or trade display area and particulars of the manner in which it is proposed to develop the same;
 - (b) Plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain; and
 - (c) Any other plan or information that the Council may reasonably require to enable the application to be determined.

8.2 ADVERTISEMENT OF APPLICATIONS

- 8.2.1 Where an application is made for planning consent to commence or carry out development which involves an 'SA' use the Council shall not grant consent to that application unless notice of the application is first given in accordance with the provisions of **Clause 8.2**.
- 8.2.2 Where an application is made for planning consent to commence or carry out development which involves an 'AA' use, or for any other development which requires the planning consent of the Council, the Council may give notice of the application in accordance with the provisions of **Clause 8.2.3**.
- 8.2.3 Where the Council is required or decides to give notice of an application for planning consent the Council shall cause one or more of the following to be carried out:
- (a) Notice of the proposed development to be served on the owners and occupiers of land within an area determined by the Council as likely to be affected by the granting of planning consent stating that submissions may be made to the Council within twenty-one days of the service of such notice;
 - (b) Notice of the proposed development to be published in a newspaper circulating in the Scheme area stating that submissions may be made to the Council within twenty-one days from the publication thereof; or

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 8, clause 62
and 63

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 8, clause 64

- (c) A sign or signs displaying notice of the proposed development to be erected in a conspicuous position on the land for a period of twenty-one days from the date of publication of the notice referred to in Paragraph (b) of this clause.

8.2.4 The notice referred to in Clauses 8.2.3(a) and (b) shall be in the form contained in Appendix 13 with such modifications as circumstances require.

8.2.5 After expiration of twenty-one days from the serving of notice of the proposed development, the publication of notice or the erection of a sign or signs, whichever is the later, the Council shall consider and determine the application.

8.3 DETERMINATION OF APPLICATIONS

8.3.1 In determining an application for planning consent the Council may consult with any authority which, in the circumstances, it thinks appropriate.

8.3.2 In determining an application for planning consent the Council shall have regard to such of the following as are appropriate:

- (a) The purpose for which the subject land is reserved, zoned or approved for use under the Scheme;
- (b) Any approved Statement of Planning Policy of the Western Australian Planning Commission;
- (c) Any policy of the Western Australian Planning Commission or any planning policy adopted by the Government of the State of Western Australia;
- (d) The size, shape and characteristics of the land, and whether it is subject to inundation by floodwaters;
- (e) The provisions of the Scheme and any Council policy affecting the land;
- (f) Any comments received from any authority consulted by the Council;
- (g) Any relevant submissions received in response to giving public notice of the application;
- (h) The orderly and proper planning of the locality;
- (i) The preservation of the amenity of the locality; and
- (j) Any other planning considerations which the Council determines to be relevant.

8.3.3 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.

8.3.4 The Council shall issue its decision in respect of an application for planning consent in the form prescribed in the Appendix 14 to the Scheme.

8.3.5 Where the Council grants planning consent, it:

- (a) Continues in force for two years, or such other period as specified in the planning consent, after the date on which the application is approved; and
- (b) Lapses if the development has not substantially commenced before the expiration of that period.

8.3.6 Where the Council grants planning consent, the Council may impose conditions limiting the period of time for which the development is permitted to continue.

8.3.7 Where an application is for planning consent for a development that includes the carrying out of any building or works, the Council may grant approval subject to matters requiring the subsequent approval of the Council. These matters may include the siting, design, external appearance of the buildings, means of access or landscaping.

8.3.8 The Council may decline to deal with an application requiring later approval of details or call for further details if it thinks fit.

8.3.9 Where the Council has granted approval subject to matters requiring the later approval of the Council, application for approval of those matters must be made not later than the expiration of two years beginning with the date of the first approval or such other date specified by Council in the first approval.

8.3.10 The Council may grant approval to a development already commenced or carried out regardless of when it commenced or was carried out.

Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme, with or without the exercise of a discretion provided in the Scheme, as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

8.3.11 The application to the Council for approval under Clause 8.3.10 shall be made on the form prescribed in Appendix 12.

8.3.12 A development which was not permissible under this Scheme at the time it was commenced or carried out may be approved if at the time of approval under the clause it is permissible.

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 8, clause 65

8.4 POWERS OF THE SCHEME

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

- (a) The Council may enter into 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) The Council may acquire any land or buildings within the district pursuant to the provisions of the Scheme or the Act. The Council may deal with or dispose of any land which it has acquired pursuant to the provisions of the Scheme or the Act in accordance with the law and for such purpose may make such agreements with other owners as it considers fit.
- (c) An officer of the Council, authorised by the Council for the purpose, may at all reasonable times enter any building or land for the purpose of ascertaining whether the provisions of the Scheme are being observed.

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 10,
clause 78 and 79

8.5 OFFENCES

8.5.1 No person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or suffer or permit the use of any land or building or undertake or suffer or permit the undertaking of any development within the Scheme Area:

- (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 part have been and continue to be complied with.

8.5.2 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.

8.5.3 Twenty eight (28) days written notice is hereby prescribed as the notice to be given pursuant to Section 10 of the Act.

8.5.4 The Council may recover expenses under Section 10(2) of the Act in a court of competent jurisdiction.

8.6 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 (6) months after the date of publication of the Scheme in the Government Gazette.

8.7 VALUATIONS

8.7.1 Where it is necessary to ascertain the value of any land for the purpose of the Scheme, the value shall be determined by either the Valuer General or at the option of the Council by an independent and competent valuer appointed by the Council.

8.7.2 If an owner shall object to the value so determined he may give notice of such objection to the Council within twenty eight (28) days after having been informed of the said value or any revised value.

8.7.3 If the valuer does not agree to change the value to a figure acceptable to the owner, the value shall be determined by arbitration in accordance with the provisions of the Commercial Arbitration Act 1985.

8.8 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 the rules and regulations made pursuant to the Act.

8.9 POWER TO MAKE POLICIES

8.9.1 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.

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

- (a) The Council having prepared and 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 draft policy may be inspected and where, written submissions may be made to the Council;
- (b) If a policy may be inconsistent with other provisions of the Scheme or with State and regional planning policies the Council shall submit it to the Western Australian Planning Commission for consideration and advice;
- (c) The Council shall review its draft Town Planning Scheme Policy in the light of any submissions made, or advice received, and shall then decide to finally adopt the draft policy with or without amendment, or not proceed with the draft policy; and
- (d) Following final adoption of a Town Planning Scheme Policy, notification of the final adoption shall be advertised publicly and a copy kept within the Scheme documents for inspection during normal office hours.

8.9.3 A Town Planning Scheme Policy may only be amended or rescinded by:

- (a) Preparation and final adoption of a new policy pursuant to Clause 8.9.2, specifically worded to supersede or amend an existing policy; or
- (b) Publication of a formal notice of rescission by the Council twice in a newspaper circulating in the area.

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 9,
clause 76

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 2,
Division 2,
clause 3 - 6

- 8.9.4 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 objectives which the Policy was designed to achieve before making its decision.
- 8.9.5 Any Policy prepared under this clause shall be consistent with the Scheme and where any inconsistency arises the Scheme shall prevail.

8.10 RELAXATION OF STANDARDS

- 8.10.1 If a development the subject of an application for planning consent does not comply with a standard prescribed by the Scheme applicable thereto the Council may, notwithstanding the non-compliance, by resolution passed by an absolute majority grant planning consent to the development subject to any conditions the Council thinks fit if it is satisfied that:
- (a) If approval were granted, the development would be consistent with the orderly and proper planning of the locality or the likely future development of the locality; and
 - (b) The non-compliance will not have an adverse effect upon the occupiers or users of the development or the inhabitants of the locality or the likely future development of the locality.
- 8.10.2 Prior to granting planning consent under Clause 8.10.1 the Council may advertise its intention to consider doing so in accordance with Clause 8.2.3.

8.11 DELEGATION

- 8.11.1 The Council may, either generally or in a particular case by resolution passed by an absolute majority of the Council, delegate to an officer, officers or Committee of the Council, all or any of its functions, rights and powers under this Scheme and those functions required of it under the Act.
- 8.11.2 Any delegation of authority made by the Council pursuant to the preceding clause hereof shall have effect for an indefinite period unless the Council stipulates a lesser period.
- 8.11.3 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. The performance of a function by a delegate under Clause 8.11.1 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.
- 8.11.4 Without affecting the generality of the provisions of this paragraph 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 or have due regard to any matter, then that requirement shall be satisfied if a Committee or officer exercising delegated authority in respect of that power performs the function.
- 8.11.5 A resolution to revoke or amend a delegation under this clause requires an absolute majority.
- 8.11.6 The relevant officer, officers or Committee exercising the power delegated pursuant to the provisions of Clause 8.11.1 shall comply with the provisions of the Scheme governing the exercise of the power by the Council, insofar as such provisions are reasonably applicable.

GG: 25/08/15
Deemed Provisions
Schedule 2, Part 10,
Division 2,
clause 82 - 84

INTERPRETATIONS

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

Absolute Majority: shall have the same meaning as is given to it in the Local Government Act 1960 (as amended).

Act: means the Town Planning and Development Act 1928 (as amended).

Advertisement: means any work, 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.

Aged Persons Village: means a building or group of buildings designed for residential occupation by aged persons and includes buildings and parts of buildings used for communal facilities, food preparation, dining, recreation, laundry or medical care.

Amusement Machine: means any machine, game or device whether mechanical or electronic or a combination of both operated by one or more players for amusement and recreation.

Amusement Parlour: means any land or building, open to the public, where the predominant use is amusement by amusement machines and where there are more than two amusement machines operating within the premises.

Ancillary Accommodation: means self contained living accommodation on the same site as a single house intended to accommodate a member of the family of the occupier of the main dwelling.

Aquaculture: means any fish farming operation for which a Fish Farm Licence issued pursuant to the provision of Part V of the Fisheries Act, 1905 (as amended), and the Fisheries Regulations, 1938 (as amended), is required.

Art Gallery: means premises used for showing works of art.

Art and Craft Studio & Sales: means premises used as a working room by a painter, sculptor, photographer or other craftsman and includes the sale of art or craft.

Auction Mart: means any land or building on or in which goods are exposed or offered for sale by auction, but does not include a place used for the sale by auction of fresh food, fruit, vegetables or livestock.

Authorised Officer: means any officer of the Council, authorised by the Council to exercise all or some of the powers of the Council under this Scheme.

Battle-axe lot: means a lot having access to a public road by means of an access strip included in the Certificate of Title of that lot.

Bed & Breakfast Accommodation: means accommodation provided for hire or reward under the main roof of a dwelling house for not more than four (4) adults or one family in the form of a maximum of two (2) guest bedrooms and one (1) guest bathroom.

Betting Agency: means a building operated in accordance with the Totalisator Agency Board Betting Act 1960 (as amended).

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

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

Building Envelope: means an area of land within a lot marked on a plan adopted by resolution of the Council within which all buildings on the lot must be contained.

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

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

Caravan: means a vehicle as defined under the Road Traffic Act 1974 (as amended) maintained in condition suitable for licence under that Act at all times and being designed or fitted or capable of use as a habitation or for dwelling or sleeping purposes.

Caravan Park: 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 and includes incidental uses of the land including ablution blocks, recreation areas, office and kiosk.

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

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

Cattery: means the use of land or buildings for the purpose of keeping more than three (3) cats over the age of three (3) months.

Cellar Door Sales: means the sale of beverages such as wine, cider or similar products either alcoholic or non-alcoholic that has been produced from grapes or other fruit grown on site, from an approved premises not being a winery.

Child Day Care Centre: means land and buildings used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988 (as amended).

Child Family Care Centre: means the conduct within a private dwelling of the daily or occasional care of children in accordance with Community Services (Child Care) Regulations 1988.

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

Civic Use: means land and buildings used by a Government Department, and instrumentality of the Crown, or the Council, for administrative, recreational or other purpose.

Club Premises: means land and buildings used or designed for use by a legally constituted club or association or other body of persons united by a common interest whether such building or premises be licensed under the provisions of the Liquor Licensing Act 1988 (as amended) or not and which building or premises are not otherwise classified under the provisions of the Scheme.

Commercial Vehicle: means a vehicle whether licensed or not and which is used in conjunction with a trade or profession and shall include trailers, tractors and their attachments, buses and earthmoving machines whether self propelled or not but shall not include a passenger car derivative as defined by the Vehicle Sales Regulations 1976 (as amended), a van, utility or light truck which is rated by the manufacturer as being suitable to carry loads of up to 1.5 tonnes.

Commission: means the Western Australian Planning Commission constituted under the Western Australian Planning Commission Act 1985 (as amended).

Consulting Rooms: means a building (other than a hospital or medical centre) used by no more than two practitioners who are legally qualified medical practitioners or dentists, physiotherapists, chiropractors, and persons ordinarily associated with a practitioner, in the prevention, 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.

Contractor's Yard: means any land or buildings used for the storage of contractor's plant and equipment, including prefabricated or transportable buildings and materials.

Conservation: means, in relation to any place or heritage precinct, the management of that place or precinct in a manner that will:

- (a) enable the cultural heritage significance of that place or precinct to be retained; and
- (b) yield the greatest sustainable benefit for the present community without diminishing the cultural heritage significance of that place or precinct, and may include the preservation, stabilisation, protection, restoration, reconstruction, adaptation and maintenance of that place or precinct in accordance with relevant professional standards, and the provision of an appropriate visual setting.

Convenience Store: means land and buildings used for the retail sale of convenience goods being those goods commonly sold in Supermarkets, Delicatessens and Newsagents but including the sale of petrol and operated during hours which include but which may extend beyond normal trading hours and providing associated parking. The buildings associated with a Convenience Store shall not exceed 300m² gross leasable area.

Corner Shop: means a shop used for the sale of daily grocery needs to persons in the immediate locality, with a gross floor area not exceeding 100m², attached to a dwelling in residential zones and which is operated as an additional use thereto by the permanent tenants of the dwelling.

Cultural Heritage Significance: means, in relation to a place or heritage precinct, the relative value which that place or precinct has in terms of its aesthetic, historic, scientific or social significance, for the present community and future generations.

Curtilage: in relation to a dwelling means the yard of the dwelling, or an area in the immediate vicinity of the dwelling on the same lot used for purposes ancillary to the dwelling. The curtilage shall not include the area located between the street frontage of the lot and the dwelling thereon except with the special approval of the Council. The term shall have a like meaning in relation to land around buildings other than dwellings.

Development: shall have the same meaning given to it in and for the purposes of the Act but shall also include:

"in relation to any building, object structure or place entered in the Heritage List or contained within a heritage precinct, any act or thing that:

(a) is likely to change the character of the place or the external appearance of any building; or
(b) would constitute an irreversible alteration to the fabric of any building".

Display Home Centre: means a group of two or more dwellings which are intended to be open for public inspection.

District: means the Municipal District of the Shire of Capel.

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

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

Dwelling: means a building or portion of a building containing at least one living room and includes rooms, outbuildings and other structures attached to or separate from such building but auxiliary thereto; such building or portion thereof being used or intended, adapted or designed to be used for the purpose of human habitation on a permanent basis by:

(a) a single person;

(b) a family; or

(c) no more than six (6) persons who do not comprise a single family.

Educational Establishment: means a school, college, university, technical institute, academy or other educational centre, and includes accommodation for students, but does not include a reformatory or institutional home.

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

(a) where the side boundaries of a lot are parallel to one another, the length of a line drawn at right angles to such boundaries;

(b) where the side boundaries of a lot are not parallel to one another, the length of a line drawn parallel to the street frontage and intersecting the side boundaries at the minimum distance from the street alignment at which buildings may be constructed; or

(c) where a lot is of such irregular proportions or on such steep grade that neither of the foregoing methods can reasonably be applied, such length as determined by the Council.

Employee Dwelling: means a building used as a dwelling by a person or persons whose primary employment is the maintenance or management of the operation of the rural pursuit occurring on the land upon which their accommodation is situated.

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

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

Farm Supply Centre: means the use of land and buildings for the supply of vegetable seed, fertilisers, agricultural chemicals, stock foods, tractors, farm equipment, implements or components, or irrigation equipment.

Fish Shop: means a building where wet fish and similar foods are displayed and offered for sale.

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

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

Fuel Depot: means land and buildings used for the storage and sale in bulk of solid or liquid gaseous fuel, but does not include a service station and specifically excludes the sale by retail into the final users vehicle of such fuel from the premises.

Funeral Parlour: means land and buildings occupied by an undertaker where bodies are stored and prepared for burial or cremation.

Garden Centre: means land and buildings used for the sale and display of garden products, including garden ornaments, plants, seeds, domestic garden implements and motorised implements and the display but not manufacture of prefabricated garden buildings and may include the propagation of plants offered for sale.

Gazettal Date: means the date of which notice of the Minister's approval on this Scheme is published in the Government Gazette.

Grouped Dwelling: means a dwelling which is one of a group of two or more dwellings on the same lot such that no dwelling is placed wholly or partly vertically above another, except where special conditions of landscape or topography dictate otherwise.

Gross Floor Area: shall have the same meaning as Floor Area in the Building Code of Australia.

Gross Leasable Area: 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.

Guest House: means a residential building for which the primary purpose is short-stay tourist accommodation.

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

Heritage Precinct: means a precinct of heritage value having a distinctive nature, which may contain elements of only minor individual significance but heightened collective significance, and within whose boundaries controls may be necessary to retain and enhance its character.

Heritage List: means the Municipal Inventory, as amended from time to time, prepared by the Council pursuant to Section 45 of the Heritage of Western Australia Act 1990 (as amended), or such parts thereof as described in the Heritage List.

Holiday Accommodation: means land and buildings constructed and used for the accommodation of holiday makers and organisations generally in accordance with the Local Government Model By-laws (Holiday Accommodation) No. 18, and may include, with the approval of Council, uses incidental to the normal function of a holiday accommodation facility.

Home Occupation: means a business or activity carried on with the written permission of the Council within a dwelling house or the curtilage of a house by a person resident therein or within a domestic outbuilding by a person resident in the dwelling house to which it is appurtenant in accordance with the standards set out in clause 7.5 of the Scheme.

Hospital: means a building in which persons are received and lodged for medical treatment or care and includes a maternity hospital.

Hospital Special Purposes: means a building used or designed for use wholly or principally for the purpose of a hospital or sanatorium for the treatment of infectious or contagious diseases, or hospital for the treatment of the mentally ill or similar use.

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Deemed Provisions
Schedule 2,
Part 3, Clause 7

Hotel: means land and buildings providing accommodation for the public the subject of a Hotel Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended) and may include a betting agency operated in accordance with the Totalisator Agency Betting Act 1960, but does not include a motel, tavern or boarding house the subject of a limited hotel licence or other licence granted under that Act.

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

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

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

- (i) the carrying out of agriculture;
- (ii) on-site work on buildings or land; and
- (iii) in the case of edible goods the preparation of good for retail sale from the premises.

Industry Extractive: means an industry which involves:

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

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

Industry Hazardous: means an industry which, when in operation and when all measures proposed to minimise its impact on the locality have been employed (including measures to isolate the industry from existing or likely future development on other land in the locality), would pose a significant risk in relation to the locality, to human health, life or property, or to the biophysical environment. Examples of such industry include oil refineries and chemical plants but would generally exclude light, rural or service industries.

Industry Light: means an industry:

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

Industry Noxious: means an industry in which it is the subject to licensing as "Prescribed Premises" under the Environment Protection Act 1986 (as amended).

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

Industry Service: Means a light industry carried out on land or within 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.

Intensive Agriculture: means the use of land for the purposes of trade, commercial reward or gain, including such buildings and earthworks normally associated with the following:

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

~~**Intensive Agriculture:** means a horticultural use of rural land which serves to increase production from a given area and includes orchards, vegetable growing and viticultural.~~

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

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Limited Grazing: means the grazing of land by a specified number and type of grazing animals, approved by Council, for the prime purpose of preventing pastureland from becoming a fire risk and for other domestic household requirements.

Liquor Store: means a building the subject of a Store Licence granted under the provision of the Liquor Licensing Act 1988 (as amended).

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

Low Profile: means development that complies with the Country Coastal Planning Policy (Policy No. DC 6.1) whereby no building within 500 metres of the coast shall exceed 12 metres in height unless approved by the Western Australian Planning Commission.

Lunch Bar: means a building or part of a building used for the sale of take-away sandwiches and similar foodstuffs between the hours of 9.00am and 4.00pm within industrial and commercial areas, in a form ready to be consumed without further preparation off the premises but does not include a take-away food outlet.

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

Marine Filling Station: means land and buildings used for the storage and supply of liquid fuels and lubricants for marine craft, but in which no industry is carried on; but does not include a service station.

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

Medical Centre: means a building (other than a hospital) used by more than two practitioners mentioned under the interpretation of Consulting Rooms and may also provide accommodation for ancillary services such as chemists, pathologists and radiologists.

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

Motel: 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 and to which a licence under the Liquor Licensing Act 1988 has been granted.

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

Motor Vehicle Hire: means land and buildings used for the hiring out of motor vehicles and when conducted on the same site, the storage and cleaning of motor vehicles for hire but does not include mechanical repair or servicing of such vehicles.

Motor Vehicle Repair: 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.

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

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

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

Office: means a building or part of a building used for the conduct of administration, the practice of a profession, the carrying on of agencies, a post office, bank, building society, insurance office, estate agency, typist and secretarial services, or services of a similar nature, and where not conducted on the site thereof, the administration of or the accounting in connection with a commercial or industrial undertaking.

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

Outbuilding: means a non-habitable building used in conjunction with a dwelling house and includes a carport, private garage, shed, private workshop or the like, but does not include farm sheds.

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

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

Park Home: means a movable dwelling, not being a vehicle as defined under the Road Traffic Act 1974 (as amended), 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.

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

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

Place: means an area of land sufficiently identified by survey, description or other wise as to be readily ascertainable, and includes:

- (a) an area of land situated below low water mark on the seashore or on the bank of tidal waters, or in the bed of any watercourse, lake or estuary;
- (b) any works or buildings situated there, their contents relevant to the purpose of this Scheme, and such of their immediate surroundings as may be required for the purposes of the conservation of those works or buildings; and
- (c) as much of the land beneath the place as is required for the purposes of its conservation.

Plant Nursery: means land and buildings used for the propagation and rearing of trees, plants, shrubs, or flowers for replanting in domestic, commercial or industrial gardens and plantations and where such produce is disposed of by wholesale only.

Plot Ratio: shall have the same meaning given to the term in the Building Code of Australia except for residential dwellings where the term shall have the same meaning given to it in the Residential Planning Codes.

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

Poultry Farm: means land and buildings used for hatching, rearing or keeping of poultry for either egg or meat production and for purposes of trade, commercial reward or gain and such use may or may not constitute an offensive trade within the meaning of the Health Act 1911 - 1990 (as amended).

Private Hotel: means land and buildings used for the residential purposes the subject of a Limited Hotel Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

Produce Shop: means land and buildings used solely for the sale of local agricultural produce or products made from local agricultural produce for human consumption. Local agricultural produce, is produce grown in the south west region and includes local wines from that region.

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

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

Public Mall: mean any public street or right-of-way designed especially for pedestrians who shall have the right of way and vehicle access shall be restricted to service vehicles at times specified by the Council.

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

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

Rabbitry: means any building, enclosure or yard in which two hundred (200) or more rabbits are kept, reared, bred or fattened for the production of meat, fur or wool for purposes of trade, commercial reward or gain.

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Radio & TV Installation: means land and buildings used for the transmission, relay and reception of signals and pictures, both commercial and domestic, but does not include domestic radio and television receivers.

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

Recreational Agriculture: means the cultivation of land within a specified area of the property located outside of the building envelope, as approved by Council, for crops and flowers, and other horticultural practices and the keeping of animals and birds for consumption and enjoyment of the occupants of the subject allotment only. The activity is not undertaken on a commercial basis.

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

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

Residential Building: means a building or portion of a building, together with rooms and outbuildings separate from such building but ancillary thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation;

(a) temporarily by two or more persons, or

(b) permanently by seven or more persons,

who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, a residential school, bed and breakfast, accommodation or guest house.

Residential Planning Codes: means the Residential Planning Codes, set out in Appendix 2 to the Western Australian Planning Commission Statement of Planning Policy No. 1.

Restaurant: means a building wherein food is prepared for sale and consumption on the premises or an adjacent outdoor eating area and the expression shall include a licensed restaurant.

Restoration: 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.

Restricted Premises: means any premises, part or parts thereof, used or designed to be used primarily for the sale by retail or wholesale, or the offer for hire, loan or exchange, or the exhibition, display or delivery of:

(a) publications that are classified as restricted publications pursuant to the Indecent Publications and Articles Act 1902 (as amended); or

(b) materials, compounds, preparations or articles which are used or intended to be used primarily in or in connection with any form of sexual behaviour or activity.

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

(a) extensive dry land agriculture for crop production;

(b) dry land production and pasturing of livestock;

(c) production and pasturing of livestock on irrigated lands;

(d) plantation growing of trees;

(e) the sale of produce grown solely on the lot provided that if a roadside stall is used it is approved by Council and the Main Roads Department, where appropriate; and

(f) the stabling, agistment or training of horses;

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

(i) the keeping of pigs;

(ii) poultry farming;

(iii) the processing, treatment or packing of produce;

(iv) the breeding, rearing or boarding of domestic pets.

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

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

Second-hand Dwelling: means any building or structure or part thereof used or intended to be used for human habitation and which does not consist of substantially all new material and may be transported or moved to a site for the purpose of re-erection.

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

Shop: means any building wherein goods are kept, exposed or offered for sale by retail, or within which services of a personal nature are provided (including a hairdresser, beauty therapist or manicurist) but does not include a showroom, fast food outlet or any other premises specifically defined elsewhere in this part.

Showroom: means any building or part of a building used or intended for use for the purpose of displaying or offering for sale by wholesale or retail, automotive spare parts, carpets, large electrical appliances, furniture, hardware or goods of a bulky nature but does not include the sale by retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, china, glassware or domestic hardware, or items of personal adornment.

Stable: means any land, building or structure used for the housing, training, keeping and feeding of horses, asses and mules and associated incidental activities.

Stock Feedlot: means any building, enclosure, yard or paddock in which livestock are kept for reasons associated with the rearing, breeding or fattening of the stock, for purposes of trade, commercial reward or gain at a stock rate in excess of that common for Rural Pursuits operating in the locality.

Structure Plan: means a plan which indicates broad land use options for the development and subdivision of an area and provides a policy framework for such future subdivision and development.

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

Tavern: means land and buildings the subject of a Tavern Licence granted under the provisions of the Liquor Licensing Act 1988 (as amended).

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

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

Transportable Home: means any structure designed for human habitation that is partly or wholly prefabricated at any place other than on the lot upon which it is to be erected.

Veterinary Clinic: means a building in which a veterinary surgeon or veterinarian treats the minor ailments of domestic animals and household pets as patients but in which animals or pets do not remain overnight, and may include a dispensary of medications incidental thereto.

Veterinary Hospital: means a building used in connection with the treatment of animal injuries and ailments, and includes the care and accommodation of animals during or after such treatment.

Viticulture: means land or buildings normally associated with the growing of grapes.

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

Waste Disposal: means the use of land for the purpose of storage or the disposal of domestic or industrial rubbish, refuse or waste whether liquid or solid.

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

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

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Winery: *means land and buildings used in the processing of grapes or fruit to produce wine, cider or similar products either alcoholic or non-alcoholic, and includes the sale of the products produced on the premises directly to the public.*

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

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

ZONING TABLE (CLAUSE 3.2)

APPENDIX 2

USE CLASS	RESIDENTIAL	RURAL	SPECIAL RURAL	TOWN CENTRE	LIGHT INDUSTRY	FORESHORE PROTECTION	SPECIAL USES
Abattoir	X	SA	X	X	X		
Aged Persons Village	AA	X	X	X	X		
Amusement Parlour	X	X	X	AA	X		
Ancillary Accommodation	AA	AA	AA	X	X		
Art & Craft Studio & Sales	X	AA	SA	AA	P		
Bed & Breakfast Accommodation	SA	AA	SA	AA	X		
Builder's Storage Yard	X	X	X	X	P		
Caravan Park	X	AA	X	X	X		
Caretaker's Dwelling	X	X	X	IP	IP		
Cattery	X	AA	X	X	X		
Car Park	IP	IP	IP	IP	IP		
<i>Cellar Door Sales</i>	X	AA	X	X	X		
Child Day Care Centre	SA	SA	SA	P	X		
Child Family Care Centre	AA	AA	AA	X	X		
Civic Building	AA	AA	AA	P	X		
Club Premises	X	SA	X	P	AA		
Consulting Rooms	SA	X	SA	P	AA		
Contractor's Yard	X	X	X	X	P		
Corner Shop	SA	X	X	P	X		
Dog Kennels	X	SA	X	X	SA		
Dry Cleaning Premises	X	X	X	AA	AA		
Educational Establishment	AA	AA	AA	AA	AA		
Employee Dwelling	X	IP	X	X	X		
Farm Supply Centre	X	X	X	AA	P		
Fish Shop	X	X	X	P	AA		
Fuel Depot	X	X	X	X	P		
Funeral Parlour	X	X	X	P	AA		
Garden Centre	X	AA	X	AA	P		
Grouped Dwelling	AA	X	X	X	X		
Guest House	SA	AA	X	P	X		
Holiday Accommodation	X	SA	X	AA	X		
Home Occupation	AA	AA	AA	X	X		
Hospital	SA	SA	SA	AA	X		
Hotel	X	X	X	AA	X		
Industry - Extractive	X	AA	X	X	X		
Industry - General	X	X	X	X	X		
Industry - Noxious or Hazardous	X	X	X	X	X		
Industry - Light	X	X	X	X	P		
Industry - Rural	X	AA	X	X	P		
Industry - Service	X	X	X	AA	P		
Intensive Agriculture	X	P*	AA	X	X		
Lunch Bar	X	X	X	P	AA		

AN:10
GG: 9/1/01

AS SPECIFIED IN CLAUSE 5.9

AS SPECIFIED IN APPENDIX 4

*REFER TO CLAUSE 5.7.4

USE CLASS	RESIDENTIAL	RURAL	SPECIAL RURAL	TOWN CENTRE	LIGHT INDUSTRY	FORESHORE PROTECTION	SPECIAL USES
Medical Centre	SA	X	X	P	X		
Milk Depot	X	AA	X	AA	AA		
Motel	X	X	X	P	X		
Motor Vehicle & Marine Sales - Premises	X	X	X	AA	AA		
Motor Vehicle Repair	X	X	X	AA	P		
Motor Vehicle Wrecking	X	X	X	X	AA		
Office	X	X	X	P	IP		
Open Air Display	X	X	X	AA	P		
Petrol Filling Station	X	X	X	AA	AA		
Piggery	X	AA	X	X	X		
Plant Nursery (No retail)	X	AA	SA	AA	AA		
Poultry Farm	X	AA	X	X	X		
Private Hotel	X	X	X	P	X		
Public Amusement	X	X	X	P	AA		
Public Utility	AA	AA	AA	AA	AA		
Public Worship	AA	AA	AA	P	AA		
Rabbitry	X	AA	X	X	X		
Radio/T.V. Installation	X	AA	X	AA	AA		
Recreation Public	SA	SA	SA	X	AA		
Recreation Private	SA	SA	SA	X	AA		
Residential Building	AA	AA	AA	X	X		
Restaurant	X	IP	X	P	X		
Restricted Premises	X	X	X	SA	X		
Roads/Rights of Way	P	P*	P	P	P		
Rural Pursuit	X	P*	AA	X	X		
Salvage Yard	X	X	X	X	AA		
Sawmill	X	AA	X	X	AA		
Second Hand Dwelling	X	AA	X	X	X		
Service Station	X	X	X	P	AA		
Shop	X	X	X	P	X		
Showroom	X	X	X	P	IP		
Single Dwelling	P	P	P	X	AA		
Stables	X	P*	AA	X	X		
Stock Feedlot	X	AA	X	X	X		
						AS SPECIFIED IN CLAUSE 5.9	AS SPECIFIED IN APPENDIX 4

USE CLASS	RESIDENTIAL	RURAL	SPECIAL RURAL	TOWN CENTRE	LIGHT INDUSTRY	FORESHORE PROTECTION	SPECIAL USES
Take-A-Way Food Outlet	X	X	X	P	X	AS SPECIFIED IN CLAUSE 5.9	AS SPECIFIED IN APPENDIX 4
Tavern	X	X	X	AA	X		
Trade Display	X	X	X	AA	IP		
Transport Depot	X	X	X	X	P		
Veterinary Clinic	X	AA	SA	AA	AA		
Veterinary Hospital	X	AA	SA	AA	AA		
Warehouse	X	X	X	AA	P		
Waste Disposal	X	AA	X	X	X		
Wayside Stall	X	AA	SA	X	X		
Winery - incl. sales to public	X	AA	X	X	X		

*REFER TO CLAUSE 5.7.4

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
Lot 1, Wellington Location 3838, Goodwood Road	Lime Kiln & Associated Uses	As determined by Council
Lot 54, Bussell Highway, Stratham	Professional Consultant Office, public admission to private recreation facilities, shop with a maximum floor area of 25m ² (for the sale of produce grown on the lots, aquaculture equipment, arts & crafts & packaged snack foods), aquaculture & educational activities associated with aquaculture, bed & breakfast, ecology & conservation	As determined by Council
Pt Boyanup AA Lot 217, Gavins Road, Boyanup	Organic Byproducts Processing Plant	<p>(ii) Any person conducting the additional use permitted in this Appendix shall maintain and comply at all times a current licence to operate the use from the Environmental Protection Authority.</p> <p>(Iii) In giving consideration to granting its written approval pursuant to Clause 3.4 of the Scheme, Council may require a person to enter into a Deed of Covenant to secure compliance with any conditions of its approval and may prescribe therein suitable remedies or bonds in regard to such compliance. Where Council requires a person to enter into a Deed of Covenant as a condition of its written approval, that person shall not commence the development until a Deed is executed.</p>
Lot 43, Maynard Parade, Gelorup	Professional Offices	<p>Development of the lot shall generally be in accordance with a Development Guide plan to be submitted at the Development Application stage.</p> <p>The Guide Plan to be adopted by Council and endorsed by the Chief Executive Officer shall have due regard to the following:</p> <ol style="list-style-type: none"> 1. All buildings shall be contained within a building envelope of an area of 1000m²; 2. The building envelope shall have minimum setbacks of 15m front and rear and 6m from the side boundaries; 3. Protection of existing trees; 4. Access being limited to one point which is sited to give due regard to the intersection of Meadow View Road and Maynard Parade; 5. All other development standards/requirements as determined by Council.

ADDITIONAL USE (CLAUSE 3.3)

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
Portion of Lot 4, of Wellington Location 183 Peppermint Grove Beach	Historic village, museum, restoration workshop, kiosk, observation lookout, reception, cafe, craft manufacture and sales, wildlife refuge, holiday accommodation (maximum - 5 units)	Prior to commencing development, the proponent must submit a Development Guide Plan for adoption by Council and thereafter development of the land shall be in accordance with the plan unless a modified plan is submitted to and adopted by Council.
Lot 74, Pt Lot 73, Lot 2 and Lot 72 Weld Road	Low key rural pursuits as approved by Council.	As determined by Council
Lot 888 Turner Street, Boyanup	<p>* Respite Centre which consists of residential holiday units, a multi purpose building and outdoor recreational uses.</p> <p>* Multi Purpose Building wherein the permitted uses are recreation activities for residents of the lot, restaurant, art and craft display and sales, private functions and community meeting place.</p> <p>* Art and Craft Activities</p> <p>* Holiday Accommodation</p> <p>* Associated ancillary uses determined by Council to be complimentary to the use of the lot.</p>	<p>Development on the land shall generally be in accordance with the uses and proposed development nominated on the Development Guide Plan as adopted by Council. The plan may be modified with the consent of Council.</p> <p>Council Planning Consent shall be obtained for the permitted uses, prior to commencement of these uses. An application for Planning Consent shall have due regard to the following:</p> <p>(a) The Multi Purpose Building is limited to a maximum total internal floor space area of 118m².</p> <p>(b) The seating capacity of the Multi Purpose Building shall not exceed a maximum of 70 persons.</p> <p>(c) The provision of vegetation and feature fence screening to the southern boundary of the lot where it adjoins the Boyanup Museum is required, to the satisfaction of Council, prior to the commencement of the permitted uses.</p> <p>(d) Future Foreshore Recreation Reserve and drainage requirements.</p> <p>(e) All other development standards/requirements as determined by Council.</p>
AN:9 GG: 9/2/01 Lot 36 South Western Highway, Boyanup	Workshop, Display and Sales Area associated with Children's Furniture and Play Equipment	<p>1 Development shall be generally in accordance with the Development Guide Plan which forms part of Amendment No. 9 (Drawing No. 99 – 67 dated 10 December 1999) or any other alternative Development Guide Plan endorsed by Council.</p> <p>2 Prior to the use of the workshop commencing, a substantial commencement of the construction of the dwelling shall be made.</p> <p>3 Access to the lot shall be limited to one crossover.</p> <p>4 The elevation of the workshop building shall be in keeping with the design guidelines for the adopted Boyanup Townscape Plan.</p>

AN:14
Provisions Deleted Refer to Special Use Zone. Appendix 4 GG:04/01/02

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
		<p>5 Landscape treatment of the building setback areas shall include suitable trees capable of growing to a height of at least 5m and being of a species in keeping with the planting recommendations of the adopted Boyanup Townscape Plan.</p> <p>6 The development shall be designed and constructed in a manner which incorporates noise attenuation measures that comply with the Department of Environmental Protection noise regulations.</p> <p>7 All other development standards/conditions determined by Council.</p>
<p>AN:19 GG: 3/8/04</p> <p>Lot 1 on Diagram 43421 South Western Highway North Boyanup</p>	<p>Storage shed and workshop, office and amenity building</p>	<p>1) Development of the lot shall generally be in accordance with the Development Guide Plan which forms part of Amendment No 19, (Drawing No 1884-002 dated November 2003), or any other alternative Development Guide Plan endorsed by Council.</p> <p>2) Development of the storage shed and workshop is restricted to one shed of 30 metres by 10 metres.</p> <p>3) The approval is for the purposes of SJ Roadworks for the operation of the business activities of SJ Roadworks and should the property be sold or the proprietor be changed the additional use will cease.</p> <p>4) Access to the South Western Highway to be constructed and maintained to the satisfaction of Main Roads WA.</p> <p>5) Prior to commencing the business activity the applicant shall obtain Council's formal Planning Consent with the number of business vehicles to be specified and requiring any further business vehicles to receive Council approval.</p> <p>6) Activities conducted on the site shall be limited to those in which the processes carried out, the machinery used, and the goods and commodities carried to and from the premises will not cause any injury to, or will not adversely affect the amenity of the locality by reason of the emission of light, noise, electrical interference, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, waste water or other waste products.</p>
<p>AN: 59 GG:30.12.14</p> <p>Lot 2 Fisherman's Road, Stratham CT 1101/745</p>	<p>Tourism Related activities consisting of--</p> <ul style="list-style-type: none"> • Art Gallery • Art and Craft Studio and Sales • Open Air Display 	<p>1. All Development on the land shall be in accordance with a Detailed Area Plan adopted by Council or any other modified plan submitted to and adopted by Council that does not require the approval of the Western Australian Planning Commission.</p>

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
		<p>5 <i>Landscape treatment of the building setback areas shall include suitable trees capable of growing to a height of at least 5m and being of a species in keeping with the planting recommendations of the adopted Boyanup Townscape Plan.</i></p> <p>6 <i>The development shall be designed and constructed in a manner which incorporates noise attenuation measures that comply with the Department of Environmental Protection noise regulations.</i></p> <p>7 <i>All other development standards/conditions determined by Council.</i></p>
	<ul style="list-style-type: none"> • <i>Restaurant</i> 	<p>2. <i>A maximum of 20 car bays shall be provided on site to reflect the scale of the permitted use. 6 bays for tourism related activities, with a maximum 14 designated to the ancillary restaurant use.</i></p> <p>3. <i>The restaurant (including any outdoor or alfresco areas) shall have a maximum seating capacity of 56 persons.</i></p> <p>4. <i>The gross leasable floor space of the restaurant (including alfresco and outdoor dining) shall not exceed the gross leasable floor space that is attributed towards the Art Gallery and Art Studio.</i></p> <p>5. <i>Access shall be from Fisherman's Road and to be constructed and maintained to the satisfaction of Main Roads WA (MRWA).</i></p> <p>6. <i>The Additional Uses to cease 20 years from the date of gazettal of the amendment, or within the date of any extension of time as agreed to by the MRWA and the Shire of Capel.</i></p> <p>7. <i>Satisfactory arrangements being made with Main Roads WA for the placement of a Section 70A notification of the title of Lot 2 Fisherman's Road in respect to Standard/Condition No.6.</i></p> <p>8. <i>The submission of a schedule of external finishes, colours and details of all signage to be provided with the application to commence development of the uses and such information to ensure that the development will complement the rural locality and have minimal visual impacts as viewed from the highway.</i></p> <p>9. <i>'Restaurant' use is only permitted as an ancillary use to the predominant uses of art and craft studio and sales and display. Foods which have been prepared at the restaurant and taken and eaten away from the subject lot is supported as an incidental use to restaurant use.</i></p>

SPECIAL USE ZONE (CLAUSE 3.4)

APPENDIX 4

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
Lot 9, Cnr Bridge & Thomas St, Boyanup	Church, Hall & Assoc. Uses	
<p>AN: 27 GG: 17/2/06</p> <p>AN: 57 GG: 13/11/15</p> <i>Lots 50 Bridge St, Boyanup</i>	Hotel <i>Take Away Food Outlet Holiday Accommodation</i>	<ol style="list-style-type: none"> 1. <i>The Take Away Food Outlet use is only permissible in conjunction with the Hotel use, and shall be ancillary to the Hotel use.</i> 2. <i>The Take Away Food Outlet is limited to a maximum floor area of 25m².</i> 3. <i>All buildings and extension shall reflect the relevant design guidance pursuant to the Boyanup Townscape Plan (9 January 1995) and adopted heritage policy for Boyanup and be sympathetic with the Heritage significance of the existing Hotel.</i> 4. <i>The Holiday Accommodation development shall be connected to reticulated water supply and sewerage services to the satisfaction of the Shire.</i> 5. <i>The Holiday Accommodation development shall ensure minimal impact on the setting of the existing Hotel through adequate setbacks from Bridge Street.</i> 6. <i>No person shall occupy the Holiday Accommodation for more than a total of three months in any twelve month period</i>
Lot 18, Bridge St Boyanup	Butcher Shop	
Lot 50, Scott Rd, Capel	Church, Hall & Assoc. Uses	
Sub Lot 21, Cnr Capel Drive & West Rd, Capel	Church, Hall & Assoc. Uses	
Lot 48, Scott Rd, Capel	Church, Hall & Assoc. Uses	
Pt Sub Lot 50, Capel Dr, Capel	Plant Nursery, Tourist Information Office	Development to be generally in accordance with an adopted Development Plan. Council may approve minor variations. No retail sales permitted from the nursery.
Lot 1, Sub Lot 49, Capel Dr, Capel	Car Park	
Pt Sub Lot 49, Capel Dr, Capel	Motel, Restaurant, Craft Shop, Reception Centre	
<p>AN: 27 GG: 17/2/06</p> <p>AN: 26 GG: 5/4/07</p> <i>Portion of Lot 252, Peppermint Grove Road, Peppermint Grove Beach</i>	<p>Resort Hotel, Holiday Accommodation, Shops & Associated Uses</p> <p><i>The objective of the zone is to provide for a range of opportunities for the provision of shopping and commercial facilities at Peppermint Grove Beach notwithstanding the provision for other or similar uses on other land within the locality.</i></p>	<ol style="list-style-type: none"> 1 Prior to commencing development the proponent must submit a Development Guide Plan for adoption by Council and thereafter development of the land shall be in accordance with the plan unless a modified plan is submitted to and adopted by Council. <i>The Development Guide Plan shall have regard to parking and access management, service vehicle access, fire management access to the adjoining reserve and streetscape values.</i> 2 Subject to adequate controls relating to the coordination of development being incorporated

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
	<p>The permitted uses are those land uses in Appendix 1 of the Scheme which are permitted ('P') within the Town Centre Zone.</p>	<p>into the Development Guide Plan Council will consider support to the subdivision of the land into two lots.</p>
<p>Lot 30, Cnr Loretta Ave & Bussell Highway, Gelorup</p>	<p>Service Station, Shop</p>	
<p>AN: 58 GG: 31/03/15</p> <p>AN: 32 GG: 25/03/11</p> <p>Lot 900 Loretta Avenue and Portion of Lots 2 and 901 Bussell Hwy, Gelorup</p> <p>Lot 30, Portion of 71 Loretta Ave & Portion of Lots 2 & 3 Bussell Hwy, Gelorup.</p>	<ul style="list-style-type: none"> • Service Station/ Convenience Store • Liquor Store and Ancillary Uses • Take-Away Food Outlet & Restaurant • Shop; servicing residents of locality as a Local Centre • Small Scale Office (not more than 150m²) • Other compatible uses within a Local Centre 	<ol style="list-style-type: none"> 1. Land use, subdivision and development is to be generally in accordance with a Local Structure Plan adopted by Council and endorsed by the Western Australian Planning Commission. The Local Structure Plan shall address, but not be limited to the following: <ul style="list-style-type: none"> • Overall site and Land Use Layout; • Maximum floor areas for all land use components; • Traffic Management Plan; • Car parking requirements; • Proposed Landscaping, buffering and other aesthetic outcomes; • Proposed Development Design Guidelines as approved by Council; • Assessment and detailed justification on proposed servicing of the site based on full development (this may require geotechnical analysis); • Assessment on how all development of the site will respond to noise, odour, light and other issues associated with amenity of the surrounding area and particularly adjoining residents; and • An explanation on how the Local Structure Plan will comply with the DEC Water Quality Protection Notes for a Priority 3 source Protection area. 2. The total net lettable area (NLA) for the Local Centre is 1000m² 1171m² and the maximum net lettable floor areas shall apply to the following land uses: <ul style="list-style-type: none"> • Liquor Store: 830m² • Takeaway Food Outlet and Restaurant: 70m² 141sqm • Convenience Store component of Service Station: 100m² 200sqm • Other alternative uses, as per the Local Structure Plan, should the above uses cease to operate 3. In the event that the Liquor Store and Ancillary land use ceases operation on the land, total on-site retail floor space shall not exceed 830m² NLA and remaining floor space area shall be removed or occupied by a non-retail land use, to the satisfaction of Council.

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
		<p>4. <i>The Takeaway Food Outlet and Restaurant shall be established in the existing building as depicted on the Local Structure Plan. Council will give no consideration to these uses being established in a “stand-alone” building.</i></p> <p>5. The Service Station and Convenience Store shall be combined uses.</p> <p>5. <i>Council shall refer any development application to the Department of Water for advice and comment prior to any formal consideration or granting of development approval under a Town Planning Scheme which;</i></p> <ul style="list-style-type: none"> ▪ <i>May have the potential to impact detrimentally on the quality and quantity of public drinking water supplies or;</i> ▪ <i>Does not comply with the provisions of the Water Quality Protection Note on Land Use Compatibility in Public Drinking Water Source Areas.</i> <p>6. <i>Clause 8.10 of the Shire of Capel District Town Planning Scheme No.7 shall not apply in respect of those floor area limitations described in development conditions (1) and (2).</i></p> <p>7. <i>Lot 30, Portion of Lot 71 Loretta Avenue and Portion of Lots 2 and 3 Bussell Highway</i> <i>Lot 900 Loretta Avenue, portion of Lots 2 and 901 Bussell Highway shall be amalgamated and new titles issued in accordance with the Local Structure Plan prior to the consideration of any development proposals by Council and is subject to construction of the new access road.</i></p> <p>8. <i>The upgrade of intersection treatments to be established at the direction of Main Roads WA as per the Scheme Amendment report, following an assessment by Main Roads WA of development applications associated with each stage depicted on the Local Structure Plan.</i></p> <p>9. <i>Car parking shall be implemented at each stage as specified on the Local Structure Plan.</i></p> <p><i>Car parking shall be implemented at each stage as specified on the Local Structure Plan and the number and location of parking bays shall be determined at the development Application stage.</i></p> <p>10. <i>Landscaping shall be implemented as depicted on the Local Structure Plan in association with each stage of development.</i></p> <p>11. <i>Details relating to the servicing of the site with sewer and water, in respect of each development stage, shall be provided with the lodgement of each development application,</i></p>

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
		<p><i>and shall be to the satisfaction of relevant servicing authorities and Council.</i></p> <p><i>12. Issues relating to noise, odour, and light impact on any surrounding development external to the site shall be addressed in each development application lodged in respect of each stage depicted on the Local Structure Plan.</i></p> <p><i>13. Servicing to be to the satisfaction of Council, relevant servicing authorities, and the Department of Water in respect of each stage of development. Geotechnical investigations will be required to demonstrate the viability of onsite effluent disposal.</i></p> <p><i>14. An on site effluent and nutrient management plan shall be prepared to incorporate water sensitive design principles, and best management practices and monitoring requirements to the satisfaction of the Shire of Capel and the Department of Water. The management plan shall also include contingency provisions in the event that the criteria established for the water quality and quantity are not met.</i></p> <p><i>15. A temporary turning area is to be constructed as depicted on the Local Structure Plan as part of Stage 2.</i></p> <p><i>15. Design and implementation of a dual use path along Bussell Highway and Loretta Avenue as depicted on the Local Structure Plan as part of Stage 2 and in respect to Road 'A' as part of Stage 3.</i></p> <p><i>Design and implementation of a dual use path along Bussell Highway, Loretta Avenue and Road A as depicted on the Local Structure Plan as part of State 2.</i></p> <p><i>16. A set of Development Design Guidelines shall be prepared for the whole Local Structure Plan area to the satisfaction of the Shire of Capel prior to any development approvals being issued. These guidelines shall be prepared with the intent of ensuring a high level of consistency of built form over the site whilst minimising the visual dominance for the built form and shall include guidelines for:</i></p> <ul style="list-style-type: none"> <i>• Hardstand treatments – Laterite Gravel Bitumen to be used</i> <i>• Fencing Details</i> <i>• Lighting Strategy</i> <i>• Any corporate branding to be secondary to an overall architectural theme</i> <i>• Signage Strategy</i>

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
		<ul style="list-style-type: none"> • <i>Colour scheme that uses natural/earthy tones</i> • <i>Other Character Elements</i> <p>17. Council shall refer any development application to the Environmental Protection Authority under Section 38(5) of the Environmental Protection Act 1986 for its endorsement prior to any formal consideration or granting of development approval under a Town Planning Scheme which entails the operation of a service station facility and/or convenience store outside the hours of 0700 to 1900 hours.</p> <p>17. Council shall refer any development application to the Environmental Protection Authority under Section 38(5) of the Environmental Protection Act 1986 for its endorsement prior to any formal consideration or granting of development approval under a Town Planning Scheme which entails the operation of a convenience store outside the hours of 7:00 to 19:00 hours.</p> <p>18. A Sustainability Outcomes and Implementation Plan including targets and methods of delivery being prepared prior to the issue of any development approvals and implemented prior to commencement of the use and to address matters including energy efficiency , solar orientation, water use, water sensitive design and landscaping etc.</p> <p>19. Development design and construction (inclusive of building, fences, landscaping, lighting etc) shall give regard to the WAPC Designing Out Crime Guidelines.</p> <p>20. Council may consider and adopt a modification to the Local Structure Plan via a plan of modification which shall;</p> <ul style="list-style-type: none"> i) Prior to adoption by Council be advertised for public comment for a minimum period of twenty eight (28) days; ii) Be adopted and endorsed by the Council, the Chief Executive Officer and the Western Australian Planning Commission; iii) Comply with the procedure contained in Clauses 5.10.6, 5.10.7 and 5.10.8 for any modifications. <p>21. A Traffic Report by a certified engineer shall be prepared and approved to address the traffic circulation internal and external to the convenience store prior to any development application associated with Stage 2.</p> <p>22. All stormwater from impervious areas are to be contained on site to the satisfaction of Council and relevant authority. Details are to be</p>

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LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
		<p><i>submitted and approved prior to each development application.</i></p>
<p>Pt Lot 16 being Portion of Boyanup AA Lot 247, Bussell Highway and Lot 104 being portion of Boyanup AA Lot 246 after Pt Lot 16 being portion of Boyanup AA Lot 246 Bussell Highway, Gelorup</p>	<p>Service Station, Shop <i>The objective of this zone is to allow for a range of uses that provides services to tourists, the traveling public and a limited number of community services for local residents as follows:</i></p> <ul style="list-style-type: none"> • Art & Craft Studio & Sales • Child Day Care Centre • Convenience Store (Incidental to Petrol Filling Station) • Produce Shop • Incidental Office – required for the administration of the predominant permitted land uses occurring on the lots • Post Office • Petrol Filling Station • Tourist Information • Restaurant • Take-A-Way Food Outlet 	<ol style="list-style-type: none"> 1 Development of the site to have regard to the Development Concept Plan (Thompson McRobert Edgeloe Plan 00253-05 dated March 2002). 2 Any land use or development proposal must be accompanied by an Overall Development Plan at a suitable scale which addresses but is not limited to the following issues: <ul style="list-style-type: none"> - overall site layout - description of proposed land uses - a maximum floor space limit of 400m² for the following combined uses, consisting of 100m² for a Petrol Filling Station, 200m² for a Convenience Store and 100m² for a Post Office - a maximum floor space limit of 250m² for a Take-A-Way Food Outlet - a maximum floor space limit of 650m² for the Tourist Service Centre, consisting of 250m² for a Produce Shop, 200m² for a Restaurant and 200m² for the combined uses of Art and Craft Studio and Sales and Tourist Information - Traffic Management Plan that integrates vehicle access and egress and internal traffic circulation - on-site parking requirements - the position of the Take-away food outlet to show specifically how car parking and vehicle circulation associated with servicing and a drive-through facility will be accommodated - landscaping, buffering and aesthetics and the preparation of a landscape plan - Building materials and general built form - Service provisions for the development in respect to water supply, effluent and stormwater disposal - methods of minimizing noise, odour and risk in relation to adjoining residential properties. Particular attention is to be given to the potential impacts associated with the proposed Petrol Filling Station use - Compliance with the Waters and Rivers Commission Water Quality Protection Notes for a Priority 3 Source Protection Area. 3 All development shall generally comply with an overall Development Plan, as endorsed by the Council and prepared in accordance with point 2 above.

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
		<p>4 <i>Development Design Guidelines to be prepared to the satisfaction of Council prior to the issuing of the first development approval for the site. These guidelines are to include but not be limited to the following matters:</i></p> <ul style="list-style-type: none"> - <i>Land use</i> - <i>Built Form</i> - <i>Building Orientation</i> - <i>Use of consistent architectural materials and architectural theme</i> - <i>Signage</i> - <i>Fencing</i> - <i>Lighting</i> - <i>Roof Pitch</i> - <i>Establishment of criteria for building design of those buildings which face the special residential area</i> - <i>Removal of the existing service station building unless its retention and refurbishment is justified to Council satisfactorily.</i> <p>5 <i>A Landscape Plan to be prepared to the satisfaction of Council prior to the issuing of the first development approval for the site. The landscaping plan to include but not be limited to the following matters:</i></p> <ul style="list-style-type: none"> - <i>general site layout</i> - <i>grassed and paved areas</i> - <i>areas to be landscaped, including verges</i> - <i>species of plants to be used</i> - <i>ongoing maintenance.</i> <p>6 <i>A Geotechnical Report to be prepared to the satisfaction of Council prior to the issuing of the first development approval for the site. The report to include but not be limited to the following matters:</i></p> <ul style="list-style-type: none"> - <i>identification of the highest known winter water table</i> - <i>fill requirements for the site</i> - <i>identification of the most suitable type and location of effluent disposal systems to service the proposed development</i> - <i>identification of the location and size of any additional drainage basins.</i> <p>7 <i>Prior to development commencing, a traffic management plan is to be prepared addressing access/egress, turning lanes and general traffic safety from the site to the satisfaction of Council and Main Roads Western Australia.</i></p>

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
		<p>8 All buildings shall be of a design and constructed of materials that will compliment and enhance the rural character of the locality and be to the satisfaction of Council.</p> <p>9 Prior to the commencement of development Lot 104 and Pt Lot 16 to be amalgamated.</p> <p>10 Prior to development commencing, a survey of the site in the vicinity of the existing service station shall be conducted to determine the extent of any contamination of soil and groundwater and if necessary a Site Remediation Validation Report shall be prepared and implemented to the satisfaction of the Department of Environmental Protection..</p> <p>11 All development is to be connected to a reticulated water supply or provision of a potable water supply to the satisfaction of Council and the Department of Health Western Australia..</p>
Lots 56, 61 and 64, Gavins Road and Lots 55, 60 and 182, Jenkin Road, Capel	Mineral Sands Processing, Offices and ancillary uses	
Lot 44, Coachwood Way & Lot 28, Jules Rd, Gelorup	Wholesale/Retail Plant Nursery, Dwelling House	<p>1 No additional buildings or shade house structures associated with the nursery activity shall be permitted by Council.</p> <p>2 Bulk materials utilised within the nursery to be located within constructed storage bin areas to Council satisfaction.</p> <p>3 No modification to site access or internal traffic circulation shall be undertaken without the written approval of Council.</p> <p>4 Application shall be made for Council's written approval of all advertising signs and if approved they shall be erected maintained to Council's satisfaction.</p> <p>5 All parking to be on site with suitable directional signs located to Council's satisfaction.</p> <p>6 All commercial lighting to be positioned to minimise impact on adjoining properties to Council's satisfaction.</p> <p>7 Underground and surface water quality affected by the Nursery operations and underground water quantity used by the Nursery to conform to standards set by the Water Authority of Western Australia.</p>
Lot 73, Bussell Highway, Gelorup	Educational Establishment.	Development to be generally in accordance with the 'Site Development Master Plan' dated February 2000 (forming part of Amendment No. 8), or any other Site Development Plan approved by Council.

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AN: 54
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AN:26
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LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
<p>Lot 73 Bussell Highway and Lot 9000 Speed Retreat, Gelorup</p>	<p>The objective of the zone is to allow for the land to be used as “educational establish-ment” with ancillary uses for the community benefit restricted to community or non-profit groups. Educational Establishment. Ancillary uses which may be considered--</p> <ul style="list-style-type: none"> • Public Worship • Reception Centre • Recreation Private • Residential Building. <p>Child Day Care Centre.</p>	<p>Development to be generally in accordance with the 'Site Development Master Plan 3.0' dated 3rd May 2012, or any other Site Development Plan approved by Council.</p> <p>Traffic Management solutions shall be provided to the satisfaction of the Shire of Capel, to mitigate any impacts of traffic movements and parking on nearby land owners, prior to any ancillary uses being undertaken.</p> <p>The preparation and imple-mentation of a Noise Management Plan is required to be provided to the satisfaction of the Shire of Capel.</p>
<p>Lot 5, Buchanan Road, Capel</p>	<p>Licensed Post Office, Residential & Retail.</p>	
<p>Stirling Estate Lot 105, Peppermint Grove Road, Peppermint Grove</p>	<p>The objective of this zone is to allow for the development of short term holiday accommodation and to provide the local community and visitors to Peppermint Grove Beach with limited shopping facilities and community services.</p> <ul style="list-style-type: none"> - Caravan Park - Chalets, - Manager’s Residence, - Overnight Units, - Shop, - Uses reasonably incidental to those listed above, - Rural Use - Convenience Store - Post Office - Art and Craft Sales - Café/Restaurant - Liquor Store 	<ol style="list-style-type: none"> 1 Development is to be generally in accordance with Development Plan No. 04290P-03 Plan No. A1B endorsed by Council and dated 30.07.93 May 2005 which forms part of the report for Amendment No. 26 of Town Planning Scheme No. 7. 2 Minor modification(s) to the endorsed Development Plan may be approved by Council subject to such modification(s) being consistent with the objective of this zone. The proposed modification may be advertised for public comment prior to determination by Council. 3 The permitted use ‘Convenience Store’ shall form part of the first stage of the further development of the lot in accordance with the adopted Development Plan 4 The floor space of the permitted uses ‘Post Office’, ‘Liquor Store’ and Art and Craft sales are to be contained within the 300m² floor space area of the ‘Convenience Store’. 5 The proponent is to establish to the satisfaction of Council and the Water Authority of Western Australia that the fill levels proposed will provide adequate flood protection and that storm water can be adequately contained on-site. 6 The effluent disposal system for the proposed development is to be designed, constructed and maintained to the specification and satisfaction of Council, the Environmental Protection Authority and the Health Department of Western Australia. 7 The Development of the project site for permitted uses other than Rural Use being limited to 35% of the site area.. 8 The effluent pond being located and constructed at the southern extremity of the lots and the

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
		existing pond being decommissioned to the satisfaction of the Water Authority of Western Australia, the Environmental Protection Authority and the Health Department of Western Australia.

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
Lot 1 Harewood Road, Dalyellup	Educational Establishment.	
Lot 26, Bussell Highway, Stratham	<p>Convenience Service Centre wherein the permitted land uses are:</p> <ul style="list-style-type: none"> * Retail * Restaurant/Cafe * Roadhouse incorporating fast food sales, delicatessen, postal agency, fuel sales & caretaker accommodation <p>Workshop for the mechanical repair & maintenance of vehicles.</p> <ul style="list-style-type: none"> * No uses of an Industrial nature are permitted on the land. <p>Associated ancillary uses determined by Council to be complimentary to the objective of the zoning of the land which is to provide convenience services to the residents of the locality.</p> <ul style="list-style-type: none"> * Community Purposes 	<ol style="list-style-type: none"> 1 Development to be generally in accordance with a Guide Plan adopted by Council. 2 Retail, Restaurant/Cafe and Roadhouse uses restricted to maximum - gross leasable floor space of 344m². 3 Workshop restricted to maximum gross leasable floor space of 160m². 4 A screened outside storage area equal to 50% of the workshop floor space being provided adjacent thereto.
Lot 44, Maynard Parade, Gelorup	Veterinary Hospital & Associated Residence	<p>Development of the lot shall generally be in accordance with a Development Guide Plan to be submitted at the Development Application stage. The Guide Plan to be adopted by Council and endorsed by the Chief Executive Officer shall have due regard to the following:</p> <ol style="list-style-type: none"> 1. All buildings shall be contained within a building envelope which has a minimum setback of: <ul style="list-style-type: none"> (a) 10m from the southern and eastern boundaries; (b) 15m from the northern boundary; (c) 30m from the Bussell Highway Road Reserve. 2. The need to provide landscape buffers along the southern and eastern boundaries of the lot. 3. Protection of existing trees. 4. Access being limited to one point which is located giving due consideration to acceptable sight lines. 5. All other development standards/requirements as determined by Council.
Portion of Lot 312 Dalyellup Road (corner of Minninup Road), Dalyellup	Caravan Park	Development of the lot shall generally be in accordance with a Development Guide Plan to be submitted prior to a Development Application.

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
		<p>The Guide Plan shall be adopted by Council and endorse by the Chief Executive Officer and shall have due regard to the following:</p> <ol style="list-style-type: none"> 1 All buildings, caravan and camping sites shall be contained within a building envelop which has a minimum setback of: <ol style="list-style-type: none"> (a) 10 metres from the northern and eastern boundaries; (b) 20 metres from the southern and western boundaries. 2 The need to provide a landscape buffer along the eastern boundary of the site. 3 The need for an environmental buffer 20 metres in width along the southern boundary of the site. 4 Protection of existing significant trees to be determined during preparation of the Development Guide Plan. 5 Accesses being located with due consideration to acceptable sight lines. 6 The need to maintain a high standard of design with the objective of protecting the visual amenity of the locality and the future urban character of Dalyellup. 7 All other development standards/requirements as determined by Council.
<p>Lot 12 Gelorup Rise, Gelorup</p>	<p>Residential - Dwelling House Residential Building - Retirement Complex consisting of:</p> <ul style="list-style-type: none"> * Ten habitable rooms for residents * Three habitable rooms for staff * A chapel residents, staff and guests * Ancillary facilities/services associated with the retirement nature of the complex, as approved by Council * Associated car parking and landscaping. 	<ol style="list-style-type: none"> 1 Development of the land shall be in accordance with a development plan approved by Council, generally in keeping with the scale and character of development depicted by the site plan and Artistic Perspective forming part of this Amendment. 2 The development shall be serviced by an alternative system of onsite effluent disposal to the satisfaction of Council, the Water Authority of Western Australia and the Health Department of Western Australia. 3 Details relating to a proposed potable water supply and onsite effluent disposal shall be provided, to the satisfaction of Council, at the time of applying for Council's planning consent to commence development. 4 In order to conserve existing vegetation and the amenity of the locality all trees shall be retained unless their removal is authorised by Council.
<p><i>Lots 3, 4, 5, 37, 232 portion of Lot 250 Roe Road and portion of Lot 6 House Road, Capel</i></p>	<ol style="list-style-type: none"> 1 Development on the land shall generally be in accordance with the uses and proposed development nominated on the Indicative Development Guide Plan No. BY94-100 as adopted by Council and dated 31.05.96. 	<ol style="list-style-type: none"> 1 The Indicative Guide Development Plan identifies the principle landuse proposed. All proposed development is to be the subject of development applications to Council. 2 Prior to Council issuing Planning Consent, the applicant will be required to demonstrate that the following have been taken into consideration:

LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
	<p>2 While uses and development shall generally be in accordance with the Indicative Guide Development Plan, other uses and development related or ancillary to the predominant use of the site, may be approved at the discretion of Council.</p>	<p>* Noise attenuation measures;</p> <p>* Visual and amenity buffers to the perimeter of the site in recognition of the abutting residential land use.</p> <p>3 Prior to any new development taking place on the land, amalgamation of lots shall take place on each side of Roe Road.</p>
<p>Lots 1 to 6; Lot 7 of Wellington Location 4130, Wellington Locations 840, 3345 and 4453; and Ptn of Wellington Location 557</p>	<p>1 The following uses are permitted 'P':</p> <p>Development and land use in accordance with the approved development plan (SR-G20-G-110) dated 28 April 1995. The development plan may be subject to modification with the consent of Council;</p> <ul style="list-style-type: none"> • Processing of Mineral Sands and associated activities; • Roads, Rights of Way • Rural Use; and • Rural Shed <p>2 The following uses may be permitted with the consent of Council 'AA':</p> <ul style="list-style-type: none"> • Uses determined by Council to be both complimentary and incidental to the processing of mineral sands; • Stables; • Industry - extractive • Industry-Rural; and • Public Utility <p>3 All other uses are not permitted 'X'.</p>	<p>As determined by Council.</p>

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LAND PARTICULARS	PERMITTED USES	DEVELOPMENT STANDARDS/CONDITIONS
<p>Portion of Lot 888 Turner Street, Boyanup</p>	<p><i>Tourist Development whereby the permitted uses are:</i></p> <ul style="list-style-type: none"> ● Short Term Accommodation ● Restaurant ● Art & Craft Activities and Sales ● Caretakers Dwelling ● One Single Dwelling ● Associated uses determined by Council to be complimentary to the principle use of the lot for tourist related uses. 	<p><i>Prior to development commencing on the land, the Council shall adopt a Development Guide Plan that demonstrates an integrated development that is in compliance with the development standards and which shows the relationship of Tourist Development to the future use of the balance of the lot. The plan may be modified, with the consent of Council, having given proper regard to the development standards and the future use of the balance of the lot.</i></p> <p><i>Council Planning Consent shall be obtained for the permitted uses, prior to the commencement of these uses.</i></p> <p><i>Development on the land shall have due regard to the following:</i></p> <p><i>(a) Continuation of the architectural theme that has been established on the lot in respect to:</i></p> <ul style="list-style-type: none"> — <i>i) Building Scale</i> — <i>ii) Roof Pitch</i> — <i>iii) Material Types</i> — <i>iv) Colours</i> <p><i>(b) Parking requirements of the permitted uses.</i></p> <p><i>(c) The Capability of the development to satisfy ongoing service requirements including storm water disposal, effluent waste disposal and water supply.</i></p> <p><i>(d) The requirement for musical entertainment to be contained within the Restaurant building and noise attenuation measures to be undertaken to the satisfaction of Council.</i></p> <p><i>(e) Any other development standards/requirements as determined by Council pursuant to Clause 5.8 of the Scheme.</i></p>
<p>Lot 888 Turner Street, Boyanup</p>	<p>The Uses permitted will be in accordance with the interpretation of Aged Persons Village under the Scheme and the adopted Development Guide Plan relating to the zone.</p> <p>The following uses are listed as permitted uses:</p> <ul style="list-style-type: none"> ● Residential R40 -Aged Persons Accommodation ● Guest house/short term accommodation ● Community Centre ● Caretakers dwelling ● Car parking ● Administration office. <p>Council may at its discretion determine and approve other</p>	<ol style="list-style-type: none"> 1. Prior to development commencing on the land, the Council shall adopt a Development Guide Plan and Design Guidelines that demonstrates an integrated development that is in compliance with the development standards and which shows the relationship with the foreshore and open space areas. 2. Council may consider and adopt modifications to the Development Guide Plan and Design Guidelines. 3. A Development Guide Plan or Design Guideline modification shall: <ul style="list-style-type: none"> ● Comply with the development standards and conditions of the zone; ● At Council's discretion be advertised for public comment prior to determination; ● Have its own unique reference to set it apart from other plans of modification.

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	<p>uses that are considered to be ancillary and incidental to the objective of the zone.</p> <p>Ancillary and incidental uses, Recreation Public, Recreation Private and Public Amusement uses may at the discretion of Council be approved in the zone for use of patrons and visitors, not being residents of the zone, subject to compliance with any standards, conditions or requirements specified by Council in conducting the use.</p> <p>In considering the discretionary uses, the Council may invite public comment in accordance with Clause 8.2.3 of the Scheme prior to determining the use.</p>	<p>4. The objective of this Special Use Zone is to promote the development of a high quality Aged Persons Village which is in keeping with the character of the Boyanup town site.</p> <p>5. Development and use of the land shall be generally in accordance with a Development Guide Plan and Design Guidelines. The Development Guide Plan is required to address, but is not limited to the following:</p> <ul style="list-style-type: none"> • Overall site layout • Proposed land uses • Residential Density • Vehicle access and egress • Onsite parking areas • Landscaping • Pedestrian access and walkways. • Preparation of a Local Water Management Strategy for endorsement by Council and the Department of Water which indicates how development of the land will respond to water resources onsite, by addressing drinking water, storm water, surface water, irrigation, groundwater and waste water . <p>6. Aged Persons Accommodation shall be developed to a density no greater than R40 and in accordance with the general site requirements of the Residential Design Codes.</p> <p>7. Council's Planning Consent shall be obtained for the permitted uses prior to the commencement of the uses.</p> <p>8. A contribution towards community facilities in accordance with the Community Infrastructure Plan adopted by Council for the Boyanup town site shall be required as a condition of planning consent.</p> <p>Council may consider waiving of contributions in part or whole where facilities provided in the zone are available and of benefit to the inhabitants of the Shire. A formal agreement shall be entered into at the developers cost, where the waiving of contributions is to occur, to ensure public access to facilities is maintained.</p> <p>9. Dual use path linkages and associated facilities shall be provided from the zone to the Town Centre facilities and services, at the developers cost, as determined by Council, as a condition of Planning Consent.</p> <p>Provision of pedestrian and cyclist links may require total construction of pathways which do not exist and/or may require a contribution to the upgrade of existing pathways and provision of facilities such as bike parking racks.</p>
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		<p>satisfaction of Council and the Department of Water.</p> <p>15. A Noise Management Study shall be undertaken and submitted with the initial application for planning consent, and all approved management measures shall be implemented at the developers cost, to the satisfaction of Council and Main Roads WA.</p> <p>16. A Sustainability Outcomes and Implementation Plan shall be prepared and submitted with the initial application for Planning Consent that addresses matters including energy efficiency, solar orientation, water use, water sensitive landscaping and water harvesting to the satisfaction of Council.</p>
<p><i>Ptn Wellington Loc. 871 Goodwood Road, Capel</i></p>	<p><i>1 The following use is permitted 'P'</i> <i>- Single Dwelling</i></p> <p><i>2 The following uses are not permitted unless Council has granted its Planning Consent 'AA'</i> <i>- Limited Grazing</i> <i>- Recreational Agriculture</i> <i>- Stables</i></p>	<p><i>1 The Special Use lots are subject to the Development Standard provisions for Residential Precinct No. 3.</i></p> <p><i>2 Building envelopes are nominated on Plan No. 95073P-14 dated November 2002 (Amendment No. 3).</i></p> <p><i>3 All dwellings are to be located within the nominated building envelopes. All other buildings not located within the Building Envelope, shall have a minimum setback of 20 metres from all boundaries.</i></p> <p><i>4 Council may, in consultation with the Water Corporation, consider a modification to the building envelope location where it is necessary to facilitate connection of a dwelling to a sewerage service or reticulated water.</i></p> <p><i>5 If, in the opinion of Council, the 'Limited Grazing'; 'Recreational Agriculture' or other agricultural use approved by Council, is causing erosion or the degradation of vegetation, the landowner may be required to undertake such action as is necessary to correct the situation.</i></p> <p><i>6 Council may request, as a condition of subdivision, that the subdivider advise prospective purchasers that further subdivision will not be supported.</i></p>
<p><i>AN: 18 GG:12/03/04</i></p> <p><i>Portion of Lot 1 of Pt Location 174 Capel Drive, Capel</i></p>	<p><i>The objective of this zone is to allow for the development of a Wine Tourism Centre wherein information, produce and services related to the Region's wine and agricultural industries will be made available to tourists and local residents.</i></p> <p><i>The following uses are classified as permitted ('P') uses:</i></p>	<p><i>1 Development is to be generally in accordance with the Development Guide Plan for the site adopted by Council as part of the Scheme Amendment report (Amendment No. 18).</i></p> <p><i>2 Modification(s) to the adopted Development Guide Plan may be approved by Council subject to such modification(s) being consistent with the objective of the zone and advertised for public comment.</i></p> <p><i>3 Access/egress to the site for customers and service vehicles shall be confined to Capel Drive.</i></p>

	<ul style="list-style-type: none"> • <i>Interpretive Centre</i> • <i>Visitor Centre</i> • <i>Restaurant</i> • <i>Reception Centre</i> • <i>Art & Craft Studio & Sales.</i> <p><i>“Interpretative Centre” means the use of land or premises for the display of information relating to wine and agricultural industries, arts, cuisine, environment and ecology.</i></p> <p><i>“Visitor Centre” means use of land or premises for the sale of wine, food, produce, associated promotional material and restricted to that which is consistent with the objective of the zone.</i></p> <p><i>Council may determine at its discretion that other uses are ancillary and incidental to the objective of this zone, subject to that Council may resolve to invite public comment in accordance with Clause 8.2 prior to determining whether or not to approve the uses. Such uses are classified as “AA” uses.</i></p>	<p><i>4 Prior to the issue of the first development approval details of the following shall be provided to the Council:</i></p> <ul style="list-style-type: none"> • <i>A geo-technical investigation and report for the site shall be prepared to the satisfaction of Council. The report should include an assessment of the site in relation to stability, soil qualities in relation to containment and management of stormwater and its suitability for on-site effluent disposal.</i> • <i>Design guidelines for buildings, landscaping and advertisements/signage shall be prepared for the site by the applicant and submitted to Council for adoption. The guidelines should refer to the materials, colours and essential elements of the proposed buildings and require the integration of advertisements/signage into the design theme of the development. The style of landscape treatment, earthworks and plant species should be specified. Attenuation of potential noise, lighting and traffic impacts should be addressed.</i> • <i>Architectural perspective drawings of the development with specifications for materials, finishes and colours in accordance with the adopted design guidelines.</i> • <i>The method of service provision which is consistent with the development of the land in terms of water supply, effluent and stormwater disposal.</i> • <i>A Traffic Management Plan prepared for the site addressing the issues of access, safety and traffic movement based on the major access point to the site from Capel Drive being between the Bussell Highway and Reid Avenue intersections to the satisfaction of Council and Main Roads WA.</i> • <i>The expected numbers of persons to be catered for and method of providing for on-site car parking.</i> <p><i>Such other matters that may arise from the consideration of the proper integration of the development into the urban area of the town of Capel as may be determined by Council.</i></p>
<p><i>AN: 43 GG: 27.01.09</i></p> <p><i>Lot 10 Thomas Street, Boyanup</i></p>	<p><i>Aged Persons Unit Accommodation</i></p> <p><i>“Aged Persons” shall have the same meaning as prescribed</i></p>	<ol style="list-style-type: none"> <i>1. Development to be generally in accordance with a Guide Development Plan adopted by Council.</i> <i>2. Council may approve minor variations to the adopted Guide Development Plan.</i>

	<p><i>under the Residential Design Codes.</i></p>	<p>3. <i>The development shall include a range of two and three bedroom units.</i></p> <p>4. <i>All development shall be in accordance with the Residential Design Codes with the application of the R25 density code.</i></p> <p>5. <i>The density bonus for Aged Persons dwellings under the Residential Design Codes may be applied to the development however, is limited to a maximum of 12 units (inclusive of the existing three units).</i></p> <p>6. <i>An Acid Sulfate Soil Management plan is to be prepared and implemented at the time of development if the proposed works are likely to disturb Acid Sulfate Soils, to the satisfaction of the Shire and the Department of Environment and Conservation.</i></p>
<p>AN: 47 GG:04/06..10</p>	<p>Portion of Lot 90 Vickery Road, Elgin</p> <p>The objective of the zone is to allow for the land to be used for "Recreation Private".</p> <p>(1) The following uses are permitted (P):</p> <ul style="list-style-type: none"> - Model Aircraft Field and Club; - Uses reasonably ancillary to the above as determined by Council; and - Rural Pursuits. <p>(2) A Single House is expressly not permitted (X).</p>	<p>1. Subdivision is to be generally in accordance with the Subdivision Guide Plan dated 14 April 2009 for the site adopted by Council as part of the Scheme Amendment report.</p> <p>2. Where an application is made for planning consent to commence or carry out any activity which in the opinion of Council has the potential to impact on the amenity of the surrounding land uses it shall be described as an "SA" use.</p> <p>Council shall not consider granting consent to that application unless notice of the application is first given in accordance with the provisions of Clause 8.2.</p> <p>3. Council may request the Western Australian Planning Commission to impose a condition on the subdivision requiring the subdividing landowner to place a Section 70A notification on the title of proposed lot 1 not permitting the construction of a single dwelling lot</p>
<p>AM: 55 GG: 25.06.13</p>	<p>Lot 197 Mangles Road, Stirling Estate</p> <p>The objective of this zone is to allow for the lot to continue to maintain the opportunities of rural pursuits whilst providing low impacting musical entertainment for the enjoyment of the public in a rural environment and atmosphere without significant amenity impacts on surrounding rural pursuits and industries.</p> <p>1. All uses pertaining to the "Rural" zoning classification under Appendix 2 and in accordance with clause 3.2.</p>	<p><u>Public Amusement</u></p> <p>1. The maximum number of patrons permitted to attend functions shall be limited to 80.</p> <p>2. The preparation and sale of food shall be undertaken from a registered mobile food premises.</p> <p>3. The total number of functions to be held in any calendar year shall not exceed seven (7).</p> <p>4. Premises used under the 'Public Amusement' land use shall comply with all other relevant legislation.</p> <p><u>Development Requirements</u></p> <p>1. The proponent shall provide details of onsite signage, onsite displays and material in advertising</p>

	<p>2. Cellar Door Sales.</p> <p>3. The following use may be permitted with the consent of Council after notice of the application has been given in accordance with Clause 8.2:-- "Public Amusement--Musical Entertainment."</p>	<p>brochures providing awareness of mosquito-borne diseases and their management for patron education.</p> <p>2. The preparation of a Noise, Traffic and Fire Management Plan will be required to be provided to the satisfaction of local government as a condition of Planning Consent.</p> <p>3. In addition to relevant information required by clause 8.1.2 of the Scheme, an application for Planning Consent shall include details of amenities and effluent disposal, parking and details of any externally provided ancillary services.</p> <p>4. Any function shall not be conducted outside the hours of 4pm-8pm and only on a Sunday.</p>
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DEVELOPMENT TABLE - GENERAL (CLAUSE 5.2)

APPENDIX 5

Land Use	Min.Lot Area (m ²)	Min. Effective Frontage (m)	Site Coverage (%)	Plot Ratio	Boundary Setbacks			Landscaping % of site
					Front (m)	Rear (m)	Side (m)	
Hotel	7500	80	25	0.5	15	15	10	25
Tavern	4000	50	25	0.5	15	10	10	25
Shop		5	75	0.5	10	5		10
Cafe/Restaurant		30	40	0.5	10	5		10
Motel	2000	40	35	0.5	10	10	5	25
Service Station	2000	40	35	0.35	10	5	5	10
Petrol Station	1500	10	75	0.35	10	5	5	10
Showrooms		25	75	0.5	15	5	*	10
Warehouse		25	50	0.5	15	5	*	7
Industry	1400	30	50	0.5	15	5	*	7
Factory Units	2000	30	50	0.5	15	5	*	7
Salvage Yard	2000	20	50	0.35	15	5	*	15
Veterinary Clinic	1000	30	50	0.35	15	5	5	20
Veterinary	3000		75	0.35	15	10	5	20
Hospital			75	0.5	10	5		10
Offices				0.5	10	5		10
Consulting Rooms								

* 5m on one side and nil on the other provided that suitable fire rated materials are used in accordance with the Building Code of Australia.

DEVELOPMENT TABLE - OUTBUILDINGS (CLAUSE 5.2)

Zone	Max. Floor Area (m ²) Reflective Cladding	Max. Total Floor Area (m ²) Non-Reflective Cladding	Max. Wall Height (m)	Boundary Setbacks (m)			Other Requirements
				Front	Rear	Side	
Special Rural	100	200 *	5	20	20	20	Where a building envelope has been specified on a lot outbuildings shall be located therein
Residential R2, R2.5, R5	75	150	4.5	As for a Dwelling			Where a building envelope has been specified on a lot outbuildings shall be located therein
Residential R10, R12.5, R15	45	80	3.5	As for a Dwelling	As for Dwelling side setback		Where a parapet wall is proposed written agreement from adjoining owner is required

*Where Council determines that the reflective nature of any cladding will not adversely affect the visual amenity of a locality due to the topography of a lot or the density of natural vegetation it may relax the requirement for non-reflective cladding to be used where maximum floor area of an outbuilding exceeds 100m².

SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
<p>Area No. 1 - Stratham as depicted on the Scheme Map</p>	<p>(a) The intent of Special Rural Zone Area No. 1 is to create lots on which rural residential and low intensity rural activities can occur. The area has moderate fertility and could sustain some intensive farming activities;</p> <p>(b) <i>Council shall recommend to the Western Australian Planning Commission that the minimum lot size of the area shall be 2 hectares;</i></p> <p>(c) Minimum setback for all buildings from the Bussell Highway road reserve is 80 metres; and</p> <p>(d) Subdivision shall be generally in accordance with subdivision guide plan No. 1. <i>Council may consider and adopt modifications via a Plan of Modification. A Plan of Modification shall:</i></p> <ul style="list-style-type: none"> <i>i) Comply with general standards and requirements of the Scheme for Special Rural development and in particular the requirements of specific provisions (j) and (k).</i> <i>ii) Prior to adoption by Council, be advertised for public comment for a period of 28 days.</i> <i>iii) Be adopted and endorsed by the Council, Chief Executive Officer and the Western Australian Planning Commission.</i> <i>iv) Have its own unique reference to set it apart from other plans adopted by Council.</i> <p>(e) <i>No person shall clear any natural vegetation or allow any livestock within the vegetation buffer strip delineated on a Subdivision Guide Plan and where Council deems it necessary, the vegetation buffer strip shall be replanted with local species to the satisfaction of the Council.</i></p> <p>(f) <i>In approving a Rural Pursuit on any lot Council shall have regard to the 'intensity' of the proposed use and any advice received from the Water and Rivers Commission on the availability of ground water resources. Consideration of Rural Pursuits shall also be limited to those involving minimal clearing and nutrient application.</i></p> <p>(g) <i>The minimum vertical clearance between the underside of any leach drain and the highest known water table on any lot shall be 2.0 metres.</i></p> <p>(h) <i>No installation for the disposal of waste water or effluent shall be located closer than 100 metres to any standing water bodies.</i></p> <p>(i) <i>Council shall require the developer/subdivider to notify intending purchasers of the provisions for controlling subdivision, land uses and development relating to Special Rural Area No. 1 and those more generally in Clause 5.6.3.</i></p> <p>(j) <i>Subdivision shall have regard to the following requirements:</i></p> <ul style="list-style-type: none"> <i>i) Protection and preservation of existing natural vegetation.</i> <i>ii) No new access being created onto Bussell Highway.</i> <i>iii) Creation of new lots that have a usable building area having regard to minimum setbacks and overall amenity.</i> <i>iv) Integration with surrounding lots. Where a Plan of Modification provides for integration through the use of a battle-axe accessway, a reduction of up to 5% in the minimum lot area may be permitted where such reduction is necessary to provide the accessway.</i> <p>(k) <i>Council shall request the Western Australian Planning Commission to require a subdividing owner of land adjoining Bussell Highway where practical to:</i></p> <ul style="list-style-type: none"> <i>i) Undertake supplementary landscaping at their cost, in the area depicted on an adopted Subdivision Guide Plan or Plan of Modification to the specification and satisfaction of Council. The revegetation is to consist of trees and shrubs native to the area and capable of growing to at least 5 metres in height.</i> <i>ii) Cede to the Crown, free of Cost, a 0.1m Pedestrian Accessway along the existing Bussell Highway frontage (where already not ceded) and also in respect to any future Highway frontage, as shown of the adopted Subdivision Guide Plan.</i> <i>iii) Close all existing access to Bussell Highway by the removal of the crossover surface and erection of fencing across the accessway, at the subdivider's cost and to the satisfaction of Council.</i>

SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
<i>Area No. 1A – Stratham as depicted on the Scheme Map</i>	<ul style="list-style-type: none">(a) <i>The intent of Special Rural Zone Area No. 1A is to create a range of lot sizes which will accommodate the sensitive development of rural residential retreats in a Tuart woodland environment with limited grazing activities in existing cleared areas.</i>(b) <i>Subdivision of Area 1A is to be generally in accordance with the Subdivision Guide Plan number 98064P dated August 2000 attached to the Scheme Amendment Report (Amendment No. 5)</i>(c) <i>Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to make satisfactory arrangements for a notification, under Section 70A of the Transfer of Land Act, to be placed upon the titles of the lots to be created to the effect that there are Special Provisions relating to the use and development of the land.</i>(d) <i>Council shall require the owner or subdivider of the land to inform prospective purchasers of those provisions relating to the land and such other provisions of the Scheme that may affect it, including the proximity of the adjacent National Park and associated land management issues.</i>(e) <i>Council may at the subdivision stage request that Western Australian Planning Commission to impose a condition requiring the subdivider to make satisfactory arrangements for an information sign to be erected and maintained within the subdivision identifying the special provisions relating to the land.</i>(f) <i>Council and the Fire and Emergency Services Authority of WA may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Fire Management Plan to provide for adequate ongoing fire protection.</i>(g) <i>Boundary fencing is to consist of a minimum of post and 5 strand ringlock or hinge joint wire or similar product. Asbestos, metal sheeting or wooden pickets or similar solid fencing will not be permitted.</i>(h) <i>Prior to subdivision development the landowner shall confirm by survey, the road alignments, lot boundaries and building envelopes, with a view to reducing the loss of specimen trees and in particular Tuart trees, to the satisfaction of Council.</i>(i) <i>A vegetation management/rehabilitation and land use plan and report is to be prepared by the subdivider and adopted by Council prior to commencement of subdivision development. The plan is to include details of:</i><ul style="list-style-type: none">i) <i>Works to be undertaken by the subdivider in conserving remnant vegetation and rehabilitation of existing cleared areas.</i>ii) <i>Land use and management practices that future landowners are required to comply with in the use of any subdivided lots. The management plan may prohibit Rural Pursuits and other agricultural activities, which are likely to impact on the conservation of vegetation.</i>(j) <i>Prior to considering any applications for the ‘AA’ and ‘SA’ uses listed in Appendix 2 Zoning Table of the Scheme, Council shall require the applicant to submit a water usage strategy and will seek advice from Water and Rivers Commission and Agriculture Western Australia.</i>(k) <i>Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare a plan showing Building Envelopes to the satisfaction of Council, for adoption pursuant to Clause 5.6.3 (c) of the Scheme.</i>

AN:40
GG: 23/9/11

SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
Special Rural Zone No.1 B – as depicted on the Scheme Map (Lots 11, 12 and 70 Fishermans Road, Stratham)	<p data-bbox="550 129 962 161">Intent of Special Rural Zone No. 1B</p> <ol data-bbox="598 190 1508 280" style="list-style-type: none">1. The intent of the Special Rural Area No. 1B is to create a range of lots with an average 2ha lot size to accommodate the sensitive development of rural-residential retreats while protecting woodland areas. <p data-bbox="550 313 1114 344">Subdivision Coordination Between Land Owners</p> <ol data-bbox="598 374 1471 436" style="list-style-type: none">2. Subdivision and development is to be in accordance with a Subdivision Guide Plan endorsed by the Shire of Capel and the WAPC. <p data-bbox="550 465 817 497">Subdivision Conditions</p> <ol data-bbox="598 526 1471 2004" style="list-style-type: none">3. At the time of subdivision the subdivider is required to prepare and to implement a Fire Management Plan (FMP) to the satisfaction of the Shire and FESA to provide for ongoing and adequate fire protection and management. The FMP is to give regard to the “Planning for Bush Fire Protection Guidelines”.4. At the time of subdivision the subdivider is required to install fencing of:<ul data-bbox="630 772 1204 873" style="list-style-type: none">• the Highway Protection Area;• the area adjacent to the National Park;• the land protected by conservation covenants; orto comply with the fencing requirements of any other Management Plans adopted and applicable to the subdivision and development of the Scheme Amendment Area.5. Main Roads WA shall at the subdivision stage request that the Western Australian Planning Commission impose a requirement for a Restrictive Covenant prohibiting vehicle access between Bussell Highway and adjoining lots.6. At the time of subdivision the subdivider is required to contribute to the funding of the upgrading of that portion of Fishermans Road adjacent to lots, 11, 12 and 70.7. At the time of subdivision the subdivider is required to apply a conservation covenant to the identified Conservation Lot (proposed lot 42) shown on the Subdivision Guide Plan to protect vegetation and habitat values.8. At the time of subdivision the subdivider is required to contribute towards the provision of community facilities including the upgrade of existing community infrastructure in the locality.9. Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdividers to prepare and implement an endorsed Drainage Management Plan to ensure that drainage and stormwater management issues are addressed prior to subdivision and development of the site to the satisfaction of the Council.10. Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare a Development Envelope Plan for adoption.11. Council may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring a geotechnical assessment be undertaken for all lots that adjoin the ‘P3’ soil classification unit to ensure that Development Envelopes are located outside of the classification area and land modifications carried out if necessary.

AN:40
GG: 23/9/11

SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
<p>Special Rural Zone No.1 B – as depicted on the Scheme Map (Lots 11, 12 and 70 Fishermans Road, Stratham)</p>	<ol style="list-style-type: none">12. At the time of subdivision the subdivider is required to prepare and implement a Vegetation Protection and Rehabilitation Management Plan to be endorsed by the Council, Department of Environment, Water, Heritage and the Arts and the Department of Environment and Conservation prior to commencing the subdivision development.13. At the time of subdivision the subdivider is required to prepare a Fauna and Fauna Habitat Management Plan to be endorsed by the Department of Environment, Water, Heritage and the Arts and the Department of Environment and Conservation prior to commencing the subdivision development.14. At the time of subdivision the subdivider is required to prepare and implement an endorsed Western Grey Kangaroo Management Plan to the satisfaction of the Department of Environment and Conservation.15. At the time of subdivision the subdivider is required to connect the subdivision area to Chislehurst Avenue by the construction of Venus Road, to the satisfaction of Council.16. At the time of subdivision the subdivider is required to provide a Dual Use Path linking the subject area to local community facilities/services to the satisfaction of Council.17. At the time of subdivision the subdivider may be required to prepare and implement a revegetation plan for a 10m buffer within lots adjoining the south western boundary.18. At the time of subdivision the subdivider may be required to place a restrictive covenant on the titles of applicable lots to ensure protection of the 10m buffer.19. At the time of subdivision the subdivider may be required to prepare a Heritage Assessment/Management Plan prepared by a heritage consultant of the existing heritage building on lot 70 to inform the level of importance afforded in the Municipal Inventory and Town Planning Scheme No.7.20. At the time of subdivision the subdivider may be required to place a Section 70A notice upon the applicable title(s) advising of existing heritage value and that a Development Application is required for any development within the lot.21. The Department of Environment and Conservation and Council shall at the subdivision stage require a Weed and Pest Management Plan for the conservation covenant lot.22. At the time of subdivision the subdivider may be required to prepare and implement a Mosquito Management Plan to the satisfaction of Council.23. At the time of subdivision the subdivider may be required to prepare a Land Use Plan and report to be adopted by Council.24. At the time of subdivision, the subdivider is required to prepare and implement a Transport Noise Management Plan, consistent with State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning'. This plan will also need to determine the need and scope of any 'Quite House Design Criteria' that may be required to be incorporated into future dwellings.

AN:40
GG: 23/9/11

SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
<p>Special Rural Zone No.1 B – as depicted on the Scheme Map (Lots 11, 12 and 70 Fishermans Road, Stratham)</p>	<p>Development Requirements</p> <p>25. Land owners shall not clear natural vegetation or any part of the lot external to the Development Envelope except for the purpose of establishing driveways and Fire Management measures such as firebreaks, low fuel zones etc in accordance with the Shire of Capel’s Bush Fire Order or an approved Fire Management Plan.</p> <p>26. All development of lots shall be contained within a Development Envelope as shown on the adopted Development Envelope plan.</p> <p>27. The minimum setback for all buildings and structures from Bussell Highway Road Reserve is 80 metres.</p> <p>28. Boundary fencing of lots, excluding fencing specified under Specific Provision 4 is to consist of a minimum of post and 8 strand minimum, 15cm square, ring lock or hinge joint wire or similar product as specified by the Council. Cellulose fibre cement, metal sheeting or wooden pickets or similar solid fencing will not be permitted.</p> <p>29. Council shall, dependant upon the heritage findings and significance identified for the heritage building on lot 70 as part of the Heritage Assessment/Management Plan, and the level of importance under the Shire’s Municipal Inventory require the submission of a Development Application for any development proposals within the lot.</p> <p>30. A 100m fire management buffer will be maintained between all buildings and the adjoining Tuart Forest National Park.</p> <p>31. The carrying out of Rural Pursuit activities outside the adopted development envelope and the keeping of any stock which cause adverse environmental impact, such as tree damage, are not permitted unless approved by council.</p> <p>32. Prior to considering any applications by landowners for the ‘AA’ and ‘SA’ uses listed in Appendix 2 Zoning Table of the Scheme, Council may require the applicant to submit a water usage Strategy and will seek advice from the Department of Water and Department of Agriculture and Food WA.</p> <p>33. Dwellings shall incorporate Quite House Design Criteria as determined by a Transport Noise Management Plan, consistent with State Planning Policy 5.4 'Road and Rail Transport Noise and Freight Considerations in Land Use Planning.'</p>

SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
<p>Area No. 2 - Gelorup as depicted on the Scheme Map</p> <p>AN: 12 GG: 3/2/04</p> <p>AN: 13 GG: 26/11/04</p> <p>AN: 29 GG: 12/6/07</p> <p>AN: 12 GG: 3/2/04</p> <p>AN: 29 GG: 12/6/07</p>	<p>(a) The intent of Special Rural Zone Area No. 2 is to create lots on which rural residential activities can occur;</p> <p>(b) Council shall recommend to the Western Australian Planning Commission that the minimum lot size for the area should be 2 hectares;</p> <p>(c) The minimum setback for all buildings from Bussell Highway is 80 metres;</p> <p>(d) Subdivision shall be generally in accordance with subdivision plans No. 2, and No. 2(a) and as modified by subdivision Plan No. 2(b) and Plan No. 3 (dated August 2002, Plan No. 99104P-06) and Plan No. 4 (dated April 2004, Plan No 99116P-09). Council may consider and adopt modifications to subdivisions plans via a Plan of Modification. A Plan of Modification shall:</p> <p>(i) Comply with the general standards and requirements of the Scheme for Special Area Zones (Clause 5.6) and the Appendix 6, Special Rural Zone Area 2 Specific Provisions</p> <p>(ii) Be advertised for public comment for a period of 28 days, prior to final adoption by Council</p> <p>(iii) Be adopted by the Council and the Western Australian Planning Commission</p> <p>(iv) Have its own unique reference to set it apart from other plans adopted by Council.</p> <p>(e) No person shall clear any natural vegetation or allow any livestock within the vegetation buffer strip delineated on the Subdivision Guide Plan and where Council deems it necessary, the vegetation buffer strip shall be replanted with local species to the satisfaction of the Council.</p> <p>(f) If, in the opinion of the Council, the grazing of livestock is causing the erosion, pollution of the stream or the degradation of vegetation, the landowner may be required to erect and maintain a fence of satisfactory standard in order to protect the area and exclude livestock there from.</p> <p>(g) In approving a Rural Use on any lot Council shall have regard to the "intensity" of the proposed use and shall limit such uses to those involving minimal clearing and nutrient and water application;</p> <p>(h) The minimum vertical clearance between the underside of any leach drain and the highest known water table on any lot shall be 2.0 metres. Where assessment determines necessary, an on-site effluent disposal system having nutrient retention capacities will be required and to the specification of the Health Department of Western Australia;</p> <p>(i) No installation for the disposal of waste water or effluent shall be located closer than 100 metres to the centre line of the definable water course of the creek except that for Lot 70 (as depicted on the Subdivision Guide Plan No. 2(a)) this distance may be reduced to 60 metres;</p> <p>(j) Council shall require the developer/subdivider to notify intending purchasers of the provisions for controlling subdivision, land uses and development relating to Special Rural Area No. 2 and those more generally in Clause 5.6.3;</p> <p>(k) Council shall recommend to the Western Australian Planning Commission that subdivision proposals should have regard to the following requirements:</p> <p>(i) Protection and preservation of existing natural vegetation.</p> <p>(ii) No new access being created onto Bussell Highway.</p> <p>(iii) Creation of lots that have a useable building area having given regard to minimum setbacks and overall amenity.</p> <p>(iv) Integration with surrounding lots. Where a Plan of Modification provides for integration through the use of a battleaxe accessway, a reduction of up to 5% in the minimum lot area may be permitted where such a reduction is necessary to provide the accessway.</p> <p>(l) Council shall request the Western Australian Planning Commission to require a subdividing owner of land adjoining Bussell Highway to:</p> <p>(i) Undertake supplementary landscaping at their cost, in the area depicted on the adopted Plan of Subdivision to the specification and satisfaction of the Local Authority. The revegetation is to consist of trees and shrubs native to the area and capable of growing to at least 5 metres in height.</p> <p>(ii) Cede to the Crown, free of cost, a 0.1 metre Pedestrian Accessway along the existing Bussell Highway frontage (where already not ceded) and also in respect to any future Highway frontage, as shown on the adopted Plan of Subdivision.</p> <p>(iii) Close all existing access to Bussell Highway by the removal of the crossover surface and erection of fencing across the accessway, at the subdivider's cost and to the satisfaction of the Local Authority.</p>

SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
	<p>(m) <i>The subdividing landowner is required to prepare a Vegetation and Land Use Management Plan and Report for adoption by Council prior to the commencement of subdivision development. The plan is to include details of:</i></p> <p>(i) <i>The findings of a flora survey undertaken to determine the presence of Declared Rare Flora (DRF), if any.</i></p> <p>(ii) <i>Works to be undertaken as part of the subdivision development by the subdivider in protecting any DRF found, conserving vegetation, wetlands and water courses and rehabilitation of existing cleared areas.</i></p> <p>(iii) <i>Land use and management practices that future landowners are required to comply with in the use of any subdivided lots, including fire management and fencing. The Management Plan may prohibit Rural Pursuits and other activities on lots, which are likely to impact on the conservation of the vegetation and the wetlands.</i></p> <p>(iv) <i>Building Envelope locations as may be required by Council pursuant to Clause 5.6.3(c) of the Scheme.</i></p> <p>(n) <i>No building development shall occur within 500 metres of an active extractive industry as determined by Council.</i></p> <p>(o) <i>To prepare a Fire Management Strategy Plan and Building Envelope Plan in conjunction with the Vegetation and Land Use Management Plan prior to final subdivision approval being granted. The Vegetation and Land Use Management Plan is to include details as specified in (m).</i></p> <p>(p) <i>Notification in the form of a 70A notification to be placed on the Certificates of Title of Lots, created by the subdivision, advising of the landowners obligations in relation to the Vegetation and Land Use Management Plan, Fire Management Strategy Plan and Building Envelope Plan in accordance with the Transfer of Land Act 1893 (as amended), and notice of this restriction to be included on the Diagram or Plan of Survey, to the satisfaction of the Western Australian Planning Commission and at the applicant's cost.</i></p>
<p>Area No. 3 -Lillydale Road as depicted on the Scheme Map</p>	<p>(a) The intent of Special Rural Zone Area No. 3 is to create lots for hobby farms, small lot intensive farming and rural residential areas;</p> <p>(b) Council shall recommend to the Western Australian Planning Commission that the minimum lot size for the balance of the area is 2 hectares;</p> <p>(c) Minimum setback for all buildings for the <i>South West Highway</i> is 100 metres; and</p> <p>(d) Subdivision shall be generally in accordance with subdivision guide plan No. 3.</p>
<p>Area No. 4 - Hayclif Avenue as depicted on the Scheme Map</p>	<p>(a) The intent of Special Rural Zone Area No. 4 is to create an area to be primarily used for the breeding and training of trotting horses and other equestrian activities;</p> <p>(b) Council shall recommend to the Western Australian Planning Commission that the minimum lot size is 2 hectares;</p> <p>(c) Subdivision should be generally in accordance with subdivision guide plan No. 1/82 endorsed by the Shire Clerk</p>
	<p>(d) The following uses are not permitted unless Council gives its approval in writing:</p> <ul style="list-style-type: none"> - Farrier, - Feed Store; <p>(e) Each landowner shall maintain his lot in such a manner that it does not become laid bare of vegetation or is in danger of becoming laid bare of vegetation. The Council may direct a landowner to take immediate remedial action if in its opinion a lot is in danger of being laid bare of vegetation or has been laid bare of vegetation. A landowner who fails to take remedial action as directed by Council commits an offence under this Scheme; and</p> <p>(f) Vertical separation of sewerage disposal systems and the water table shall be 1.5 metres (measured from the bottom of the leach drain trench to the highest recorded level of the water table). Horizontal separation of disposal systems and production bores shall be 100 metres.</p>
<p>Area No. 5 - Boyanup Townsite as depicted on the Scheme Map</p>	<p>(a) The intent of Special Rural Zone Area No. 5 is to create lots for hobby farms and rural-residential retreats;</p> <p>(b) Council shall recommend to the Western Australian Planning Commission that the minimum lot size should be 2 hectares where no public reticulated water supply is available. The minimum lot size should be 1 hectare where the lot can be provided with a connection to a public reticulated water supply at the subdividers expense;</p>

AN: 12
GG: 3/2/04

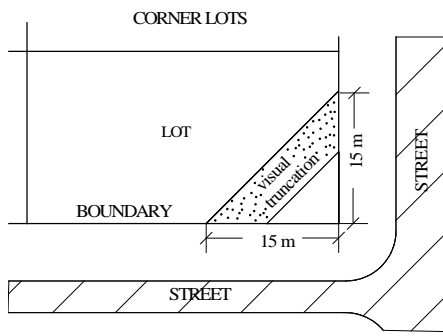
AN: 13
GG: 26/11/04

AN: 27
GG: 17/2/06

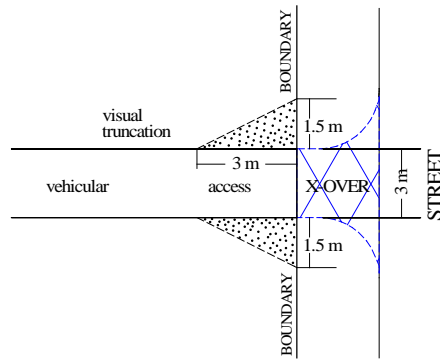
SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
	<p>(c) Subdivision should be generally in accordance with the subdivision guide plans A and B for Area No. 5 and Subdivision Guide and Development Plan BY94-04-10 date February, 1996;</p> <p>(d) No trees or substantial vegetation shall be felled or removed from the site except where:</p> <ul style="list-style-type: none"> - required for approved development works; - the establishment of a firebreak as required by regulation or bylaw; - trees are dead diseased or dangerous. <p>(e) All building, structures and effluent disposal systems shall be contained within the 'Building Envelope' defined on the Subdivision and Development Guide Plan and not having an area greater than 2000m² and being setback a minimum of 20 metres from boundaries;</p> <p>(f) Council will request as a condition of subdivision that the subdivider be required to provide a geo-technical report for all building envelopes adjacent to previous mining operations in order to confirm that the land is suitable for development;</p> <p>(g) Where boundary fencing is to be constructed it is to consist of post and wire. Asbestos, metal sheeting or wooden pickets or similar will not be permitted;</p> <p>(h) Fencing not in accordance with Provision (g) may be built within the building envelope for the purpose of attaining privacy. Such fencing shall be subject to and approved by Council as part of a building licence application. When considering fencing proposed under this provision council shall consider the visual impact of the fencing on the amenity and character of adjoining lots and the estate in general;</p> <p>(i) The minimum vertical clearance between the underside of any leach drain and the highest known water table shall be 2.0 metres and shall not be constructed within 100 metres of any water course.</p>
<p>Area No. 6 - Killerby Vineyard & Winery as depicted on the Scheme Map being the whole of Lot 3 of Wellington Location 41, Minninup Road</p>	<p>(a) The general intent of Special Rural Zone Area No. 6 is to facilitate subdivision and strata titling to permit development of a co-operative agricultural project.</p> <p>(b) Subdivision - Council shall recommend to the Western Australian Planning Commission that the following should apply:</p> <ol style="list-style-type: none"> (1) Subdivision shall be generally in accordance to this amendment and endorsed by the Shire Clerk. No further subdivision should be permitted. For the purpose of this Special Rural Zone the lots created shall be referred to as the 'Winery Lot' and the 'Vineyard Lot'. (2) As a condition of subdivision suitable arrangements should be made with Council to ensure reciprocal rights of access are created over the access routes indicated on the Proposed Subdivision and Strata Titling Plan. (3) As a condition of subdivision Minninup Road should be sealed from its present extent northward over the bridge crossing the Five Mile Brook drain reserve to the northern side of the access to the Winery Lot. <p>(c) Winery Lot:</p> <ol style="list-style-type: none"> (1) The specific intent of the creation of the winery lot is to permit the continued making of wine, ancillary uses and a range of uses directed toward the tourist side of the wine industry. (2) The following uses are permitted (P): <ul style="list-style-type: none"> - Winery; - One Dwelling House; - One Manager's House; - Sale of Wine and Agricultural Produce; and - Tasting of Wine. (3) The following uses are permitted subject to Council Approval (AA): <ul style="list-style-type: none"> - Licensed Restaurant; - Chalets/Guesthouse; (Maximum of 7 units) and - Caretakers House and accommodation for full-time staff.

SPECIAL RURAL ZONE AREA	SPECIFIC PROVISIONS
	<p>(4) The following use is permitted if carried on as incidental to the predominant use of the lot (IP):</p> <ul style="list-style-type: none"> - Grazing of Livestock. <p>(5) All other uses not mentioned are not permitted(X).</p> <p>(6) The Strata Titling of the Winery Lot is not permitted.</p> <p>(7) Occupancy of the Chalet/Guesthouse accommodation by an individual is restricted to three months within any twelve month period.</p> <p>(d) Vineyard Lot:</p> <p>(1) The specific intent of the creation of the Vineyard Lot is to permit the land to be strata titled and used for a co-operative agricultural enterprise.</p> <p>(2) Strata titling of the lot shall be generally in accordance with a guide plan adopted by Council and endorsed by the Shire Clerk. No further strata titling will be permitted.</p> <p>(3) At the time the Strata Plan is lodged it shall contain an endorsement of restricted uses as detailed in this amendment and specific reference shall be made to Dwelling House as a use which is not permitted.</p> <p>(4) The following uses are permitted (P):</p> <ul style="list-style-type: none"> - Viticulture; and - Uses reasonably ancillary to the above. <p>(5) The following use is permitted if carried on as incidental to the predominant use on the lot (IP):</p> <ul style="list-style-type: none"> - Grazing of Livestock. <p>(6) All other uses including a Dwelling House are expressly not permitted (X).</p> <p>(7) Viticulture and the grazing of livestock on the lot shall be undertaken in a coordinated manner and the strata company shall be required to nominate a Manager to ensure that this occurs.</p>

VISUAL TRUNCATION (Clause 7.8)

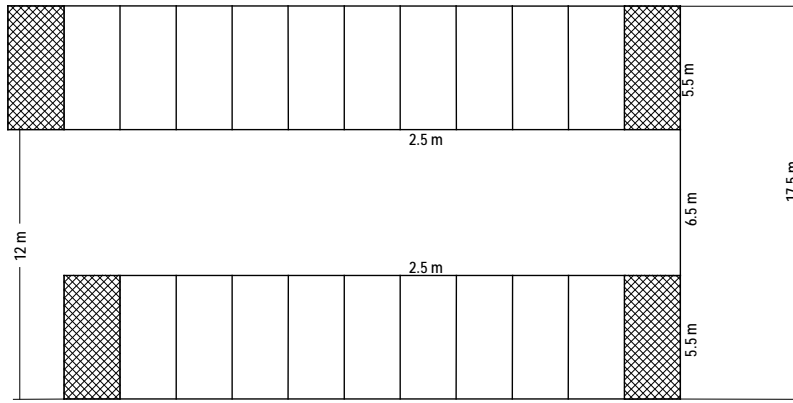


VEHICULAR ACCESSWAYS

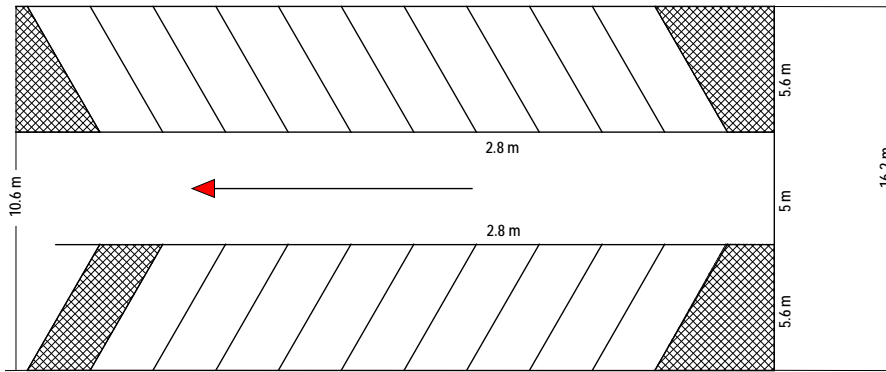


USE	NO. OF PARKING SPACES
Shop	1 for every 20m ² gross leasable area
Office	1 for every 20m ² gross leasable area
Hotel, motel, tavern, club, private hotel, lodging house, cafe/restaurant, night club, place of public assembly	Where applicable to the particular use: 1 for every 3m ² of public drinking area other than lounge floor area 1 for every 4 seats which an eating area is designed to provide OR 1 for every 4m ² of eating area or part thereof which ever produces the greater number of car parking spaces 1 for every bedroom 1 for every 6 seats provided or capable of being provided in assembly area OR 1 for every 4.5m ² of assembly area whichever produces the greatest number of car parking spaces 1 for every 3m ² of public lounge drinking area In addition to any of the above, Council may require parking space dedicated specifically for staff.
Place of worship	1 for every 5 seats in main auditorium
Hospital	1 for every 3 bed spaces provided
Health centre, clinic, consulting rooms	5 for every practitioner
Consulting room attached to a dwelling	4 for every practitioner and 2 for the dwelling
Funeral parlour	Not less than 6 car parking spaces
Motor repair station, service station	1 for each lubrication and maintenance bay plus 1 for each person working on the site
Open air display	1 for every 200m ² of display area/or sales area
Squash court	3 for every court
Showrooms	1 for every 40m ² of gross leasable area
Warehouse (not open to the general public)	1 for every 100m ² of gross leasable area
Light industry	1 for every 50m ² of gross leasable area
Veterinary clinic/hospital	6 for 1 practitioner, and 10 for 2 practitioners

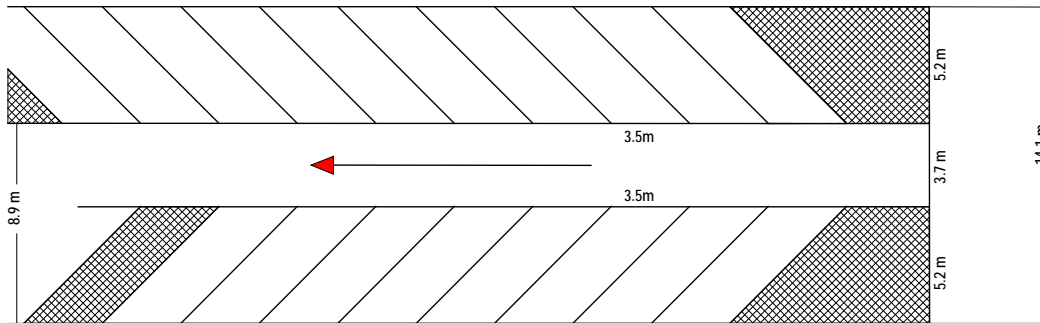
90° PARKING



60° PARKING



45° PARKING



Control of Advertisements

Additional Information Sheet for Advertisement Approval

(to be completed in Addition for Approval to Commence Development Form 1) (Clause 7.12.1)

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:

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

Application should be supported by a photograph or photographs of the premises showing superimposed thereon the proposed position for the advertisement and those advertisements to be removed detailed in 6 above.

Signature of Advertiser(s):
(if different from land owners)

Date:

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Dwellings	One professional name-plate as appropriate	0.2 m ²
Home Occupation	One advertisement describing the nature of the home occupation	0.2 m ²
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or activities of the institution concerned.	0.2 m ²
Cinemas, Theatres and Drive-in Theatres	Two signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the signs are displayed	Each advertisement sign not to exceed 5m ²
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measures at 5 metres from the ground floor level of the building subject to a compliance with the requirements of the Signs Hoarding and Bill Posting By-laws	Not applicable
Industrial and Warehouse Premises	<p>A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from a building whether or 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</p> <p>Maximum permissible total area shall not exceed 10 m² and individual advertisement signs shall not exceed 6m²</p>
Showroom, race courses, major racing tracks, sports stadia, major sporting grounds and complexes	All signs provided that, in each case, the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets	N/A
Public Places and Reserves	<p>(a) Advertisement signs (illuminated and non-illuminated) relating to the function of government a public authority or Council excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body, and</p> <p>(b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the Council, and</p>	<p>N/A</p> <p>N/A</p> <p>N/A</p>

Land Use and/or Development Requiring Advertisement	Exempted Sign Type and Number (Includes the change of posters on poster signs and applies to non-illuminated signs unless otherwise stated)	Maximum Area of Exempted Sign
Public Places and Reserves cont'd	(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	
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station	No sign shall exceed 2m ² in area
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings	N/A
All classes of buildings other than single family dwellings	One advertisement sign containing the name, number and address of the building, the purposes for which the building is used or the name and address of the managing agent	0.2 m ²

Temporary Signs	Exempted Sign Type and Number (All non-illuminated unless otherwise stated)	Maximum Area of Exempted Sign
<p>Building Construction Sites (advertisement signs displayed only for the duration of the construction as follows:</p> <p>i) Dwellings</p> <p>ii) Multiple Dwellings, Shops, Commercial and Industrial projects</p> <p>(iii) Large Development or redevelopment projects involving shopping centres, office or buildings exceeding 3 storeys in height</p>	<p>One Advertisement per street frontage containing details of the project and the contractors undertaking the construction work</p> <p>One sign as for (i) above</p> <p>One sign as for (i) above</p> <p>One additional sign showing the name of the project builder</p>	<p>2 m²</p> <p>5 m²</p> <p>10 m²</p> <p>5 m²</p>
<p>Sales of Goods or Livestock</p>	<p>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</p>	<p>2 m²</p>
<p>Property Transactions Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:</p> <p>a) Dwellings</p> <p>b) Multiple Dwellings, Shops, Commercial and Industrial Properties</p> <p>c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5 ha</p>	<p>One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed</p> <p>One sign as for (a) above</p> <p>One sign as for (a) above</p>	<p>Each sign shall not exceed an area of 2m²</p> <p>Each sign shall not exceed an area of 5m²</p> <p>Each sign shall not exceed an area of 10m²</p>
<p>Display Homes Advertisement signs displayed for the period over which homes are on</p>	<p>i) One sign for each dwelling on display</p> <p>ii) In addition to (i) above, one sign for display for public each group of dwellings displayed by a inspection single project builder giving details of the project building company and details of the range of dwellings on display</p>	<p>2m²</p> <p>5m²</p>
<p>Community Activity</p>	<p>One sign announcing a local event of a religious, educational, cultural, political, social or recreational character not promoted or carried on for commercial purposes</p>	<p>2m²</p>

**SHIRE OF CAPEL
TOWN PLANNING SCHEME NO. 7
APPLICATION FOR PLANNING CONSENT (CLAUSE 8.1.1)**

1 SURNAME OF APPLICANT GIVEN NAMES

FULL ADDRESS

2 SURNAME OF LANDOWNER (if different from above) GIVEN NAMES

3 SUBMITTED BY

4 ADDRESS FOR CORRESPONDENCE

5 LOCALITY OF DEVELOPMENT

6 TITLE DETAILS OF LAND

7 NAME OF ROAD SERVING PROPERTY

8 STATE TYPE OF DEVELOPMENT/LAND USE

NATURE AND SIZE OF ALL BUILDINGS PROPOSED

GENERAL TREATMENT OF OPEN PORTIONS OF THE SITE

DETAILS OF CAR PARKING AND LANDSCAPING PROPOSALS

APPROXIMATE COST OF PROPOSED DEVELOPMENT

ESTIMATE TIME FOR CONSTRUCTION

9 THE APPROXIMATE NUMBER OF PERSONS TO BE HOUSED / EMPLOYED WHEN THE DEVELOPMENT

IS COMPLETED.....

.....
SIGNATURE OF OWNER SIGNATURE OF APPLICANT OR AGENT
(Both signatures are required if Applicant is not the Owner)

DATE DATE

NOTE: This form should be completed and forwarded to the Council together with 2 COPIES of detailed plans showing complete details of the development including a site plan showing the relationship of the land to the area generally. In areas where close development exists, or is in the course of construction, plans shall show the siting of buildings and uses on lots immediately adjoining the subject land.

SHIRE OF CAPEL

TOWN PLANNING SCHEME NO. 7

NOTICE OF PUBLIC ADVERTISEMENT OF DEVELOPMENT PROPOSAL
(CLAUSES 8.2.3(a) & (b))

It is HEREBY NOTIFIED for public information and comment that the Council has received an application to develop land for the purpose described hereunder:

LAND DESCRIPTION

LOT NO STREET

PROPOSAL
.....
.....

Details of the proposal are available for inspection at the Council Office. Comments on the proposal may be submitted to the Council in writing on or before the:

..... day of 20

.....
CHIEF EXECUTIVE OFFICER

.....
DATE

**SHIRE OF CAPEL
TOWN PLANNING SCHEME NO. 7
DECISION ON APPLICATION FOR PLANNING CONSENT (CLAUSE 8.3.4)**

The Council having considered the application

Dated

Submitted by

On behalf of

hereby advise that it has decided to:

REFUSE/GRANT APPROVAL.....- TO COMMENCE DEVELOPMENT
..... - TO DISPLAY AN ADVERTISEMENT

subject to the conditions/for the following reasons:

CHIEF EXECUTIVE OFFICER

DATE

NOTE: Any Council decision to grant approval is only valid for a period of two (2) years from the date shown on the decision, unless otherwise stated in the decision.

RESIDENTIAL PRECINCTS
(Clause 5.3.7)

DESCRIPTION OF LAND AND PRECINCT NUMBER	DEVELOPMENT STANDARDS
<p>Portion of Pt Lot 4402 and Pt Lot 2 Armstrong Street, Boyanup Precinct No. 1</p> <p>AN:16 GG: 11/02/03 AN: 27 GG: 17/2/06</p> <p>AN:16 GG: 11/02/03</p> <p>AN:16 GG: 11/02/03</p> <p>AN:16 GG: 11/02/03</p>	<p>Subdivision:</p> <ol style="list-style-type: none"> 1. <i>Subdivision shall be generally in accordance with the Subdivision Guide Plan (Plan Ref JBSTAG1) dated July 2001 attached to the Scheme Amendment No. 16 Report</i> 2. Council shall request that, as a condition of subdivision, the subdivider demonstrate to the satisfaction of Council, the Health Department of Western Australia, and Water and Rivers Commission that site conditions are satisfactory for the use of on-site effluent disposal systems designed for long term usage and where required a nutrient retention capacity. 3. Council shall request that, as a condition of subdivision, that prospective purchasers of the lots will be advised in writing that a reticulated sewer system is not available to the lots and that the installation of an on-site effluent disposal system designed for long term usage and where necessary having a nutrient retention capacity to the specifications of the Health Department, the Water and Rivers Commission and Council will be required to service any new development on each lot. 4. Council will request that as a condition of subdivision that the subdivider be required to contribute to the upgrading of the intersection of Hurst Road and the Boyanup-Picton Road to the satisfaction of Council and Main Roads WA. 5. Council will request that as a condition of subdivision the subdivider contribute to the upgrading of Armstrong Street and Hurst Roads in the form of speed control devices, intersection channelisation and kerbing and drainage where lots front Armstrong Street. 6. Council will request that as a condition of subdivision that the subdivider contribute to the provision of a dual use path that will link the subdivision area to community facilities. 7. Management of the land reserved for 'Recreation' along Joshua Brook shall be in accordance with a management plan prepared by the subdivider and approved by Council which addresses such matters as fencing, stocking and provision of strategic firebreaks, and the future use of the Reserve for Recreation purposes. 8. Fencing along the boundary between the <i>proposed lots</i> and the Reserve for Recreation shall be undertaken by the subdivider at the time of subdivision. <p>Development:</p> <ol style="list-style-type: none"> 9. <i>Council and the Fire and Emergency Services of Western Australia may at the subdivision stage request the Western Australian Planning Commission to impose a condition requiring the subdivider to prepare and implement a Fire Management Plan to provide for adequate ongoing fire protection.</i> 10. Within the building area defined by the setbacks stipulated by the Residential Planning Codes, a maximum area of 1000m² can be cleared of natural vegetation to accommodate a single house and associated outbuildings and effluent disposal systems and this area will be termed the 'Building Envelope'. 11. No clearing of vegetation shall occur within any lot that has not been issued with a building licence and an approved envelope location. 12. No trees or substantial vegetation shall be felled or removed from a lot except where: <ul style="list-style-type: none"> - required for approved development works; - the establishment of a firebreak, <i>low fuel zone</i> or <i>other mechanism required by a Fire Management Plan, regulation or local law;</i> - trees are dead, diseased or dangerous

DESCRIPTION OF LAND AND PRECINCT NUMBER	DEVELOPMENT STANDARDS
	<p>13. Where boundary fencing is to be constructed it is to consist of post and 6 strand wire, ringlock, hinge joint or similar product. Asbestos, metal sheeting or wooden pickets or similar will not be permitted.</p> <p>14. Fencing not in accordance with Provision 13 above may be built within the building envelope for the purpose of attaining privacy. Such fencing shall be subject to approval by Council as part of a building licence application. When considering fencing proposed under this provision Council shall consider the visual impact of the fencing on the amenity and character of adjoining lots and the estate in general.</p> <p>15. No boundary fencing will be permitted within or across a drainage easement or areas providing strategic fire fighting access routes.</p> <p>Land Use:</p> <p>16. Notwithstanding the various uses of land referred to in Clause 3.2 of the Scheme the use of land within the precinct will be determined as follows: The following uses are permitted – “P”;</p> <ul style="list-style-type: none"> - Single dwelling - Public Utilities and roads - Drainage - Recreation <p>The following uses are not permitted unless Council has granted its Planning Consent – “AA”;</p> <ul style="list-style-type: none"> - Home Occupation - Ancillary Accommodation - Bed and Breakfast Accommodation - Child Family Care Centre. <p>All other uses are not permitted – “X”.</p>
<p>Lot 2 South Western Highway, Boyanup Residential Precinct 2</p>	<p>Subdivision:</p> <p>1 Subdivision shall be generally in accordance with the adopted Subdivision guide and Development Plan numbered BY 91-46-6 dated July 1997 and the principles set out in the Scheme Amendment Report dated October 1996 for Amendment No. 36 to Town Planning Scheme No. 2.</p> <p>2 Council shall request that, as a condition of subdivision, the subdivider demonstrate to the satisfaction of Council, the Health Department of Western Australia, and Water and Rivers Commission that site conditions are satisfactory for the use of on-site effluent disposal systems designed for long term usage and where required a nutrient retention capacity.</p> <p>3 Council shall request that, as a condition of subdivision, that prospective purchasers of the lots will be advised in writing that a reticulated sewer system is not available to the lots and that the installation of an on-site effluent disposal system designed for long term usage and where necessary having a nutrient retention capacity to the specifications of the Health Department, the Water and Rivers Commission and Council will be required to service any new development on each lot.</p> <p>4 Council will request that as a condition of subdivision the subdivider be required to fence along the Preston River boundary to the specification and satisfaction of Council and the Water and Rivers Commission.</p> <p>5 A landscaping plan and works program shall be prepared by the subdividing landowner for the subdivision area and lodged with Council for approval prior to subdivision development works commencing.</p>

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	<p>6 Council will request that as a condition of subdivision the subdivider be required to undertake landscaping in accordance with the approved plan to the satisfaction of council.</p> <p>7 The Council will request a bond at the subdivision stage to a value determined by Council is to be lodged with it to guarantee landscaping works and maintenance are undertaken in accordance with the endorsed landscaping plan.</p> <p>8 Landscaping of drainage easements will not be permitted.</p> <p>9 Council will request at the subdivision stage a comprehensive drainage and fill design is to be prepared by the subdivider to the specification and satisfaction of the Council, Main Roads WA, the Water and Rivers Commission and Department of Land Administration.</p> <p>10 Council will request that as a condition of subdivision the subdivider be required to cede to the Crown a 0.1 metre wide P.A.W. along the South Western Highway frontage of Lot 2.</p> <p>11 Council will request that as a condition of subdivision the subdivider be required to close the existing access to South Western Highway by the removal of the gate and fencing across the accessway.</p> <p>12 At subdivision Main Roads WA will request the intersection of the subdivision road with South Western Highway be provided to its satisfaction and specification at the subdividers cost.</p> <p>13 Council will request as a condition of subdivision contribution by the subdivider towards the provision of a dual use path linking from the subdivision area to Turner Street, Boyanup.</p> <p>14 Council will request that as a condition of subdivision the subdivider be required to make arrangements satisfactory to Council to ensure all prospective purchasers of lots acknowledge in writing that the adjoining properties are used for farming purposes and the normal conduct of those activities may result in some nuisance to urban areas but Council acknowledges the right to continue such activities.</p> <p>Development:</p> <p>15 Where boundary fencing is to be constructed it is to consist of post and rail, post and ringlock or similar. Asbestos, metal sheeting or wooden pickets or similar will not be permitted.</p> <p>16 Fencing not in accordance with Provision 15 may be built behind setback lines and adjacent to a dwelling for the purpose of attaining privacy. Such fencing shall be subject to approval by Council as part of a building licence application. When considering fencing proposed under this provision Council shall consider the visual impact of the fencing on the amenity and character of adjoining lots and the estate in general.</p> <p>17 No boundary fencing will be permitted within or across drainage easements or areas providing strategic fire fighting access routes.</p> <p>18 No trees or substantial vegetation shall be felled or removed from the site except where:</p> <ul style="list-style-type: none"> - required for approved development works; - the establishment of a fire break as required by regulation or bylaw; - trees are dead, diseased or dangerous.

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	<p>Land Use:</p> <p>19 Notwithstanding the various uses of land referred to in Clause 3.2 of the Scheme the use of land within the precinct will be determined as follows:</p> <p>The following uses are permitted – “P”;</p> <ul style="list-style-type: none"> - Single dwelling - Public Utilities and roads - Drainage - Recreation <p>The following uses are not permitted unless Council has granted its Planning Consent – “AA”;</p> <ul style="list-style-type: none"> - Home Occupation - Ancillary Accommodation - Bed and Breakfast Accommodation - Child Family Care Centre. <p>All other uses are not permitted – “X”.</p>

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<p>Portion of Wellington Loction 871, Goodwood Road, Capel Precinct No. 3</p> <p>AN:3 GG: 11/02/03</p>	<ol style="list-style-type: none"> 1— Subdivision shall be generally in accordance with the Subdivision and Development Guide Plan 95073P-14 dated November 2002 attached to the Scheme Amendment Report (Amendment No. 3). 2— Subdivision approval is to be sought for the whole of the subject land. Such staging as may be required is to be negotiated with and approved by Council having regard to the orderly implementation of the Subdivision and Development Guide Plan and the provision of infrastructure. 3— Council will request that as conditions of subdivision the subdivider be required to provide reticulated sewerage, scheme water and underground power to the total subdivision. 4— Subdivision development shall have regard to the Western Australian Planning Commission's Community Code Guidelines with respect to road design and development. 5— Council and Main Roads WA will request that as a condition of subdivision the subdivider contribute to the upgrading of Prowse and Goodwood Roads. Main Roads Western Australia will request that, as a condition of subdivision, the subdivider will cede free of cost to the Crown a 5 metre road widening to the Goodwood Road Reserve. 6— Council will request that as a condition of subdivision the subdivider provide pedestrian pathways within the subdivision and contribute to the provision of a dual use path that will link the subdivision area to community facilities. 7— Council will request that as a condition of subdivision the subdivider be required to prepare and implement a landscape plan to Council's satisfaction for the cleared land, open space areas and the 20 metre wide vegetation buffer area along Goodwood Road. 8— Council will request that as a condition of subdivision the subdivider be required to fence along the public open space and drainage reserves and along boundaries of adjoining farmland and roads to the specification and satisfaction of Council. 9— Council will request that as a condition of subdivision that the subdivider provide strategic fire breaks and access gates to its specification and satisfaction. 10— Council will request as a condition of subdivision the subdivider re-contour and landscape the existing dam and soak. 11— The 'Special Use' lots are to be the subject of a notification on title to the Water Corporation specifications and satisfaction, advising a sewerage service is only provided to the nominated Building Envelope area. 12— Council shall request, as a condition of subdivision, that the subdivider prepare and implement a drainage and nutrient management strategy which addressed the following issues: <ol style="list-style-type: none"> i) landfill requirements; ii) location of drainage basins; iii) stormwater management;

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	<p>iv) comprehensive drainage works and catchment planning;</p> <p>v) protection of water quality of adjacent wetlands (and associated riparian vegetation), groundwater and the Capel River to the satisfaction of the Department of Environment, Water and Catchment Protection;</p> <p>vi) the design of on site drainage infrastructure, including public safety requirements;</p> <p>vii) impacts of landfill and drainage works on neighbouring properties and mitigation of potential flood hazards; and</p> <p>viii) mosquito management measures</p> <p>13 Council request as a condition of subdivision that the subdivider undertake a rare flora and fauna habitat survey.</p> <p>14 Council will request as a condition of subdivision that a memorial is placed on all new titles and prospective purchasers are aware that mining activity could occur within 1000 metres of the subject land which may have a nuisance effect on residential amenity.</p> <p>15 Where land is coded R5 and boundary fencing is to be constructed, it is to consist of a minimum of post and 5 strand, ringlock, hinge joint wire or similar product. Asbestos, metal sheeting or wooden pickets or similar solid fencing will not be permitted in the building front setback area.</p> <p>16 The maintenance of strategic firebreaks located within individual lots are to be the responsibility of individual lot owners.</p> <p>17 Lot boundaries which are located across strategic firebreaks are to be fitted with gates accessible by emergency vehicles.</p> <p>18 All building setbacks are to be in accordance with the Residential Planning Codes (either as R5 or R15 as designated on the Scheme Map), except that no development is permitted within 20 metres of the lot boundary adjacent to Goodwood Road reserve and 10 metres from the southern boundary of the land.</p> <p>19 Notwithstanding the provisions of Clause 5.3.3 'Residential Planning Codes' of the scheme and requirements to vary from the Residential Planning Codes, Council may permit grouped dwellings on lots which are designated R15 on the Subdivision Guide Plan, but not including those lots affected by the 20 metre wide protection buffer area, at a ratio of one unit per 500m² minimum (R17.5 Code). Due regard would need to be given to the location criteria of the Western Australian Planning Commission's Policy.</p> <p>20 Prior to subdivision or development on the subject land, evidence of an agreed management plan (between the subdivider and the mining company) is to be presented to the Western Australian Planning Commission which details the management techniques which will be used to ensure that the proposed mineral sands mining to the south will not have an adverse impact on the amenity of future residents.</p>

DESCRIPTION OF LAND AND PRECINCT NUMBER	DEVELOPMENT STANDARDS
<p>AN: 33 GG: 08.07.08</p>	<p>Subdivision</p> <ol style="list-style-type: none"> 1. <i>Subdivision shall be generally in accordance with the Subdivision and Development Guide Plan 05032P-37 dated 14th June 2007 attached to the Scheme Amendment Report (Amendment No. 33) or any modification to the guide plan as endorsed by the Local Government and the Western Australian Planning Commission.</i> 2. <i>Subdivision approval is to be sought for the whole of the subject land. Such staging as may be required is to be negotiated with and approved by Council having regard to the orderly implementation of the Subdivision and Development Guide Plan and the provision of infrastructure.</i> 3. <i>Council will request that as conditions of subdivision the subdivider be required to provide reticulated sewerage, scheme water, natural gas and underground power to the total subdivision.</i> 4. <i>Subdivision and development shall have regard to the Western Australian Planning Commission's Liveable Neighbourhoods (Version 3) with respect to road design and development.</i> 5. <i>The Commission may impose at the request of Council and Main Roads WA that as a condition of subdivision the subdivider contribute to the upgrading of Prowse and Goodwood Roads. Main Roads Western Australia will request that, as a condition of subdivision, the subdivider will cede free of cost to the Crown a 5 metre road widening to the Goodwood Road Reserve.</i> 6. <i>Council will request that as a condition of subdivision the subdivider provide pedestrian pathways within the subdivision and contribute to the provision of a dual use path that will link the subdivision area to community facilities.</i> 7. <i>Council will request that as a condition of subdivision the subdivider be required to prepare and implement a landscape plan and habitat plan to Council's satisfaction for the public open space and drainage areas.</i> 8. <i>Council will request that as a condition of subdivision the subdivider be required to fence along the public open space and drainage reserves and along boundaries of adjoining farmland and roads to the specification and satisfaction of Council.</i> 9. <i>The Commission may impose at the request of The Department of Environment and Conservation that as a condition of subdivision that the subdivider will accurately mark, with a fireproof fence with open rail/wire and a plaque denoting the name of the Declared Rare Flora and legislation that protects it, the position of the Declared Rare Flora locations to the satisfaction of the Department of Environment and Conservation.</i> 10. <i>Lots proposed containing Declared Rare Flora are to be the subject of a notification on title to the specifications and satisfaction of Department of Environment and Conservation, advising that the property has an occurrence of the Declared Rare Flora within the areas marked by fireproof fence. Declared Rare Flora is protected under the Wildlife Conservation Act and shall not be taken by any person without the consent of the Minister for the Environment. Taking of flora includes unauthorized clearing, burning, picking or grazing.</i>

11. Council shall request, as a condition of subdivision, that the subdivider prepare and implement a drainage and nutrient management strategy which addressed the following issues:
 - i) landfill requirements;
 - ii) location of drainage basins;
 - iii) stormwater management;
 - iv) comprehensive drainage works and catchment planning;
 - v) protection of water quality of adjacent wetlands (and associated riparian vegetation), groundwater and the Capel River to the satisfaction of the Department of Environment, Water and Catchment Protection;
 - vi) the design of on-site drainage infrastructure, including public safety requirements;
 - vii) impacts of landfill and drainage works on neighbouring properties and mitigation of potential flood hazards; and
 - viii) mosquito management measures.
12. “Land shown on the Scheme Map within Residential Precinct 3 as Reserve for Recreation shall be transferred to the Crown free of cost and can be used for a combination of public open space and to accommodate the drainage management needs of the site. The subdivider shall demonstrate to the satisfaction of the Shire of the Capel and the Western Australian Planning Commission that a minimum proportion of 10% of the subdividable area of the precinct will be contributed as useable public open space consistent with WAPC policy DC 2.3.”
13. The Commission may impose that at the request of The Department of Industry and Resources that a memorial is placed on all new titles to notify prospective purchasers that mining activity could occur within 500 metres of the subdivision area and which may have a nuisance effect on residential amenity.
14. Council requests that as a condition of subdivision approval the subdivider prepare a building/development envelope plan to Council’s satisfaction for the lots zoned residential and coded R2.5. The Building/Development Envelope areas are to be a minimum of 800m² for lots comprising Declared Rare Flora, 1000m² for lots without Declared Rare Flora and positioned to achieve a 20 metre separation to any Declared Rare Flora.
15. Council request that as a condition of subdivision the subdivider shall establish the approved Building/Development Envelope Locations by removing all vegetation from the Building/Development Envelope areas and by defining the location of the Building/Development Envelopes by the placement of permanent marker posts to the satisfaction of Council.
16. Council requests as a condition of subdivision the subdivider be required to place a memorial on the title of those lots with approved Building/Development Envelopes advising that the lot contains an approved Building/Development Envelope location within which all development is to be contained and that no approval will be given to the amendment, modification or relocation of the building envelope locations.
17. The Commission may impose at the request of Council and the Fire and Emergency Authority (FESA) that as a condition of subdivision approval the subdivider prepare and implement a Fire management Plan in respect to the areas zoned Residential and coded R2.5 to the satisfaction of Council and FESA.

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	<p>18. <i>The Commission may impose at the request of Main Roads WA that as a condition of subdivision approval the subdivider undertakes a noise assessment to determine traffic noise impacts on dwellings adjoining Goodwood Road and to implement any noise mitigation measures that are identified by the study to the satisfaction of Main Roads WA. The noise mitigation measures shall include the lodgement of memorials on the titles of lots 94-98 inclusive, prohibiting the clearing of vegetation in the vegetation buffer area as shown on the Subdivision and Development Guide Plan.</i></p> <p>19. <i>The Commission may impose at the request of the Department of Health that as a condition of subdivision approval, the subdivider shall lodge a memorial on the title of all lots advising that the lot is located in a region that experiences mosquito nuisance problems which may include mosquito's which carry Ross River Virus and other diseases.</i></p> <p>Development</p> <p>20. <i>Where land is coded R2.5 and boundary fencing is to be constructed, it is to consist of a minimum of post and 5 strand, ring lock, hinge joint wire or similar product. Asbestos, metal sheeting or wooden pickets or similar solid fencing will not be permitted on lot boundaries.</i></p> <p>21. <i>Prior to subdivision or development on the subject land, evidence of an agreed management plan (between the subdivider and the mining company) is to be presented to the Western Australian Planning Commission which details the management techniques which will be used to ensure that the proposed mineral sands mining to the south will not have an adverse impact on the amenity of future residents.</i></p> <p>22. <i>The Shire of Capel shall prepare and adopt a community facilities development plan for the Townsite of Capel and make available details of the estimated costs equitably apportioned to the additional residential subdivision within Residential Precinct No3 facilitated by Amendment No 33.</i></p> <p>23. <i>The subdivider shall at the time of creating new lots contribute such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted community facilities development plan.</i></p> <p>24. <i>In the R2.5 coded area no trees or substantial vegetation shall be felled or removed from a lot outside of the endorsed building envelopes except where:</i></p> <ul style="list-style-type: none"> <i>i) required for approved development works;</i> <i>ii) the establishment of a firebreak, low fuel zone or other mechanism required by a fire Management Plan, regulation of local law; or</i> <i>iii) trees are dead, diseased or dangerous.</i>

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<p>Lot 252 Peppermint Grove Road, Peppermint Grove Beach.</p> <p>Precinct No. 4</p> <p>AN:26 GG:05/04/07</p>	<p><u>Subdivision and Development Guide Plan</u></p> <ol style="list-style-type: none"> 1. Subdivision and development shall be generally in accordance with the endorsed Subdivision and Development Guide Plan 04290P-11 Dated August 2006 attached to the Scheme Amendment report (Amendment No. 26). 2. Modification/s to the endorsed Subdivision and Development Guide Plan may be considered and approved by Council where it can be demonstrated that regard has been given to the intent of the Subdivision Design and Planning Criteria requirements. <p><u>Subdivision Design and Planning Criteria</u></p> <ol style="list-style-type: none"> 3. Subdivision design to give regard to the following requirements to the satisfaction of Council: <ol style="list-style-type: none"> (a) The access point location for any internal subdivision road shall be restricted to the north eastern corner of the lot at Hayfield Drive as shown on the endorsed Subdivision and Development Guide Plan due to limited opportunities for safe access points on other section of road frontage. (b) Vehicle access onto Peppermint Grove Road and Hayfield Drive from individual lots shall be avoided other than in accordance with the endorsed Subdivision and Development Guide Plan due to limited opportunities for safe access points. (c) Lots shall generally avoid encroaching onto the vegetated slopes of Lot 252 as defined on the endorsed Subdivision and Development Guide Plan, due to concerns relating to dune stabilisation and bush fire risk. (d) The natural vegetated slope areas of Lot 252 as shown on the endorsed Subdivision and Development Guide Plan shall be incorporated into a reserve for recreation and flora protection with the intent of passive recreation use and providing for coastal area dune and vegetation protection. The land has limited development potential because of the fragile nature of the site; it possesses a fire management risk if developed and forms part of a significant landscape in the locality. (e) The proposed recreation reserve shall have frontage to Peppermint Grove Road as shown on the endorsed Subdivision and Development Guide Plan, at which point reasonable contour gradient/slope shall be provided for pedestrian entry, reserve management and fire fighting access. The access alignment shall give regard to preservation of vegetation, reduced impact on the neighbouring lots 37 and 22 and provide a safe vehicle entry point onto and from Peppermint Grove Road. (f) Fire fighting and reserve management vehicle access shall be provided to the perimeter of and within the proposed reserve for recreation as shown on the Subdivision and Development Guide Plan. (g) Existing vegetation in the Peppermint Grove Road reserve shall be preserved where possible. (h) Drainage outfalls should be directed to the existing Hayfield Drive drainage basin where onsite containment is not totally achievable. (i) At the time of subdivision, consideration is to be given to the use of an onsite package treatment system for the disposal of effluent, for the lots contained within the Subdivision and Development Guide Plan, in preference to individual lot based on site effluent disposal systems. <p><u>Building and Lot Development Design Criteria</u></p> <ol style="list-style-type: none"> 4. Owners of lots adjoining Peppermint Grove Road and Hayfield Drive are required to comply with the following requirements to the satisfaction of Council: <ol style="list-style-type: none"> (i) No vehicle access is permitted from Peppermint Grove Road and Hayfield Drive other than at those crossover locations shown on the endorsed Subdivision and Development Guide Plan.

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	<p>(ii) For the purpose of compliance with the building setback requirements of the Town Planning Scheme, including the Residential Design Codes, the following shall apply:</p> <ul style="list-style-type: none"> • The setback distance for buildings facing Peppermint Grove Road and Hayfield Drive will be those standards applicable to a development, which is adjacent to a Primary Street, except that an average setback distance of 6 metres maybe considered by Council • In the case of lots, 16, 17, 18 and 19, shown on the Subdivision and Development Guide Plan, which have a dual street frontage, the secondary street frontage will be considered a rear boundary and for the purpose of determination, maybe averaged in accordance with the methodology used in determining a Primary Street setback • For the purpose of compliance with Clause 7.8 of Town Planning Scheme No. 7, an 8 metre visual truncation may be applied after assessment and approval by Council. <p>(iii) All dwellings are to be designed and constructed so as to retain the appearance of a typical front of building façade to Peppermint Grove Road and Hayfield Drive.</p> <p>(iv) The setback area between the dwelling and the Peppermint Grove Road and Hayfield Drive property boundary is to be landscaped with trees and shrubs. A landscape plan is to be submitted for the approval of Council at the time of lodging the building license application for the dwelling.</p> <p>(v) Restrict all typical rear yard activities such as screen fencing, clothes drying, storage and car parking to a portion of the lot, which is not adjacent to or potentially visible to Peppermint Grove Road and Hayfield Drive.</p> <p>5. All uniform fencing provided at the time of subdivision is to be retained and shall not be altered or changed in any way.</p> <p>6. It is recommended that housing design, vegetation planting and house maintenance should incorporate the principles of Australian Standard 3959 in respect to bushfire attack protection.</p> <p><u>Subdivision Development</u></p> <p>7. Council will request as conditions of subdivision that the subdivider be required to comply with the following to the satisfaction of Council:</p> <ul style="list-style-type: none"> (a) Impose a Section 70A notice on lots advising owners of the Building and Lot Development Design Criteria of this zone and Fire Management Plan requirements. (b) Impose a section 129B Restrictive Covenant notice on lots adjoining Peppermint Grove Road and Hayfield Drive prohibiting vehicle access onto these roads other than at approved access points shown on the endorsed Subdivision and Development Guide Plan. (c) Provision of uniform fencing along Peppermint Grove Road and Hayfield Drive lot frontages. (d) Provision of uniform fencing along the boundaries of the proposed reserve for recreation and flora protection and the adjoining existing reserve 35483 where it adjoins freehold lots. (e) The preparation of and the implementation of a Fire Management Plan, including advice to purchasers, which takes into account the principle considerations identified on the endorsed Subdivision and Development Guide Plan.

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	<p>(f) <i>Undertake rehabilitation/stabilisation of the proposed reserve for recreation and flora protection where determined necessary.</i></p> <p>(g) <i>Provision of a constructed pedestrian pathway from Peppermint Grove Road to the highest vantage point in the proposed reserve for recreation, with linking of this path to existing pathways in the locality, by way of provision of a dual use pathway and pedestrian crossing in Peppermint Grove Road as indicatively shown on the Subdivision and Development Guide Plan.</i></p>

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<p><i>Lot 19 Weld Road, Capel & Lot 18 Weld Road, Capel</i></p> <p><i>Precinct No 5</i></p> <p><i>AN: 41</i> <i>GG: 03/02/09</i> <i>GG 01/04/16</i></p>	<ol style="list-style-type: none"> <i>1. Subdivision shall be generally in accordance with a Subdivision and Development Guide Plan endorsed by Council and the WAPC. The plan shall identify the density codes pursuant to the Residential Design Codes to be applied to subdivided lots and demonstrate the reasonable opportunity for the adjoining land to be subdivided in a similar format to that indicated for lot 19.</i> <i>2. Subdivision design shall have regard to the Western Australian Planning Commission's Liveable Neighbourhoods (Version 3) and any adopted standards intended to achieve solar efficient design with respect to road and lot layout and development.</i> <i>3. The Subdivision and Development Guide Plan shall show a minimum of 10% of the subdividable area as local Public Open Space.</i> <i>4. Council will request that as conditions of subdivision the subdivider be required to provide reticulated sewerage, scheme water, natural gas and underground power to the subdivision.</i> <i>5. Council will request that as a condition of subdivision the subdivider provides dual use pathways within the subdivision linked to the Capel Drive path.</i> <i>6. Council will request that as a condition of subdivision the subdivider be required to prepare and implement an improvement plan for the Capel River Foreshore to Council's satisfaction.</i> <i>7. Council will request that as a condition of subdivision the subdivider be required to provide uniform fencing at the rear of lots adjacent to Capel Drive to be consistent with the Townscape Improvement works undertaken on the Capel Drive embankment to the specification and satisfaction of Council.</i> <i>8. Council shall request, as a condition of subdivision, that the subdivider prepare and implement a drainage and nutrient management strategy which addresses among other things stormwater runoff management structures designed to control the rate of discharge to the Capel River and the management of water quality to the satisfaction of the Department of Water and Council.</i> <i>9. Council shall request, as a condition of subdivision, that the subdivider prepares an information brochure to be supplied to lot purchases to inform them of the opportunities for solar efficient design for houses and low water use gardens.</i> <i>10. Land shown on the Scheme Map within Residential Precinct 4 as Foreshore Protection Zone shall be transferred to the Crown free of cost.</i> <i>11. The Shire of Capel shall prepare and adopt a community facilities development plan for the Townsite of Capel and make available details of the estimated costs equitably apportioned to the additional residential subdivision within Residential Precinct No 4 facilitated by Amendment No 41.</i> <i>12. The subdivider shall at the time of creating new lots contribute such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted community facilities development plan.</i>

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<p>“Residential Precinct No.6 – “Capel Central R30/40 Precinct” (incorporating ‘Sub-Precincts 6A, 6B, 6C, 6D and 6E) as depicted on the Scheme Amendment Map in Amendment No. 45</p> <p>AN: 45 GG: 11/03/11</p>	<p>Subdivision and Development</p> <ol style="list-style-type: none"> 1. Subdivision and development in Sub-Precincts 6A, 6B and 6C shall generally be in accordance with an endorsed Structure Plan prepared for each Sub-Precinct in accordance with Clauses 5.10.5 to 5.10.12 of the Scheme. 2. Subdivision and development in Sub-Precincts 6A, 6B and 6C may be exempted from the requirement for a Structure Plan as required under Clause 1 only where: <ol style="list-style-type: none"> a) It is determined by the Shire of Capel that subdivision, development, access, servicing and sustainable design of other land in the sub-precinct is not reliant on the subject land; and b) The subject land has the potential for no more than 3 lots to be created under the residential density coding. 3. Structure Plans, subdivision and development in all Sub-Precincts shall: <ol style="list-style-type: none"> a) Generally be in accordance with the adopted Capel Townsite Strategy including the Capel Townsite Structure Plan. b) Generally be consistent with the Western Australian Planning Commission’s Liveable Neighbourhoods (Version 3), Residential Design Codes of WA and any adopted standards intended to achieve solar efficient design with respect to road and lot layout and development. c) Incorporate and implement the outcomes of the Capel District Water Management Strategy and recommendations and standards of the ‘Capel Infill Drainage Plan’ contained therein. d) Generally be consistent with any adopted Sustainability Policy for the Capel Townsite and/or residential areas in the Shire. 4. Any application for subdivision or development of Lot 21 Capel Drive (in Sub-Precinct 6D) shall be accompanied by a Local Water Management Strategy prepared in accordance with the Capel District Water Management Strategy and the WAPC Better Urban Water Management Framework. <p>Subdivision and Development Conditions</p> <ol style="list-style-type: none"> 5. The Shire of Capel may request as conditions of subdivision or require as conditions of development, that the landowner contribute to the upgrading of: <ol style="list-style-type: none"> a) Surrounding roads; b) The provision of dual use and pedestrian paths in accordance with the Shire’s Dual Use Path Strategy; and c) The local and district drainage network in accordance with a DoW endorsed District Water Management Strategy. 6. The Shire of Capel shall request as a condition of subdivision or require as a condition of development, that the landowner cede free of cost and construct at their own cost that portion of any internal road reserve identified in an endorsed Structure Plan to the satisfaction of the Shire of Capel. 7. The Shire of Capel shall request as a condition of subdivision or require as a condition of development, that the landowner of Lot 21 prepare and implement an Urban Water Management Plan to the satisfaction of the Shire of Capel and Department of Water.

DESCRIPTION OF LAND AND PRECINCT NUMBER	DEVELOPMENT STANDARDS
	<p>8. <i>The Shire of Capel shall request, as a condition of subdivision or require as a condition of development, that the landowner implement the relevant aspects of any sustainability policy adopted by the Shire of Capel including the preparation of an information brochure for prospective landowners.</i></p> <p>Community Facilities</p> <p>9. <i>The Shire of Capel shall prepare and adopt a Development Contribution Plan for the townsite of Capel and make available details of estimated costs equitably apportioned to the 'Capel Central R30/40 Precinct' based on population increase generated by development within the precinct. The plan shall be consistent with any relevant State Planning Policy.</i></p> <p>10. <i>Land owners shall at the time of creating new lots or new residential units contribute to a community facilities development fund, such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted Development Contribution Plan.</i></p> <p>Aged Persons Development</p> <p>11. <i>The only use permitted on Lot 13 West Road in Sub-Precinct 6B is for Aged Persons Accommodation which shall have the same meaning as prescribed under the Residential Design Codes.</i></p> <p>12. <i>The Shire of Capel or any other landowner is required to cede and contribute to the construction of any internal road identified over Lot 13 in the adopted Structure Plan for Sub-Precinct 6B as part of any redevelopment or subdivision of the land.</i></p>
<p><i>Lots 225 and 226 Range Road, Capel Residential Precinct RP No. 7</i></p> <p><i>AN: 53</i> <i>GG: 26.07.13</i></p>	<p>1. <i>Subdivision shall generally be in accordance with the Structure Plan 13631-02H dated 28/02/13 Included within Scheme Amendment Report (Amendment No. 53) or any modification to the Structure Plan as endorsed by the Local Government and the WAPC.</i></p> <p>2. <i>Subdivision and development shall have regard to the WAPC's Liveable Neighbourhoods policy.</i></p> <p>3. <i>Any application for subdivision and development of Lots 225 and 226 Range Road, Capel shall be accompanied by a Local Water Management Strategy prepared In accordance with the Capel Townsite District Water Management Strategy.</i></p> <p>4. <i>An appropriate environmental investigation will be required for Lot 225 In accordance with the Contaminated Sites Act 2003 and relevant Department of Environment and Conservation Guidelines.</i></p> <p>5. <i>Land shown on the Structure Plan as POS shall be transferred to the Crown free of cost and can be used for a combination of recreation and drainage management needs of the site. The subdivider shall demonstrate to the satisfaction of the Shire of Capel and the WAPC that a minimum proportion of 10% of the subdividable area of the precinct will be contributed as useable POS consistent with WAPC Policy DC 2.3.</i></p> <p>6. <i>Remnant trees and bushland within identified POS areas on the Structure Plan shall generally be protected. Where possible, the protection of remnant trees and bushland outside of the POS will be encouraged as a result of subdivision. POS areas, streets (including Range and Prowse Roads) are to be developed In accordance with the Shire's POS Strategy and Urban Landscape Policy.</i></p>

7. *The Shire of Capel shall prepare and adopt a community facilities development plan for the Townsite of Capel and make available details of the estimated costs equitably apportioned to the residential subdivision within Capel Residential Precinct No. 7 facilitated by Amendment No. 53.*
8. *Land owners shall at the time of creating new lots or new residential units contribute to a community facilities development fund, such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted Community Infrastructure Plan.*
9. *Prior to subdivision, subdividing land owners are to provide and implement a Sustainability Outcomes and Implementation Plan as relates to the subdivision development and the future development of lots within the subdivision.*
10. *An appropriate investigation will be required prior to subdivision to be undertaken by subdividing land owners to determine whether ground water resources available to the future owners of lots resulting from the subdivision of Lots 225 and 226 are of an acceptable standard for residential domestic use, to the satisfaction of the Department of Environment, Department of Water and Department of Health.*
11. *The Health Department of WA may request as a condition of subdivision that the subdivider lodge a memorial on the title of all lots advising that the lot is located in a region that experiences mosquito nuisance problems which may include mosquitoes which carry Ross River Virus and other diseases.*
12. *The Shire of Capel may request the WAPC to impose conditions at the time of subdivision requiring--*
 - a. *The connection of all lots to reticulated sewerage, Scheme water, natural gas, telecommunications and underground power.*
 - b. *Contribution to the upgrading of Prowse and Range Roads.*
 - c. *Contribution to the construction of a dual use path that will link the subdivision area to community facilities.*
 - d. *Construction of footpaths on subdivisional roads as depicted on the Structure Plan.*
 - e. *Preparation and implementation of a Landscape Plan and Public Open Space Management Plan to the Council's satisfaction for the Public Open Space, streets (including Range and Prowse Roads), drainage areas and buffer areas identified on the Structure Plan.*
 - f. *The installation of fencing along boundaries of adjoining farmland and roads to the specification and satisfaction of Council.*
 - g. *Preparation and implementation of an Urban Water Management Plan to the satisfaction of the Shire of Capel and Department of Water.*
 - h. *Preparation and implementation of a Fire Management Plan.*
 - i. *Lodgement of a memorial on the title of all lots advising that the lot is located in a region that may have amenity and other issues associated with adjoining land uses being Shire Depot, Shire Transfer Station, Shire Dog Pound, dog kennels, future mineral sands mining and agricultural land uses.*

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| | <ul style="list-style-type: none"><i>j. The submission and implementation of a Sustainability Outcomes and Implementation Plan as relates to the subdivision development and the future development of lots with the subdivision.</i><i>k. The imposition of a Restrictive Covenant along the Range Road boundary of all adjoining lots prohibiting vehicle access.</i><i>l. The undertaking of a traffic management assessment to confirm road reserve widths and intersection alignments and treatments.</i><i>m. The lodgement of a memorial on the title of all lots advising that no ground water abstraction is permitted without the approval of the Department of Water and the Department of Health due to the potential contamination of ground water in the locality.</i><i>n. The provision of design guidelines in respect to the R30 coded lots.</i> |
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DEVELOPMENT PRECINCTS – SPECIFIC PROVISIONS

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
<p>CLAUSE 5.10.13)Development Precinct No. 1 – Dalyellup East as depicted on the Scheme Map</p> <p>AN: 23 GG: 18/8/06</p>	<p>1 Subdivision:</p> <p>(a) <i>Subdivision shall be generally in accordance with the endorsed (or subsequently amended) Dalyellup East Local Structure Plan for the Precinct prepared in accordance with clauses 5.10.1 to 5.10.13 of the Scheme.</i></p> <p>(b) <i>Subdividing landowners shall provide the Shire of Capel with construction and landscape design drawings for public streets, drainage basins and public open space for approval prior to such works being undertaken.</i></p> <p>(c) <i>Subdividing landowners adjacent to Bussell Highway shall establish and landscape a buffer to the highway for the purposes of noise attenuation and landscape amenity that may include an earth bund or alternative treatments, but generally excluding walls or solid fencing, and shall be to the satisfaction of Council, MRWA and WAPC/DPI.</i></p> <p>(d) <i>Subdividing landowners shall make arrangements, to the satisfaction of the Shire of Capel, to advise purchases of lots that the Shire of Capel will impose a specified area rate within the Precinct for the purpose of assisting with the maintenance of Public Open Space and other infrastructure within the locality.(e) A subdividing land owner with land containing a protected wetland under the Environmental Protection (Swan Coastal Plain Wetlands) Policy 2004 shall prepare a management plan, to the satisfaction of the Shire of Capel and the Department of Environment, for the wetland and associated buffer.</i></p> <p>(f) <i>Subdividing land owners shall make arrangements to the satisfaction of the Shire of Capel to ensure that management of mosquito breeding is incorporated into the design and ongoing management and maintenance of wetlands and urban drainage systems within the Precinct.</i></p> <p>(g) <i>Subdividing land owners shall, at the time of creating new lots, contribute to a community facilities development fund such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted community infrastructure development plan.</i></p> <p>(h) <i>The subdividing land owner who holds the land on which a local structure plan for the Precinct nominates an area of land for the Dalyellup District Centre shall provide free of cost to the Shire of Capel a site having an area of up to 1 hectare within the Dalyellup District Centre to be used for such municipal purposes as the Shire may deem appropriate.</i></p> <p>(i) <i>Subdividing land owners within the Precinct shall, prior to undertaking subdivisional works, submit to the Shire of Capel an urban drainage plan which can be demonstrated to form part of an overall urban drainage plan for the Precinct.</i></p> <p>(j) <i>The Shire of Capel may require a subdividing land owner to enter into a Deed of Covenant to do such things and meet such costs as are reasonably required to ensure that the subdivision and development of the land within the Precinct takes place in a co-ordinated manner and all aspects of a structure plan for the Precinct are completed.</i></p>

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
	<p>(k) <i>Subdividing landowners within the Precinct shall provide to the Shire of Capel a plan, to its satisfaction, to ensure that the local and district collector roads shown on the structure plan for the Precinct are constructed by each subdivider and connected to the district and regional road network.</i></p> <p>(l) <i>The subdividing land owner who holds the land on which a local structure plan for the Precinct nominates an area of land for the Dalyellup District Centre shall be responsible for all costs associated with the acquisition and construction of that portion of the proposed extension of Parade Road through land currently owned by the Riding For The Disabled Association Of Western Australia South West Group Inc. (being Lot 1 the subject of Certificate of Title Volume 1962 Folio 568). Prior to a final stage of subdivision of Lot 9012 or within 5 years from the approval of the Outline Development Plan for the District Centre, whichever comes first, Council shall determine the reasonable costs of implementing the necessary actions and works (as required by this provision) and such costs shall be bonded with Main Roads Western Australia.</i></p> <p>(m) <i>An owner required to make a contribution under provision (l) above may request the Council to have such costs independently certified by an appropriate qualified person. Any dispute between any owner and Council in connection with the cost contribution is to be resolved by arbitration in accordance with the Commercial Arbitration Act 1985.</i></p> <p>(n) <i>Subdividing land owners within the Precinct shall provide to the Shire of Capel a plan showing the cross-section design and pavement treatments of roads to demonstrate that they are consistent with the need to cater for predicted traffic volumes and will provide a satisfactory level of safety and service.</i></p> <p>(o) <i>Subdividing land owners within the Precinct shall, prior to undertaking subdivisional works, submit to the Shire of Capel a dual use and pedestrian path plan which can be demonstrated to form part of an overall dual use and pedestrian path plan for the Precinct.</i></p> <p>(p) <i>Subdividing land owners shall prepare a water balance and open space reticulation master plan to the satisfaction of the Shire of Capel and the Department of Environment to address the management of the shallow ground water table, ground water abstraction licenses and water quality.</i></p> <p>(q) <i>Subdividing land owners within the Precinct shall prepare a strategy to the satisfaction and agreement of the Shire of Capel, the Water Corporation and the Western Australian Planning Commission to ensure the upgrading and funding of the Five Mile Diversion Drain prior to any subdivision or Development taking place within the Development Precinct.</i></p> <p>(r) <i>With the exception of the requirements of provision (l), subdividing land owners adjacent to the existing Parade Road reserve and its extension through the structure plan area shall be responsible for the construction of Parade Road to a 2 lane standard suitable for a District Distributor Integrator "B" road and consistent with a traffic management plan for the Development Precinct to the satisfaction of the Shire of Capel.</i></p> <p>(s) <i>The Education Department of Western Australia shall require a contribution, on a per lot basis, for acquisition of the primary school site at the time of subdivision.</i></p>

- (t) *Subdividing land owners shall prepare a strategy to the satisfaction of the Department for Planning and Infrastructure, the Shire of Capel and Main Roads Western Australia prior to any subdivision or development taking place within the Development Precinct to ensure that necessary works and funding associated with intersections on Bussell Highway is provided for and that the construction of Parade Road between Norton Promenade and Centenary Road will be completed at an acceptable time.*
- (u) *Subdividing landowners shall set aside land for public open space consistent with the intention to provide for active public open space and drainage functions in an endorsed structure plan or in a strategy endorsed by the Western Australian Planning Commission. Land required for drainage functions will be considered for credit as public open space in accordance with Western Australian Planning Commission policies and guidelines and subdividing land owners shall demonstrate that they have provided an equitable proportion of the required public open space within the whole of the Development Precinct.*
- (v) *Subdividing land owners shall make arrangements, to the satisfaction of the Shire of Capel, to advise purchasers of lots that some portions of public open space will be subject to occasional inundation as part of the functioning of the local stormwater drainage system and to advise them of action that should be taken to minimise the release of nutrients to the local environment from their premises.*
- (w) *The subdividing land owner responsible for the portion of Parade Road adjoining the northern boundary of the Shire of Capel shall be responsible for the construction of the connection of Parade Road pavement across the municipal boundary to integrate with the Parade Road carriageway in the City of Bunbury, including the provision for the Centenary Road intersection traffic management to the satisfaction of the Western Australian Planning Commission.*

2 Development:

- (a) *The Shire of Capel shall prepare and adopt a community facilities development plan for the Dalyellup locality and make available details of estimated costs of such a plan and how it relates to the potential population increase created by the subdivision of the Development Precinct No. 1 – Dalyellup East.*
- (b) *The subdividing land owners of Lots 803 and 9012 Norton Promenade shall make provisions for the future development of a District Centre generally in accordance with an endorsed Local Structure Plan for this Precinct. The District Centre shall make provision for a maximum of 20,000 square metres of gross leasable retail floor space area as well as provision for other uses such as, but not necessarily limited to, medical centre, service station and sites for other non retail commercial uses such as a tavern, commercial recreation, service commercial, showroom-warehouse, residential an offices.*
- ~~(b) *The subdividing land owners of Lots 803 and 9012 Norton Promenade shall make provision for the future development of a District Centre generally in accordance with an endorsed Local Structure Plan for this Precinct. In accordance with the Usher, Gelorup & Dalyellup District Structure Plan, the District Centre shall make provision for a maximum of 15,000 square metres of gross leasable retail floor space area as well as provision for other uses such as, but not necessarily limited to, medical centre, service station and sites for other non retail commercial uses such as a tavern, commercial recreation, service commercial, showroom warehouse, residential and offices.*~~

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
	<p>(c) <i>Prior to the subdivision and development of the land identified as the District Centre on an endorsed Local Structure Plan for the Precinct, an Outline Development Plan shall be prepared in accordance with the provisions of the Dalyellup Development Zone and such plan shall include detailed urban design standards/guidelines for matters including, but not limited to, building design, height, bulk, siting and finishes, traffic and pedestrian movement and management, car parking, landscaping, street furniture, pavement treatments, control of advertisement signs, mixed residential-commercial development and the intended staging and the requirement for retail modelling of development to the satisfaction of the Shire of Capel and the Western Australian Planning Commission.</i></p> <p>(d) <i>Upon adoption of an Outline Development Plan for the District Centre, any person undertaking the development of land within the centre shall comply with the use and development standards set out in the adopted Outline Development Plan.</i></p> <p>(e) <i>Where a site is identified on the Local Structure Plan for the Precinct as being for the purpose of aged persons accommodation, an Outline Development Plan shall be prepared and endorsed by the Shire of Capel and the Western Australian Planning Commission prior to development commencing to identify development standards and design guidelines to ensure that the development of accommodation on the site is integrated into the urban design and community infrastructure of the Precinct.</i></p>

Development Precinct No.2

South East Capel as depicted on the Scheme Amendment Map for Amendment No. 25

AN: 25
GG:

Subdivision Co-ordination Between Land Owners

1. *Subdivision shall be generally in accordance with the endorsed South East Capel Local Structure Plan for the Precinct prepared in accordance with Clauses 5.10.1 to 5.10.13 of the Scheme.*
2. *Subdivision design and development shall have regard to the Western Australian Planning Commission's Residential Design Codes of Western Australia and Liveable Neighbourhoods.*
3. *Subdivision development staging is to be negotiated with the Shire of Capel, by the subdividing land owners, prior to lodging a subdivision application, having regard to the orderly implementation of the endorsed Local Structure Plan and the provision of infrastructure services.*
4. *The Shire of Capel may require a subdividing land owner to enter into a Deed of Covenant to do such things and meet such costs as are reasonably required to ensure that the subdivision and development of the land within the Precinct are completed*
5. *Subdividing land owners shall provide to the Shire of Capel a plan and strategy, to its satisfaction, to ensure the local collector roads shown on the Local Structure Plan for the Precinct will be constructed and connected to the local road network in a timely and appropriate manner.*
6. *Subdividing land owners shall, prior to undertaking subdivisional works, submit to the Shire of Capel an urban drainage plan which can be demonstrated to form part of an overall urban drainage plan for the Precinct.*
7. *Subdividing land owners shall, prior to undertaking subdivisional works, submit to the Shire of Capel a dual use and pedestrian path plan which can be demonstrated to form part of an overall dual use and pedestrian path plan for the Precinct.*
8. *Subdividing land owners shall prepare a water balance and open space reticulation master plan to the satisfaction of the Shire of Capel and the Department of Water to address the management of the ground water table, ground water abstraction licences and water quality.*
9. *Subdividing land owners shall make arrangements to the satisfaction of the Shire of Capel to ensure that management of mosquito breeding is incorporated into the design and ongoing management and maintenance of wetlands and urban drainage systems within the Precinct.*

Subdivision Conditions

10. *The Shire of Capel and Main Roads WA will request as a condition of subdivision the subdividing land owners to contribute to the upgrading of Barlee and Goodwood Roads. Subdividing land owners will be responsible for the full cost of any traffic management measures required at the intersection of new subdivision roads with the existing road network.*
11. *The Shire of Capel will request as a condition of subdivision the subdividing land owners provide dual use pathways within the subdivision and contribute to the provision of a dual use path that will link the subdivision area to community facilities.*
12. *The Shire of Capel will request as a condition of subdivision that the subdividing land owners prepare and implement a landscape plan to the satisfaction of the Shire of Capel for cleared land, open space areas and vegetation buffer areas.*

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
	<p>13. <i>The Shire of Capel will request as a condition of subdivision that subdividing land owners be required to fence along river foreshore reserves, public open space reserves, drainage reserves, adjoining farmland, Goodwood Road and where necessary adjoining residential lots to the specification and satisfaction of Council.</i></p> <p>14. <i>The Shire of Capel will request as a condition of subdivision the subdividing land owners are required to make arrangements to ensure all prospective purchasers of lots acknowledge in writing that the southern adjoining land is used for farming purposes. Normal conduct of these farming activities may result in some nuisance to residential uses, but the Council of the Shire of Capel acknowledges the right to continue such activities.</i></p> <p>15. <i>The Shire of Capel will request a condition of subdivision that subdividing landowners are required to implement the foreshore management plan.</i></p> <p>Development</p> <p>16. <i>The Shire of Capel shall prepare and adopt a community facilities development plan for the townsite of Capel and make available details of estimated costs equitably apportioned to the DP2 development precinct based on population increase generated by development within the precinct.</i></p> <p>17. <i>Where a site is identified on the Local Structure Plan as being for the purpose of aged persons accommodation or a medium/ high density residential use, the Shire of Capel may at its discretion, require an Outline Development Plan(ODP) to be prepared, prior to determination of a development or subdivision application. The ODP is to identify development standards and design guidelines, to ensure that the development is integrated into the urban design and community infrastructure of the Precinct.</i></p> <p>Community Facilities</p> <p>18. <i>Subdividing land owners shall at the time of creating new lots, contribute to a community facilities development fund, such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted community infrastructure plan.</i></p> <p>Additional ODP Requirements</p> <p>19. <i>Preparation of the following studies:</i></p> <ul style="list-style-type: none"> a) <i>Declared Rare Flora Survey</i> b) <i>Significant Fauna Survey (for the Western Ringtail Possum amongst other species)</i> c) <i>Foreshore Management Plan</i>

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
<p data-bbox="108 197 459 230"><i>'Development Precinct No. 3</i></p> <p data-bbox="108 257 475 387"><i>Maitland Road Precinct' as depicted on the Scheme Amendment Map in Amendment No. 36.</i></p> <p data-bbox="108 454 276 517">AN: 36 GG: 29.05.09</p>	<p data-bbox="491 197 975 230"><i>Preparation of Outline Development Plan</i></p> <ol style="list-style-type: none"> <li data-bbox="491 257 1513 353">1. <i>Subdivision shall generally be in accordance with an endorsed Outline Development Plan for the Precinct prepared in accordance with Clauses 5.10.1 to 5.10.12 of the Scheme.</i> <li data-bbox="491 387 1513 1010">2. <i>The following studies shall be undertaken in addition to any specific requirements of Clauses 5.10.1 to 5.10.12 of the Scheme, together with the preparation of the ODP:</i> <ol style="list-style-type: none"> <li data-bbox="547 488 863 521">a. <i>Declared flora survey;</i> <li data-bbox="547 521 863 555">b. <i>Declared fauna survey;</i> <li data-bbox="547 555 1513 589">c. <i>Identification of areas where retention of remnant vegetation should occur; and</i> <li data-bbox="547 589 1513 651">d. <i>Preparation of a Foreshore Management Plan for the northern water course which traverses the precinct;</i> <li data-bbox="547 651 1513 748">e. <i>An Infrastructure Implementation Plan which details the staging and funding of paths, drainage, roads, public open space, foreshore management and upgrading of Maitland, Dunkley and Farley Roads and Capel Drive;</i> <li data-bbox="547 748 1086 781">f. <i>A Local Water Management Strategy; and</i> <li data-bbox="547 781 1513 1010">g. <i>A Sustainability Outcomes and Implementation Plan which details the targets and method of delivery in respect to 'Sustainability Outcomes' such as:</i> <ul style="list-style-type: none"> <li data-bbox="611 875 943 909">- <i>On-site power generation;</i> <li data-bbox="611 909 1031 943">- <i>On-site water capture and re-use;</i> <li data-bbox="611 943 943 976">- <i>Re-use of grey water; and</i> <li data-bbox="611 976 1334 1010">- <i>Correct housing orientation for passive heating and cooling.</i> <li data-bbox="491 1043 1513 1173">3. <i>Subdivision design shall be consistent with the Western Australian Planning Commission's Liveable Neighbourhoods (Version 3) and any adopted standards intended to achieve solar efficient design with respect to road and lot layout and development.</i> <p data-bbox="491 1200 1059 1234"><i>Subdivision Coordination Between Land Owners</i></p> <ol style="list-style-type: none"> <li data-bbox="491 1267 1513 1397">4. <i>Subdivision staging is to be negotiated with the Shire of Capel, by the subdividing land owners, prior to lodging a subdivision application, having regard to the orderly implementation of the endorsed Outline Development Plan for the Precinct and the provision of infrastructure services.</i> <li data-bbox="491 1431 1513 1561">5. <i>The Shire of Capel may require a subdividing land owner to enter into a legal agreement to do such things and meet such costs as are reasonably required to ensure that the subdivision and development of the land within the Precinct is completed.</i> <li data-bbox="491 1594 1513 1756">6. <i>Subdividing land owners shall, provide to the Shire of Capel a Traffic Management Plan and Strategy, to its satisfaction, to ensure the local collector roads and traffic management requirements shown on the Outline Development Plan for the Precinct will be constructed and connected to the local road network in a timely and appropriate manner.</i> <li data-bbox="491 1789 1513 1942">7. <i>Subdividing land owners shall, prior to undertaking subdivisional works, submit to the Shire of Capel and Department of Water, a Urban Water Management Plan which can be demonstrated to form part of an overall urban drainage plan for the Precinct, and giving regard to drainage relationships and needs for land south east of the Precinct.</i> <li data-bbox="491 1975 1513 2105">8. <i>Subdividing land owners shall, prior to undertaking subdivision works, submit to the Shire of Capel a dual use and pedestrian path strategy which can be demonstrated to form an overall dual use and pedestrian path plan for the Precinct and provide connection to the Capel Town Centre.</i>

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
	<p data-bbox="491 159 1501 286">9. <i>Subdividing land owners shall, make arrangements to the satisfaction of the Shire of Capel and Department of Environment and Conservation to ensure that management of mosquito breeding is incorporated into the design and ongoing management and maintenance of watercourses and urban drainage systems within the Precinct.</i></p> <p data-bbox="491 320 756 349">Subdivision Conditions</p> <p data-bbox="491 353 1501 510">10. <i>The Shire of Capel and Main Roads WA shall request as a condition of subdivision that the subdividing land owners contribute to the upgrading of Maitland, Dunkley and Farley Roads and Capel Drive. Subdividing land owners will be responsible for the full costs of any traffic management measures required at the intersection of new subdivision roads within the existing road network.</i></p> <p data-bbox="491 544 1501 640">11. <i>Main Roads WA shall request as a condition of subdivision, that the subdividing land owners prepare and implement a Landscaping and Noise Management Plan to the specifications of MRWA for the area abutting Bussell Highway.</i></p> <p data-bbox="491 674 1501 801">12. <i>The Shire of Capel shall request as a condition of subdivision, that the subdividing land owners provide dual use pathways within the subdivision and contribute to the provision of dual use and pedestrian paths that will link the subdivision area to community facilities.</i></p> <p data-bbox="491 835 1501 931">13. <i>The Shire of Capel shall request as a condition of subdivision, that the subdividing land owners prepare and implement a landscape plan to the satisfaction of the Shire of Capel for cleared land, open space areas and vegetation buffer areas.</i></p> <p data-bbox="491 965 1501 1093">14. <i>The Shire of Capel shall request as a condition of subdivision, that the subdividing land owners will be required to fence along river foreshore reserves, public open space reserves, drainage reserves and where necessary adjoining residential lots to the specification and satisfaction of Council.</i></p> <p data-bbox="491 1126 1501 1223">15. <i>The Shire of Capel shall request as a condition of subdivision, that subdividing land owners are required to implement the foreshore management plan adopted under specific provision 2.</i></p> <p data-bbox="491 1256 1501 1352">16. <i>Council will request that as a condition of subdivision, the subdivider be required to provide reticulated sewerage, scheme water, natural gas and underground power to the subdivision.</i></p> <p data-bbox="491 1386 1501 1447">17. <i>The Shire of Capel shall request as a condition of subdivision, that the subdivider implement the relevant requirements of the Infrastructure Implementation Plan</i></p> <p data-bbox="491 1480 639 1509">Development</p> <p data-bbox="491 1514 1501 1671">18. <i>The Shire of Capel shall prepare and adopt a community facilities development plan for the Townsite of Capel and make available details of estimated costs equitably apportioned to the Maitland Road Precinct based on population increase generated by development within the precinct. The plan shall be consistent with any relevant State Planning Policy of draft State Planning Policy.</i></p> <p data-bbox="491 1704 1501 1928">19. <i>Where a site is identified on the endorsed Outline Development Plan as being for the purpose of aged persons accommodation or a medium/high density residential use, the Shire of Capel may at its discretion require an Outline Development Plan to be prepared, prior to the determination of a development or subdivision application. The Outline Development Plan is to identify development standards and design guidelines to ensure that the development is integrated into the urban design and community infrastructure of the Precinct.</i></p> <p data-bbox="491 1962 735 1991">Community Facilities</p> <p data-bbox="491 1995 1501 2123">20. <i>Subdividing land owners shall at the time of creating new lots contribute to a community facilities development fund, such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted community infrastructure plan.</i></p>

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
<p data-bbox="103 127 462 286"><i>Development Precinct No. 4-Weld Road Precinct as depicted on the Scheme Amendment Map in Amendment No. 38.</i></p> <p data-bbox="103 320 272 383">AN: 38 GG: 26.11.10</p>	<p data-bbox="488 127 976 159"><i>Preparation of Outline Development Plan</i></p> <ol style="list-style-type: none"> <li data-bbox="488 192 1501 286">1. <i>Subdivision shall generally be in accordance with an endorsed Outline Development Plan for the Precinct prepared in accordance with Clauses 5.10.1 to 5.10.12 of the Scheme.</i> <li data-bbox="488 320 1501 383">2. <i>That any Outline Development Plan shall generally be in accordance with the adopted Capel Townsite Strategy including the Capel Townsite Structure Plan.</i> <li data-bbox="488 416 1501 1682">3. <i>The following studies shall be undertaken in addition to any specific requirements of Clauses 5.10.1 to 5.10.12 of the Scheme, together with preparation of the ODP:</i> <ol style="list-style-type: none"> <li data-bbox="564 510 1166 542">a. <i>Declared flora and vegetation condition survey;</i> <li data-bbox="564 575 890 607">b. <i>Declared fauna survey;</i> <li data-bbox="564 640 1501 703">c. <i>Identification of areas where retention of remnant vegetation should occur and/or ecological linkages established;</i> <li data-bbox="564 736 1501 831">d. <i>An Infrastructure Implementation Plan which details the staging and funding of paths, drainage, roads, public open space, foreshore management and upgrading of Weld, East and Jamieson Roads.</i> <li data-bbox="564 864 1501 958">e. <i>A Local Water Management Strategy which is to include analysis of historical information related to the surrounding catchment and water quality outcomes for the Capel River.</i> <li data-bbox="564 992 1241 1023">f. <i>Geotechnical Analysis to determine capability of land;</i> <li data-bbox="564 1057 1142 1088">g. <i>Acid Sulphate Soil Analysis and Contingency;</i> <li data-bbox="564 1122 938 1153">h. <i>Detailed Servicing Analysis</i> <li data-bbox="564 1187 1501 1281">i. <i>Investigation and determination of the need to provide a primary school on the subject land in consultation with Department of Education and Shire of Capel and consistent with the Capel Townsite Contributions Plan.</i> <li data-bbox="564 1314 1501 1682">j. <i>A Sustainability Outcomes and Implementation Plan which details the targets and method of delivery that a proponent is prepared to undertake in respect to ‘Sustainability Outcomes’ inclusive of:</i> <ul style="list-style-type: none"> <li data-bbox="625 1447 979 1478">- <i>On-site power generation.</i> <li data-bbox="625 1480 1062 1512">- <i>On-site water capture and re-use.</i> <li data-bbox="625 1514 927 1545">- <i>Re-use of grey water.</i> <li data-bbox="625 1547 1458 1579">- <i>Correct housing and lot orientation for passive heating and cooling.</i> <li data-bbox="625 1581 1050 1612">- <i>Provision of affordable housing.</i> <li data-bbox="625 1615 1501 1682">- <i>An investigation in to the feasibility of the provision of public transport and the integration of the subdivision with public transport.”</i> <li data-bbox="488 1715 1501 1809">4. <i>That prior to adoption and endorsement of an Outline Development Plan the outcomes of a revised Capel Drainage Strategy and Capel Townsite Traffic Study be incorporated and reflected in the Outline Development Plan.</i> <li data-bbox="488 1843 1501 1968">5. <i>Subdivision design shall be consistent with the Western Australian Planning Commission’s Liveable Neighbourhoods (Version 3) and any adopted standards intended to achieve solar efficient design with respect to road and lot layout and development.</i>

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
	<p><i>Subdivision Coordination Between Land Owners</i></p> <p>6. <i>Subdivision staging is to be negotiated with the Shire of Capel, by the subdividing land owners, prior to lodging a subdivision application, having regard to the orderly implementation of the endorsed Outline Development Plan for the Precinct and the provision of infrastructure services.</i></p> <p>7. <i>The Shire of Capel may require a subdividing land owner to enter into a legal agreement to do such things and meet such costs as are reasonably required to ensure that the subdivision and development of the land within the Precinct is completed.</i></p> <p>8. <i>Subdividing land owners shall, provide to the Shire of Capel a Traffic Management Plan and Strategy, to its satisfaction, to ensure the local collector roads and traffic management requirements shown on the Outline Development Plan for the Precinct will be constructed and connected to the local road network in a timely and appropriate manner.</i></p> <p>9. <i>Subdividing land owners shall, prior to undertaking subdivisional works, submit to the Shire of Capel and Department of Water, a Urban Water Management Plan which can be demonstrated to form part of an overall urban drainage plan for the Precinct, and giving regard to drainage relationships and needs for land within Precinct 4 of the Capel Townsite Strategy.</i></p> <p>10. <i>Subdividing land owners shall, prior to undertaking subdivision works, submit to the Shire of Capel a dual use and pedestrian path strategy which can be demonstrated to form an overall dual use and pedestrian path plan for the Precinct and provide connection to the Capel Town Centre.</i></p> <p>11. <i>Subdividing land owners shall, make arrangements to the satisfaction of the Shire of Capel and Health Department of WA to ensure that management of mosquito breeding is incorporated into the design and ongoing management and maintenance of watercourses and urban drainage systems within the Precinct.</i></p> <p><i>Subdivision Conditions</i></p> <p>12. <i>The Shire of Capel shall request as a condition of subdivision that the subdividing land owners contribute to the upgrading of Weld, East and Jamieson Roads. Subdividing land owners will be responsible for the full costs of any traffic management measures required at the intersection of new subdivision roads within the existing road network.</i></p> <p>13. <i>The Shire of Capel shall request as a condition of subdivision, that the subdividing land owners provide dual use pathways within the subdivision and contribute to the provision of dual use and pedestrian paths that will link the subdivision area to community facilities.</i></p> <p>14. <i>The Shire of Capel shall request as a condition of subdivision, that the subdividing land owners prepare and implement a landscape and revegetation plan to the satisfaction of the Shire of Capel for cleared land, open space areas and vegetated areas.</i></p> <p>15. <i>The Shire of Capel shall request as a condition of subdivision, that the subdividing land owners will be required to fence where necessary for management along watercourse foreshore reserves, public open space reserves, drainage reserves and where necessary uniform fencing adjoining residential lots to the specification and satisfaction of Council.</i></p> <p>17. <i>The Shire of Capel shall request as a condition of subdivision, that subdividing land owners are required to implement any foreshore management plans adopted for the Precinct.</i></p> <p>17. <i>Council will request that as a condition of subdivision, the subdivider be required to provide reticulated sewerage, scheme water, natural gas and underground power to the subdivision.</i></p>

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
	<p>Community Facilities</p> <p>18. <i>The Shire of Capel shall prepare and adopt a community facilities development plan for the townsite of Capel and make available details of estimated costs equitably apportioned to the Weld Road Precinct based on population increase generated by development within the precinct. The plan shall be consistent with any relevant State Planning Policy.</i></p> <p>19. <i>Subdividing land owners shall at the time of creating new lots contribute to a community facilities development fund, such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted community infrastructure plan..</i></p>
<p>Development Precinct 5 <i>Dalyellup South as depicted on the Map in Scheme Amendment No. 51</i></p> <p>AN: 51 GG: 24.04.15</p>	<p>Subdivision</p> <p>1. <i>Subdivision shall be generally in accordance with the endorsed (or subsequently amended) Dalyellup South Local Structure Plan for the Precinct prepared in accordance with clauses 5.10.1 to 5.10.13 of the Scheme.</i></p> <p>2. <i>The subdivider shall provide the Shire of Capel with construction and landscape design drawings for public streets, drainage basins and public open space for approval prior to such works being undertaken.</i></p> <p>3. <i>The subdivider shall make arrangements, to the satisfaction of the Shire of Capel, to advise purchasers of lots that the Shire of Capel may impose a specified area rate within the Precinct for the purpose of assisting with the maintenance of Public Open Space and other infrastructure within the locality.</i></p> <p>4. <i>The subdivider shall, prior to undertaking subdivision works, prepare a local mosquito management plan to the satisfaction of the Shire of Capel to address the control of mosquitos within Development Precinct 5 and the immediately adjoining wetland areas having regard to any District level mosquito management program run by the Shire. The local mosquito management plan may be required among other things to provide an equitable method of making a financial contribution to the funding of mosquito breeding control as a per lot contribution to be made at the time residential lots are created and establish a suitable information program for public education about the risk of mosquito borne diseases.</i></p> <p>5. <i>The subdivider shall, at the time of creating new lots, contribute to a community facilities development fund such funds as are reasonably assessed by the Shire of Capel to be an equitable share of meeting the cost of implementing an adopted community infrastructure development plan.</i></p> <p>6. <i>The subdivider shall prepare a Local Water Management Strategy consistent with the guidance provided by WAPC Planning Bulletin 92 prior to final adoption of a Local Structure Plan for the Precinct.</i></p> <p>7. <i>The subdivider shall, prior to undertaking subdivision works, submit to the Shire of Capel for its approval an Urban Water Management Plan. The plan shall include but not be limited to a water balance and open space reticulation master plan to the satisfaction of the Shire of Capel and the Department of Water.</i></p> <p>8. <i>The subdivider shall, prior to commencing the first stage of subdivision, provide a strategy, to the satisfaction of the Shire of Capel and Main Roads WA, to ensure that the district distributor and neighbourhood connector roads and associated intersections as shown on the structure plan for the Precinct are upgraded or constructed in a timely manner at the subdividers cost. The strategy shall include the requirement to program and pay for the installation of traffic signals and/or other traffic infrastructure at the junction of Harewoods Road and Bussell Highway.</i></p> <p>9. <i>The subdivider shall, prior to undertaking subdivision works, provide to the Shire of Capel a plan to its satisfaction showing the cross-section design and pavement treatments of roads to demonstrate that they are consistent with the need to cater for predicted traffic volumes and will provide a satisfactory level of safety and service.</i></p> <p>10. <i>The subdivider shall, prior to undertaking subdivisional works, submit to the Shire of Capel a shared path and pedestrian path plan which is connected to the</i></p>

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
	<p><i>existing network in the locality and which can be implemented in stages that provides a satisfactory level of service to the community.</i></p> <p>11. <i>The subdivider shall set aside land for public open space consistent with the intention to provide for active public open space and drainage functions in an endorsed structure plan or in a strategy endorsed by the Western Australian Planning Commission. Land required for drainage functions will be considered for credit as public open space in accordance with Western Australian Planning Commission policies and guidelines.</i></p> <p>12. <i>The subdivider shall make arrangements, to the satisfaction of the Shire of Capel, to advise purchasers of lots that some portions of public open space will be subject to occasional inundation as part of the functioning of the local stormwater drainage system and to advise them of action that should be taken to minimise the release of nutrients to the local environment from their premises.</i></p> <p>13. <i>The subdivider shall, at the time of creating new lots, ensure that finished ground levels within the subdivision are at a minimum of 0.5m above the predicted 100 year ARI level for the Five Mile Brook Diversion Drain adjacent to the Precinct.</i></p> <p>14. <i>The subdividing land owner shall provide utility services to the sites nominated for Community Purposes, on an adopted local structure plan for the Precinct, prior to such site being reserved.</i></p> <p>15. <i>The subdivider shall, prior to commencing subdivision works, provide a management plan for a 100m wide section of Regional Open Space to the satisfaction of the WAPC and the Shire of Capel and provide such rehabilitation and management infrastructure as are reasonably required to provide for a transition from the urban development to the core ecological habitat and linkage values in the reserves. This shall include but not be limited to the wetland west of and the wildlife corridor south of Development Precinct No. 5.</i></p> <p>Development</p> <p>16. <i>The Shire of Capel shall amend the adopted Dalyellup Community Facilities Development Plan for the Dalyellup locality to have regard to the potential population increase created by the subdivision of the Development Precinct No. 5—Dalyellup South and shall make available details of estimated costs of implementing the plan.</i></p> <p>17. <i>Prior to the subdivision and development of the land identified as the Local Centre, an Outline Development Plan shall be prepared in accordance with the provisions of the Urban Development Zone and such plan shall include detailed urban design standards/guidelines for matters including, but not limited to, building design, height, bulk, siting and finishes, traffic and pedestrian movement and management, car parking, landscaping, street furniture, pavement treatments, control of advertisement signs, mixed residential commercial development and the intended staging and the requirement for retail modelling of development to the satisfaction of the Shire of Capel and the Western Australian Planning Commission.</i></p> <p>18. <i>Upon adoption of the Development Plan for the Local Centre, any person undertaking the development of land within the centre shall comply with the use and development standards set out in the adopted Plan.</i></p> <p>19. <i>Prior to development commencing on lot 1 Harewoods Road for the purpose of Education, Church Purposes and Residential R40, an Outline Development Plan shall be prepared to identify development standards, the distribution of land uses, suitable provision of open space and design guidelines to ensure that the development of the site is integrated with adjoining land uses and into the urban design and community infrastructure of the locality.</i></p> <p>Implementation</p> <p>20. <i>The Shire of Capel may require the subdivider to enter into a Deed of Covenant to require the subdivider do such things and meet such costs as are reasonably required to ensure that the subdivision and development of the land within the</i></p>

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
	<p><i>Precinct takes place in a coordinated manner and all aspects of a structure plan for the Precinct are completed.</i></p> <p>21. <i>Prior to final adoption of a Local Structure Plan for the Precinct the subdivider shall submit to the Shire of Capel a project management schedule setting out all of the plans, strategies and actions required by various agencies of government with particular attention to when they need to be delivered and approved relative to key steps in the land development assessment processes.</i></p> <p>22. <i>The proponent shall prepare and submit a Fire Management Plan with the Structure Plan. The Local Structure Plan shall demonstrate appropriate fire protection measures to mitigate the threat of fire from adjacent land without imposing any negative environmental impact external to the Structure Plan Precinct.</i></p> <p>23. <i>At the subdivision stage the proponent shall demonstrate the staged and orderly continuation of any extractive industry on the land for the purposes of sand extraction.</i></p>

DEVELOPMENT PRECINCT	SPECIFIC PROVISIONS
<p>Development Precinct No. 6 Boyanup (East) (Lots 93, 94, 110, 143,144 and 145 Gray Road; Lots 11, 12, 13, 14, 15, 74, 90, 97,98, 101, 102, 103, 115, 116,139 and 9003 Armstrong Street; Lots 1, 5, 6, 7, 8, 11, 12, 55, 91, 92, 95, 96, 101, 102, 103, 104, 105, 106, 107, 108, 109, 138, 190 and 191 Timperley Street; Lots 1, 4 and 66 Smedley Place; Lot 117 Trainer Road; Lots 30, 32, 33, 141, and 9000 Hurst Road; Lots 1, 2, 3, 4, 7, 8, 9, 14, 84, 85 and 86 Stephen Street; and Lots 21, 22, 23, 24, 25, 26 and 27 Peak Place; and other land parcels generally between Boyanup-Picton Road, Clarke Road, Gray Road, Trainer Road, Armstrong Street and Hurst Road.</p> <p>AMD 52 GG 23/12/16</p>	<ol style="list-style-type: none"> 1. <i>Prior to the Western Australian Planning Commission (WAPC) endorsing a Local Structure Plan for the Precinct, the subdivider shall prepare relevant studies/investigations for the Precinct to the satisfaction of the Shire of Capel ('the Shire') and relevant agencies, including:</i> <ol style="list-style-type: none"> a) <i>Traffic management strategy and shared path strategy.</i> b) <i>Local water management strategy (includes identification and protection measures of Conservation Category Wetlands and associated 50 metre buffer areas).</i> c) <i>Geotechnical, acid sulfate soil and soil contamination investigations.</i> d) <i>Servicing/infrastructure reports/plans.</i> e) <i>Landscape master plan.</i> f) <i>A Bushfire Hazard Level Assessment and a Bushfire Attack Level Contour Map for land identified as 'Bushfire Prone' consistent with WAPC policy to inform further detailed planning and to respond to bushfire risks.</i> g) <i>Vegetation/declared rare flora survey and fauna survey(s) (includes the identification and protection measures of regionally significant vegetation).</i> <p>Structure Plan/Subdivision</p> 2. <i>Subdivision within the Precinct shall be generally in accordance with an endorsed Local Structure Plan for the Precinct prepared in accordance with the Boyanup Townsite Strategy and Clause 5.10 of the Scheme.</i> 3. <i>The Shire may require the preparation of 'local development plans' to demonstrate specific development outcomes in more detail.</i> 4. <i>Prior to subdivision, the subdivider shall submit the following for approval by the Shire/relevant agencies:</i> <ol style="list-style-type: none"> a) <i>Detailed staging plan.</i> b) <i>Urban water management plan to include a water balance and POS reticulation master plan.</i> c) <i>Detailed construction and landscape design plans for POS, foreshore reserves, road reserves, multiple use corridors and vegetation buffers.</i> d) <i>Bushfire management plan (endorsed by DFES).</i> e) <i>Acoustic Report and Landscape Buffer Management Plan (adjacent to Boyanup- Picton Road and railway).</i> f) <i>Agriculture-Residential buffer management plan.</i> g) <i>A plan identifying which lots are within 1 km of the Greater Bunbury Region Scheme Strategic Minerals Resource Policy Area.</i> h) <i>Integrated analysis of subdivision layout (i.e. lot layout, building envelope siting, road layout, vegetation protection areas) which demonstrates consistency with both bushfire risk management and biodiversity protection requirements.</i> i) <i>The sustainability implementation plan to address sustainability initiatives for the Precinct including:</i> <ul style="list-style-type: none"> ▪ <i>lot/housing orientation for passive heating and cooling.</i> ▪ <i>affordable housing.</i> ▪ <i>water sensitive urban design/local water management.</i> ▪ <i>on-site water capture/re-use, and re- use of grey water.</i> ▪ <i>provision of sustainable landscaping packages for residential lots.</i> ▪ <i>initiatives for achieving installation of photovoltaic systems on dwellings.</i> ▪ <i>the feasibility of a 'third pipe' water system for non-potable water uses.</i>

5. *Prior to lodgement of an application to the WAPC for the first stage of subdivision, the subdivider shall prepare a detailed traffic management strategy to the satisfaction of the Shire and Main Roads WA to ensure that Bridge Street, Boyanup-Picton Road, local and neighbourhood connector roads and associated intersections are upgraded or constructed in a timely manner by the subdivider - the plan shall refer to the timing and funding arrangements for the upgrading (including land acquisition) of the intersection of Hurst Road or other subdivisional road and Boyanup-Picton Road.*
6. *Prior to undertaking subdivision works, the subdivider shall prepare a local mosquito management plan to the satisfaction of the Shire to address the control of mosquitos within the Precinct and the immediately adjoining wetland areas having regard to any district mosquito management program. The local mosquito management plan may be required among other things to provide an equitable method of making a financial contribution to the funding of mosquito breeding control as a per lot contribution at the time residential lots are created and establish a suitable information program for public education about the risk of mosquito borne diseases.*
7. *Prior to undertaking subdivision works, the subdivider shall prepare an assessment of any potential health impacts from previously mined or potentially contaminated areas, demonstrate that these areas are suitable for urban development, and formulate mechanisms for successful management of impacts if necessary.*
8. *Multiple use drainage and/or ecological corridor/foreshore protection areas are to be ceded to the Crown free of cost as a condition of subdivision.*
9. *Community purpose sites indicated on the Local Structure Plan are to be ceded free of cost to the Crown and vested for community purposes and the subdivider/s shall provide utility services to community sites.*
10. *Subdividers shall construct fencing along foreshore reserves, public open space reserves, drainage reserves, adjoining farmland and where necessary, adjoining residential lots to the satisfaction of the responsible authority.*
11. *Subdividers shall place notations on title to ensure that all prospective purchasers of lots located in or adjacent to remnant vegetation are aware of the potential fire risk and that residents must ensure that appropriate fire risk management measures are implemented.*
12. *Subdividers shall, at the time of creating new lots, contribute towards the provision of community infrastructure and services in accordance with a Development Contribution Plan, as detailed in the Local Planning Scheme.*

Subdivision may differ from the structure plan where information indicates that significant biodiversity conservation values may be adversely affected as a result of bushfire risk management measures outlined in the Bushfire Management Plan.

Prior to subdivision or development, the portion of land contained within the 'development area' is to be appropriately zoned to reflect the zoning/use proposed by the Commission approved structure plan. The portion of land outside the 'development area' is to be reserved 'Recreation'.

The Shire may require the subdivider/s to enter into a Deed of Covenant to satisfy any conditions of subdivision approval.

DEVELOPMENT CONTRIBUTION PLANS

A:48
GG:28.09.212

Reference No.	DCP1
Area name	DCA1 – Capel (applies to the land in the Capel Townsite Structure Plan)
Relationship to other planning instruments	Development Contribution Plan 1 generally conforms to the Shire’s Strategic Plan and the Capel Townsite Strategy.
Infrastructure and administrative items to be funded	
Method of calculating contributions	
Period of operation	
Priority and timing	
Review process	
Reference No.	DCP 2
Area name	DCA2 – Boyanup (applies to the land in the Boyanup Townsite Structure Plan)
Relationship to other planning instruments	Development Contribution Plan 2 generally conforms to the Shire’s Strategic Plan and the Boyanup Townsite Strategy.
Infrastructure and administrative items to be funded	
Method of calculating contributions	
Period of operation	
Priority and timing	
Review process	
Reference No.	DCP3
Area name	DCA3 – Dalyellup (applies to the land in the Dalyellup urban area)
Relationship to other planning instruments	Development Contribution Plan 3 generally conforms to the Shire’s Strategic Plan and the relevant structure plans.
Infrastructure and administrative items to be funded	
Method of calculating contributions	
Period of operation	
Priority and timing	
Review process	

ADOPTION AND APPROVAL OF THE SCHEME

The following endorsements are hereunto affixed as confirmation of compliance with the requirements of the Town Planning Regulation 1967 (as amended).

Regulation 13(1)

The Scheme was adopted by Resolution of the Council of the Shire of Capel at the meeting of the Council held on the day of 20.....

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

Regulation 17(2)

The Scheme was adopted by Resolution of the Council of the Shire of Capel at the meeting of the Council held on the day of 20

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

Regulation 22(1)

In accordance with the resolution of the Council of the Shire of Capel at the meeting held on the . day of
20 the seal of the Municipality was hereunto affixed in the presence of:

.....
PRESIDENT

.....
CHIEF EXECUTIVE OFFICER

Regulation 22(2)

Endorsed by the Western Australian Planning Commission and submitted for final approval.

.....
CHAIRPERSON

.....
DATE

Final approval granted.

.....
MINISTER FOR PLANNING

.....
DATE