

Special Council Minutes Index – 9 March 2023

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MINUTES

For the Special Meeting of Council held in the Council Chambers on **Thursday, 9 March 2023** commencing at 5.30pm, called for consideration of the following;

1. Reconsideration of Commencement Date for New Commercial Waste Fees at Bridgetown Waste Management Facility
2. Draft Local Planning Scheme No. 6
3. Proposed Budget Amendment – Reallocation of Local Roads and Community Infrastructure Program Phase 3
4. Appointment of HR/Recruitment Consultant for CEO Recruitment Process (Confidential item)
5. Appointment of Independent Member to the CEO Recruitment Committee (Confidential item)

Opening of Meeting

The Presiding Member opened the meeting at 5.30pm.

Acknowledgment of Country

We acknowledge the cultural custodians of the land on which we gather, the Pibulmun-Wadandi people. We acknowledge and support their continuing connection to the land, waterways and community. We pay our respects to members of the Aboriginal communities and their culture; and to Elders past and present, their descendants still with us today, and those who will follow in their footsteps.

Attendance & Apologies

President	- Cr J Mountford
Councillors	- J Boyle
	- E Browne
	- M Christensen
	- T Lansdell
	- S Mahoney
	- A Pratico
	- A Rose
Officers	- T Clynch, Chief Executive Officer
	- P St John, Director Development, Community and Infrastructure
	- M Larkworthy, Director Corporate Services
	- E Matthews, Executive Assistant
Apologies	- Cr Quinby

Attendance of Gallery - Nil

Public Question Time - Nil

Petitions/Deputations/Presentations - Nil

Comments on Agenda Items by Parties with an Interest - Nil

Notification of Disclosures of Interest

Section 5.65 or 5.70 of the Local Government Act requires a Member or Officer who has an interest in any matter to be discussed at a Committee/Council Meeting that will be attended by the Member or Officer must disclose the nature of the interest in a written notice given to the Chief Executive Officer before the meeting; or at the meeting before the matter is discussed.

A Member who makes a disclosure under Section 5.65 or 5.70 must not preside at the part of the meeting relating to the matter; or participate in; or be present during, any discussion or decision making procedure relating to the matter, unless allowed by the Committee/Council. If Committee/Council allow a Member to speak, the extent of the interest must also be stated.

Name	Cr Sean Mahoney
Type of Interest	Financial
Item No.	SpC.04/0323 Appointment of Recruitment Consultant for CEO Recruitment Process
Nature of Interest	One of the recruitment consultant's is a board member of Geegeelup Village Inc. I will vacate the room for this item.

Name	Cr Jenny Mountford
Type of Interest	Impartiality
Item No.	SpC.04/0323 Appointment of Recruitment Consultant for CEO Recruitment Process
Nature of Interest	I know one of the consultant bodies who have submitted an application.

Name	Tim Clynych
Type of Interest	Financial
Item No.	SpC.04/0323 Appointment of Recruitment Consultant for CEO Recruitment Process SpC.05/0323 Appointment of Independent Member to the CEO Recruitment Committee
Nature of Interest	These items relate to the recruitment for the position of CEO. I will vacate the meeting for these items.

Business Items

ITEM NO.	SpC.01/0323	FILE REF.	
SUBJECT	Reconsideration of Commencement Date for New Commercial Waste Fees at Bridgetown Waste Management Facility		
PROPONENT	Shire of Bridgetown Greenbushes		
OFFICER	Executive Assistant		
DATE OF REPORT	2 March 2023		

OFFICER RECOMMENDATION

That Council amend the commencement date for the imposition of the Unsorted General Commercial (incl. C&D) Waste and Sorted General Commercial (incl. C&D) Waste fees and charges to Saturday 1 April 2023.

Summary/Purpose

Following feedback from commercial operators, it is proposed that the imposition date of the newly created commercial waste fees at the Bridgetown Waste Facility be extended from Wednesday 1 March 2023 to Saturday 1 April 2023. A Council resolution is required to enact this date change.

Background

Council at the February Ordinary Meeting, resolved to create a new fee for commercial waste being disposed of at the Bridgetown Waste Facility:

C.16/0223 That Council:

- 1. Approve amending the 2022/23 Fees and Charges to include the following new charges and accompanying notes for the Bridgetown Waste Management Facility:*
 - i. Unsorted General Commercial (incl. C&D) waste: \$126.00 / m³ (24 tokens)*
 - ii. Sorted General Commercial (incl. C&D) waste: \$63.00 / m³ (12 tokens)*

Note: Sorted waste means waste not containing any materials that would be accepted at the facility for recycling or repurposing. General Commercial waste means waste regardless of origin, including Construction and Demolition (C&D) waste, delivered to the site for disposal to landfill by a commercial business.
- 2. Give local public notice of the new fees, effective 1 March 2023.*

Following the Council meeting, local commercial waste operators were notified of the new fees and charges. This was met with feedback that the notice period was not long enough for providers to incorporate the new disposal charges into their fee structure, as rates for the month of March had already been costed and quotes provided to customers.

Officers spoke with the largest local supplier of bulk waste bins who advised that they had in excess of 40 bins in circulation, with quotes already provided to and agreed upon by customers. They requested that the commencement date of the fees and charges be extended by one month to allow for any quotes that already provided to be charged using the original disposal rate.

Officer Comment

It is a reasonable request to extend the fee imposition date by one month. For those customers who have already received a quote for commercial waste disposal, the unanticipated rate increase may significantly impact the overall cost.

Statutory Environment

Local Government Act 1995

s 6.19. Local government to give notice of fees and charges

If a local government wishes to impose any fees or charges under this Subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of —

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees or charges will be imposed.

Integrated Planning

- Strategic Community Plan
Outcome 14 Effective governance and financial management.
- Corporate Business Plan - Nil
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications - Not applicable

Budget Implications – Nil

Whole of Life Accounting - Not applicable

Risk Management – Nil

Voting Requirements – Absolute Majority

Council Decision *Moved Cr Lansdell, Seconded Cr Pratico*

SpC.01/0323 That Council amend the commencement date for the imposition of the Unsorted General Commercial (incl. C&D) Waste and Sorted General Commercial (incl. C&D) Waste fees and charges to Saturday 1 April 2023.

Carried by Absolute Majority 9/0

ITEM NO.	SpC.02/0323	FILE REF.	
SUBJECT	Draft Local Planning Scheme No. 6		
PROPONENT	Council		
OFFICER	Director Community, Infrastructure and Development		
DATE OF REPORT	2 March 2023		

- Attachment 1 Draft Local Planning Scheme No. 6 text
- Attachment 2 Draft Local Planning Scheme No. 6 maps
- Attachment 3 Previous item no. C10/0722 – Council Minutes 28 July 2022

OFFICER RECOMMENDATION:

That Council:

1. *In accordance with section 72 of the Planning and Development Act 2005 and regulation 21 of the Planning and Development (Local Planning Schemes) Regulations 2015, adopt, for the purposes of public advertising, the draft Shire of Bridgetown-Greenbushes Local Planning Scheme No. 6 consisting of the Scheme text and Scheme maps as shown in Attachments 1 and 2*
2. *Forward copies of the draft Scheme documents to:*

- i. *The Environmental Protection Authority for consideration pursuant to section 81 of the Planning and Development Act 2005.*
 - ii. *The Western Australian Planning Commission for consideration and advice to the local government, pursuant to regulation 21 of the Planning and Development (Local Planning Schemes) Regulations 2015*
3. *Subject to receipt of advice from the Environmental Protection Authority and the Western Australian Planning Commission, advertise the draft Scheme in accordance with the requirements of regulations 22 and 76A of the Planning and Development (Local Planning Schemes) Regulations 2015 for a period of 90 days by undertaking the following actions:*
 - i. *Advertise a notice regarding the draft scheme, prepared under the provisions of regulation 22(1), on the Shire's website for the whole duration of the public advertising period, and in a local newspaper under the provisions of regulation 76A(4) for three consecutive weeks commencing in the first week of the public advertising period.*
 - ii. *Making the scheme documents (scheme text and maps) available for viewing on the Shire's website for the whole duration of the public advertising period in accordance with regulations 22(2) and 76A(3), with the ability for the documents to be downloaded and printed if a person wishes to do this.*
 - iii. *Providing hard copies of the scheme text and maps for public inspection at the Shire Administration office for the whole duration of the public advertising period in accordance with regulation 76A(3)(b).*
 - iv. *Provide a plain language overview of the planning scheme review and preparation process and a list of Frequently Asked Questions (FAQ's) on the Shire's website and make the overview and FAQ's available as a printed information pack which is available at the Administration Building or sent to residents/property owners on request.*
 - v. *Provide a dedicated email address to which questions on the draft scheme may be submitted during the first 60 days of the advertising period, with a commitment that a written response will be provided within 21 days of receipt and, if the question is likely to be of general interest and does not disclose information about a specific person or property, the question and response (or a redacted version) will be added to the FAQ's on the Shire website*
4. *After the end of the public advertising period, a further report be presented for Council's consideration providing details of all submissions received and recommended responses to address issues raised in submissions, in accordance with Regulation 25 of the Planning and Development (Local Planning Schemes) Regulations 2015.*

Summary/Purpose

The purpose of this report is to present to Council the draft scheme text and maps of Local Planning Scheme No. 6, which have been prepared in accordance with an approach approved by Council in a previous resolution passed on 28 July 2022. Council is recommended to approve the draft scheme to proceed to the next stages in the scheme preparation/adoption process, which are:

- Referral of the draft scheme to the Environmental Protection Authority (EPA), for determination of whether or not the scheme needs to be the subject of formal environmental assessment under the Environmental Protection Act.
- Submission of the draft scheme to the Western Australian Planning Commission (WAPC) for consideration of whether the scheme is suitable for public advertising.
- Subject to the EPA determining that the scheme does not need to be assessed and the WAPC advising that the scheme is suitable for advertising, the local government advertises the scheme and invites submissions for a period of not less than 90 days in accordance with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Background

On 28 July 2022 Council considered a report on the review of Town Planning Schemes No's. 3 and 4 (see Attachment 3 – previous item C10/0722). That report recommended a 3-stage approach to preparing an up-to-date planning framework (Local Planning Strategy and Local Planning Scheme) for the whole of the Shire of Bridgetown-Greenbushes municipality, including an expedited approach to introducing an up to date, consolidated Local Planning Scheme text ahead of completion of the Local Planning Strategy.

Council resolved to approve the recommended 3-stage approach which, in summary, comprises the following:

1. Preparation, adoption and completion of a new Local Planning Scheme No. 6 text and maps, as an essentially administrative update of the two current Town Planning Schemes 3 and 4, (TPS3 and TPS4) with a focus on combining the two current schemes into one in a manner and format consistent with the requirements of the *Planning and Development (Local Planning Schemes) Regulations 2015*, particularly the Model Provisions (often referred to as the model scheme text) and Deemed Provisions (which are statutorily 'read into' every local planning scheme) in Schedules 1 and 2 of the Regulations.
2. Progression and finalisation of the Local Planning Strategy (likely a 3-to-5 year process).
3. Preparation of a series of logically grouped planning amendments to Local Planning Scheme 6 to enable the implementation of the strategic planning direction and objectives for the Shire set out in the Local Planning Strategy.

The full wording of Council's 28 July 2022 resolution is set out in Attachment 3.

On 6 October 2022 the Western Australian Planning Commission (WAPC) advised the Shire that it agreed with the recommendations of the Scheme Review Report on TPS3 and TPS4 undertaken by the Shire, including the 3-stage approach to preparing Local Planning Scheme 6 (LPS6) and the new Local Planning Strategy outlined above.

Officer Comment

Consistent with the 3-stage approach to preparation and adoption of a new Local Planning Scheme and Local Planning Strategy endorsed by Council on 28 July 2022 and summarised above, this report presents for Council's consideration the text and

maps of draft Local Planning Scheme No. 6 for approval to proceed to the public advertising stage.

The draft scheme text and maps attached to this report represent Stage 1 of the process as approved by Council on 28 July 2022. In summary, this comprises of:

- Combining the provisions of the current Town Planning Schemes No's. 3 and 4 into a single consolidated scheme covering all land within the municipal boundary of the Shire of Bridgetown-Greenbushes.
- Formatting the scheme text in a manner consistent with the Model Provisions in Schedule 1 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the 2015 Regulations).
- Zoning land using the Model Provisions zones and reserves nomenclature, and their corresponding objectives, but maintaining as much as is possible the equivalent zoning to the zones applying under TPS3 and TPS4 on a like-for-like basis.
- Changing or deleting provisions of TPS3 and TPS4 in draft LPS6 only where necessary to comply with current State planning legislation or WAPC policy, or where other legislation introduced since TPS3 and 4 were gazetted in the 1980's now regulates the same matter more appropriately.

The key aspects of the draft LPS6 text and maps to note, by way of explanation of how the above approach has been applied in drafting the scheme documents, are as follows.

Zones – key changes.

- Land zoned **Special Rural** under existing schemes will become **Rural Residential** zone with a prescribed minimum lot size of 1, 2 or 3 hectares. This will be denoted on the scheme map by an 'RR' coding, e.g. RR1 = minimum lot size of 1ha. These minimum lot sizes will be consistent with the prescribed lot sizes in the current schemes, or where TPS3 or 4 do not prescribe a minimum lot size for a particular area, the lot sizes will be based on any previously approved subdivision guide plans for the area. If there is a case where neither of these circumstances apply, then the new minimum lot size coding will be based on the existing prevailing lot sizes in the area.
- Existing historically small **Rural** zoned lots within town sites will also become **Rural Residential** as described above with prescribed minimum lot sizes of 1, 2 or 3ha. The new minimum lot sizes will be based upon the existing prevailing lot sizes in the area, with the general presumption that the new lot size minimum will restrict further subdivision.
- Land zoned **Special Residential** under TPS3 and 4 will become zoned **Residential** with a density coding of R2.5 or R5. The R-Coding (and consequently the minimum lot size specified for each of these density coding in the R-Codes, i.e. 4,000 sq m for R2.5 and 2,000 sq m for R5) will be based on the existing prevailing lot sizes in the area, with the general presumption that the new R-Coding will restrict further subdivision.
- There will be a single **Rural** zoning (replacing Rural 1, Rural 2, Rural 3 and Rural 4 zones in TPS4).

Rural residential subdivisions subject to specific development and land use controls and requirements under TPS3 and 4 (Schedule 1 and 3 of TPS3, Schedule 3 and 7 of TPS4)

- These areas are now consolidated into a single schedule in LPS6 in a format consistent with the Model Provisions (Schedule 3 in LPS6). The areas are shown on the scheme maps with an 'AR' notation and number corresponding to the list of the areas in the schedule in the scheme text. The AR designation refers to Additional Requirements, i.e. these areas are subject to site-specific development requirements additional to the general development and land use provisions set out in the main part of the scheme text which apply throughout the scheme area.
- Existing site-specific development and land use control provisions in TPS3 and 4 schedules have been carried over into the new schedule except where:
 - (i) the issues they deal with are now dealt with under general development requirements applying to all land in Part 4 of LPS6,
 - (ii) the provisions were only applicable at land subdivision stage and the subdivision has now been completed, or
 - (iii) the matters are now regulated under other state legislation (e.g. sewerage disposal requirements).
- The land use control provisions previously specified in the schedules in TPS3 and 4 for some areas zoned Special Rural and Special Residential are now applied through the zoning table in LPS6 so they apply consistently to all land with the same zoning, e.g. Rural Residential or Residential. The level of permissibility of particular land uses has been maintained as closely as possible to what it was under TPS3 or 4. For example, under the Special Rural zoning in TPS3 the land use of Single House is Permitted (P) and Cottage Industry is a discretionary use (only allowed with Council's approval of a development application). Under LPS6 the replacement zoning would be Rural Residential, and in this zone a Single House would still be a P use and Cottage Industry would be a D (discretionary) use. Some changes in the level of permissibility of certain short stay accommodation land uses are proposed – these are discussed separately under the 'Short stay accommodation' heading below.

Land use definitions

- The Model Provisions land use classes and definitions are used (as required by WAPC). In most cases these are the same or very similar to those in TPS3 and 4 – some land use names have changed slightly but the definition is still essentially the same.
- The number of Industry land use classes has been reduced and there are no longer specific 'Industry – Hazardous' or 'Industry – Noxious' land use classes – these types of industry are covered by an overall 'Industry' use class definition. There are still separate 'Industry – Light' and 'Industry – Rural' use classes matching those in TPS3 and 4.
- New land use definitions which have no equivalent in TPS3 and 4 include 'Mining operations' (*premises where mining operations, as that term is defined in the Mining Act 1978 is carried out*) and 'Workforce accommodation' (*premises, which may include modular or relocatable buildings, used (a) primarily for the accommodation of workers engaged in construction, resource, agricultural or other industries on a temporary basis; and (b) for any associated catering, sporting and recreation facilities for the occupants and authorised visitors*).
- The definition of the 'Holiday accommodation' land use in the Model Provisions/LPS6 is significantly different from the Holiday accommodation definition in TPS 3 and 4. The Model Provisions definition is: *2 or more*

dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.

Ancillary dwellings in non R-Coded zones

- A special clause is proposed within LPS6 to allow the definition of ‘Ancillary dwelling’ contained in the R-Codes to also apply in zones which do not have a density coding under the R-Codes (e.g. Rural zone). This would give Council discretionary power to approve ancillary dwelling developments in non-residential zones. The R-Codes definition of an Ancillary dwelling is: *‘a self-contained dwelling on the same lot as a single house which may be attached to, integrated with or detached from the single house’*.

Provisions for development exempt from planning approval

- The Deemed Provisions in Schedule 2 of the 2015 Regulations are automatically read as part of all local planning schemes. The Deemed Provisions specify in clause 61 certain works which are exempt from requiring planning approval. These provisions cannot be altered or removed from individual schemes. Schedule A of LPS6 lists further works and uses of land which would be exempt from requiring planning approval within the scheme area (i.e., the whole of the Shire). The exemptions provided under TPS3 and 4 by the Councils’ local planning policy TP27 adopted in late 2022 have been carried over into Schedule A on a like-for-like basis.

Short stay accommodation

- There are some differences between contemporary definitions of various types of short stay accommodation under the Model Provisions (and proposed changes to some definitions currently being considered by the WAPC) and definitions used in TPS 3 and 4. These include differences in the definition of ‘holiday accommodation’ as referred to above. Following informal discussion on this matter with councillors, officers recommend the inclusion of the following land use definitions and levels of permissibility in different zones under the zoning table in LPS6:
 - Hosted accommodation (a new definition being considered for use by the WAPC but not currently in the Model Provisions) - *means a dwelling or ancillary dwelling, or a portion thereof, used for the purpose of short-term accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling*. It is recommended to make this use of a dwelling a ‘P’ use in all zones except the Light Industry, General Industry and Private Community Purpose zones where it would be an ‘X’ use (not permitted). As a P use, the use would be permitted without planning approval being required if it complies with all relevant scheme development requirements and standards applying to the use (this enables Council to adopt new or modified requirements at a later stage if required).
 - Holiday house (existing definition) - *means a single dwelling on one lot used to provide short-term accommodation but does not include a bed and breakfast*. (A permanent resident does not need to be present under this use). It is recommended to make this use a ‘P’ use in the same zones as Hosted accommodation as above.
 - Holiday accommodation (current Model Provisions definition) – *means 2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot*. It is

recommended to make this use a 'D' use, meaning planning approval is required and Council can exercise its discretion over whether to approve an application or not, in all zones except the Light Industry, General Industry and Private Community Purpose zones where it would be an 'X' use.

- Tourist development (sometimes called a holiday park) existing Model Provisions definition - *means a building, or a group of buildings forming a complex, other than a bed and breakfast, a caravan park or holiday accommodation, used to provide — (a) short-term accommodation for guests; and (b) onsite facilities for the use of guests; and (c) facilities for the management of the development.* It is recommended to make this use an 'A' use, meaning planning approval is required and the application has to be advertised for public comment before Council exercises its discretion over whether to approve an application, in the Rural Residential, Rural Smallholdings, Rural, Rural Townsite and Commercial zones. It is recommended to make it an 'X' use in all other zones including the Residential zone.

General development requirements and standards

- Part 3 of the LPS6 text sets out, for each zone, the objectives of the zone and requirements that apply to any development in that zone.
- Part 4 of the LPS6 text sets out general development standards and requirements that are not zone-specific, i.e. they are requirements relating to an aspect of development to be considered regardless of the zoning of the land where the development is proposed.
- Some of the provisions in Part 4 deal with matters that were included in the schedules of site-specific development and land use provisions for certain rural residential subdivisions in TPS3 and 4. However in some cases it is appropriate for these requirements to apply to development on any site, not just those listed in the schedules, and accordingly these provisions have been moved to Part 4 of the new scheme text and deleted from the schedules. This provides for greater consistency in the application of the relevant development requirement and removes repetitious listing of the same requirement for multiple sites in the schedule of rural residential estates. Where there are additional site or development requirements which do need to continue to apply to a single site or area, these have been retained in Schedule 3 of the LPS6 text and carried over from TPS3 and 4 with the same level of regulatory control applying.

Changes to levels of regulatory control/possible outcomes

- Part 5 of Council's resolution of 28 July 2022 noted that although the current stage of preparation of LPS6 is essentially an administrative update and consolidation of the existing TPS3 and TPS4, some new provisions may result in changes to current levels of regulatory control or possible planning outcomes. Consequently, the resolution required this officer report to specifically identify where the new and consolidated provisions in the draft LPS6 text result in any such changes.
- Officers have not identified any substantial changes in levels of regulatory control that would result in significantly different planning outcomes. Some degree of change has however been identified in relation to the following matters:

- Exemption from the requirement to obtain planning approval for boundary fences. TPS 3 and 4 exempt boundary fences from requiring planning approval on an almost unconditional basis in all zones, except for in some areas in the Special Residential and Special Rural zones which are subject to additional development requirements under Schedule 1 and 3 of TPS3 and Schedule 3 and 7 of TPS4. The Deemed Provisions of the 2015 Regulations exempt boundary fences and walls in areas subject to the R-Codes (principally the Residential zone) where the design of the fence complies with the deemed-to-comply design requirements of the R-Codes (which control fence height and design). In addition to these exemptions, it is proposed in Schedule A of LPS6 to exempt fences of a typically 'rural' style (post and wire or ring-lock construction up to 1.2m high) in the Rural, Rural Smallholding and Rural Residential zones. A provision in LPS6 will also require this style of fence to be used instead of the standard R-Code deemed-to-comply fence in the former Special Residential zoned areas which will now be zoned Residential R2.5 or R5 under LPS6, to ensure fence designs that are more in keeping with the character of these areas. The overall effect of these provisions would be to provide generally similar levels of exemption from the need to obtain planning approval for fences to that existing under TPS3 and 4, but with slightly more limits on the design of exempt fences.
- Holiday Accommodation land use. As referred to above under the 'land use definitions' heading, the Model Provisions definition of this use is significantly different from the Holiday accommodation definition in TPS 3 and 4. The Model Provisions definition is: *2 or more dwellings on one lot used to provide short term accommodation for persons other than the owner of the lot.* The TPS3 and 4 definition is: *buildings constructed in accordance with Council Policy and used for the short term accommodation of tourists and holiday makers and includes convention centres, halls and other buildings for the amenity of residents but does not include a hotel or motel.* Under LPS6, this type of accommodation would more closely match the 'Tourist development' land use definition in the Model Provisions. Council will need to determine what level of permissibility to give to the Model Provisions version of Holiday accommodation use in each zone under LPS6. As referred to above under the 'short stay accommodation' heading, in the zoning table of draft LPS6 as presented in this report officers have recommended making this use a 'D' use in all zones except the Light Industry, General Industry and Private Community Purpose zones, where it would be an 'X' use. In relation to Tourist development, it is recommended to make this an 'A' use in the Rural zone which would maintain a similar level of regulatory control as currently exists over the use defined as Holiday accommodation in TPS3 and 4 in the Rural zones in those schemes. It is recommended to make the use an 'X' use in the Residential zone, which would be the same as in TPS3 and 4.

Statutory Environment

The preparation of the draft scheme text and maps for Local Planning Scheme 6, as an action arising out of the Report of Review of Town Planning Schemes 3 and 4, has been undertaken in accordance with the provisions of the *Planning and*

Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015 (the 2015 Regulations).

The 2015 Regulations also prescribe how a draft local planning scheme approved for public advertising is to be advertised. Regulation 22 requires the local government to publish a notice giving details of:

r 22 - Advertisement of local planning scheme

- (a) the purpose of the draft scheme; and
- (b) how the draft scheme is to be made available to the public in accordance with regulation 76A; and
- (c) the manner and form in which submissions may be made; and
- (d) the period for making submissions (90 days unless a longer period is approved by the WAPC) and the last day of that period.

Regulation 76A requires the local government to publish on its website the abovementioned notice and the actual draft scheme documents (or a hyperlink to those documents) and, where it is reasonably practicable to do so, to make a copy of the documents available for public inspection in a place in the district during normal business hours. The scheme documents must remain available for the whole of the period within which submissions can be made.

Subject to Council resolving to adopt the draft Scheme for public advertising purposes and the advice received from the EPA and the WAPC allowing advertising to proceed, officers recommend the following actions should be taken to advertise the draft Scheme in compliance with the 2015 Regulations (and including some additional non-statutory measures to assist community members to make submissions if they wish to):

- i. Advertise the notice relating to the draft scheme referred to above (Regulation 22(1)) on the Shire's website for the whole duration of the public advertising period, and in a local newspaper for three consecutive weeks commencing in the first week of the public advertising period (Regulation 76A(4)).
- ii. Make the scheme documents (scheme text and maps) available for viewing on the Shire's website for the whole duration of the public advertising period (Regulations 22(2) and 76A(3)), with the ability for the documents to be downloaded and printed if a person wishes to do this.
- iii. Provide hard copies of the scheme text and maps for public inspection at the Shire Administration Building for the whole duration of the public advertising period (Regulation 76A(3)(b)).
- iv. Provide a plain language overview of the planning scheme review and preparation process and a list of Frequently Asked Questions (FAQ's) e.g., why is a new scheme being prepared, how will it effect my property, how can I make a submission? on the Shire's website and make the overview and FAQ's available as a printed information pack which can be picked up at the Administration Building or posted out to residents/property owners on request.
- v. Provide a dedicated Shire email address to which questions on the draft scheme may be submitted during the first 30 days of the advertising period, with a commitment that a written response will be

provided within 21 days of receipt and, if the question is likely to be of general interest and does not disclose information about a specific person or property, the question and response will be added to the FAQ's on the Shire website.

Items 4 and 5 above are not statutory requirements but officers consider they would assist community engagement in the public consultation process on the draft scheme.

Integrated Planning

- Strategic Community Plan
 - Outcome 7 Responsible and attractive growth and development.
 - Objective 7.1 Plan for a diverse range of land, housing and development opportunities to meet current and future needs.
- Corporate Business Plan
 - Objective 7.1 Plan for a diverse range of land, housing and development opportunities to meet current and future needs.
 - Action 7.1.1 Provide a Local Planning Strategy, in consultation with the community, to plan thoughtfully, creatively and sustainably for population growth, affordable housing and protection of environmental values.
- Long Term Financial Plan - Nil
- Asset Management Plans - Nil
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy/Strategic Implications

The preparation of the draft scheme text for Local Planning Scheme No. 6 is the first stage of a 3-stage process previously approved by Council and outlined above. This first stage is an essentially administrative update and consolidation of the provisions of the existing Town Planning Schemes 3 and 4 into a single scheme text. As such no significant changes in strategic planning direction or policy positions are proposed. Where changes to the provisions of TPS3 and 4 have had to be made to comply with current State planning legislation or WAPC policy, these have been identified in the Officer Comment section of this report.

Stages 2 and 3 of the Scheme review process, and particularly the preparation of the new Local Planning Strategy, will likely have more significant strategic implications and these will be addressed at the appropriate future date.

Budget Implications – There will be costs (estimated to be in the order of \$5-10,000) associated with the advertising of the draft scheme, however at this stage it is uncertain whether these will be incurred within this or next financial year. An allocation for advertising costs will be included in the draft 2022/23 budget, and, should it be necessary to incur costs during this financial year, an appropriate budget amendment report will be presented for Council consideration at that time.

Whole of Life Accounting - Nil

Risk Management – Insignificant risk

Voting Requirements - Simple Majority

Council Decision *Moved Cr Pratico, Seconded Cr Rose*

SpC.02/0323 *That Council:*

- 1. *In accordance with section 72 of the Planning and Development Act 2005 and regulation 21 of the Planning and Development (Local Planning Schemes) Regulations 2015, adopt, for the purposes of public advertising, the draft Shire of Bridgetown-Greenbushes Local Planning Scheme No. 6 consisting of the Scheme text and Scheme maps as shown in Attachments 1 and 2***
- 2. *Forward copies of the draft Scheme documents to:***
 - i. The Environmental Protection Authority for consideration pursuant to section 81 of the Planning and Development Act 2005.***
 - ii. The Western Australian Planning Commission for consideration and advice to the local government, pursuant to regulation 21 of the Planning and Development (Local Planning Schemes) Regulations 2015***
- 3. *Subject to receipt of advice from the Environmental Protection Authority and the Western Australian Planning Commission, advertise the draft Scheme in accordance with the requirements of regulations 22 and 76A of the Planning and Development (Local Planning Schemes) Regulations 2015 for a period of 90 days by undertaking the following actions:***
 - i. Advertise a notice regarding the draft scheme, prepared under the provisions of regulation 22(1), on the Shire's website for the whole duration of the public advertising period, and in a local newspaper under the provisions of regulation 76A(4) for three consecutive weeks commencing in the first week of the public advertising period.***
 - ii. Making the scheme documents (scheme text and maps) available for viewing on the Shire's website for the whole duration of the public advertising period in accordance with regulations 22(2) and 76A(3), with the ability for the documents to be downloaded and printed if a person wishes to do this.***
 - iii. Providing hard copies of the scheme text and maps for public inspection at the Shire Administration office for the whole duration of the public advertising period in accordance with regulation 76A(3)(b).***
 - iv. Provide a plain language overview of the planning scheme review and preparation process and a list of Frequently Asked Questions (FAQ's) on the Shire's website and make the overview and FAQ's available as a printed information pack which is available at the Administration Building or sent to residents/property owners on request.***
 - v. Provide a dedicated email address to which questions on the draft scheme may be submitted during the first 60 days of the advertising period, with a commitment that a written response will be provided within 21 days of receipt and, if the question is likely to be of general interest and does not disclose information about a specific person or property, the question and response (or a redacted version) will be added to the FAQ's on the Shire website***

- 4. After the end of the public advertising period, a further report be presented for Council's consideration providing details of all submissions received and recommended responses to address issues raised in submissions, in accordance with Regulation 25 of the Planning and Development (Local Planning Schemes) Regulations 2015.**

Carried 9/0

ITEM NO.	SpC.03/0323	FILE REF.	
SUBJECT	Proposed Budget Amendment – Reallocation of Portion Local Roads and Community Infrastructure Program Phase 3		
PROPONENT	Council and the Australian Government		
OFFICER	Chief Executive Officer		
DATE OF REPORT	3 March 2023		

OFFICER RECOMMENDATION

That Council:

1. *Seek the approval of the Australian Government for a change of project for Local Roads and Community Infrastructure Program Phase 3. This would replace the Nelson Street Footpath Resurfacing Project (\$80,000) with the following project:*
 - *Blechynden Street Asphalt Overlay – overlay the section from Roe Street to Barlee Street, replacement kerbing and reinstatement of the short footpath next to the school drop-off bay.*
2. *Amend its 2022/23 Budget as follows:*
 - a. *Decrease budget allocation for Job FP05 – 'Nelson Street Footpath' by \$80,000 (from \$80,000 to \$0)*
 - b. *Include new budget allocation of \$80,000 to new "RC" Job No. 'Blechynden Street'*

Summary/Purpose

The Nelson Street Footpath Resurfacing project is included in Council's 2022/23 budget with the project being funded by Round 3 of the Australian Government's Local Roads and Community Infrastructure Program.

Due to a recommended change in scope of this project it is recommended Council seek the approval of the Australian Government to nominate a new project to replace this under the Local Roads and Community Infrastructure Program Phase 3.

Background

The purpose of the Local Roads and Community Infrastructure Program is to support local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic.

The Shire of Bridgetown-Greenbushes received an allocation of \$921,042 under Phase 3 of the Local Roads and Community Infrastructure Program and approval

was received from the Australian Government for those funds to be allocated to delivery of the following projects:

- Greenbushes CBD & Safety Enhancement Project
- Greenbushes Youth Precinct Redevelopment
- Nelson Street Footpath Resurfacing

All funding must be expended by 30 June 2023. Contractors have been engaged for the Greenbushes CBD & Safety Enhancement and Greenbushes Youth Precinct projects and completion prior to 30 June 2023 has been built into their contracts.

The scope for the Nelson Street Footpath resurfacing project was to resurface as much of the existing asphalt pathway as could be achieved for \$80,000.

When preparing the scope and specification for a request for quote process for this project it became apparent that large portions of the footpath were in a reasonable condition and that the sections that required improvement were those that had humps and dips caused by tree root intrusion and some sinking of service manholes. Simply laying a layer of asphalt in those sections wouldn't address the problem – instead the sections would have to be reconstructed. Importantly at the time of preparing the scope/specification the view was that if the works were to proceed and be completed by 30 June 2023 several street trees planted on the edge of the pathway would have to be removed. In the belief that removal of the trees would be controversial and a significant risk to the project proceeding, staff commenced investigations into options that would address the issues concerning tree roots damaging the footpath without requiring removal of the trees.

Officer Comment

Specialist consultants were engaged to conduct a site assessment of many of our tree root problem areas. This includes the trees impacting the Nelson Street footpath and resulted in the consultant determining that since the trees were directly against the path with no margin, cutting back the roots to the extent required to reinstate the footpath was not viable. They were concerned that the trees would be structurally compromised and their health impaired. The consultant proposed construction of low curved retaining walls around specific trees and implementation of a root management system to prevent the issue from progressing. This method would result in localised narrowing of the footpath over an approximately 3m length at the tree location. The footpath is currently approximately 2.2m wide and it is anticipated that the path would lose no more than 0.8m of width around the trees, leaving at least 1.4m of footpath width. The costs of this revised scope haven't been determined but in any case the revised scope would require a variation to the funding agreement under Local Roads and Community Infrastructure Program Phase 3 as the works wouldn't simply be resurfacing. To ensure that the \$80,000 is fully spent by 30 June 2023 it is recommended that an alternative project be identified.

It is recommended Council seek an urgent approval by the Australian Government for a change of project for Local Roads and Community Infrastructure Program Phase 3. This would replace the Nelson Street Footpath resurfacing project (\$80,000) with a new project to an equivalent value.

Taking into the deadline to fully expend funds by 30 June 2023 and the availability of contractors the following projects are put forward to replace the Nelson Street Footpath resurfacing project:

- Supply and installation of fans on all 3 courts at Leisure Centre.
- Turner Road Asphalt Overlay – this would continue the asphaltting of the road from where the works from last year ended. The condition of the pavement is poor and the road carries a high volume of traffic. An amount of \$80,000 would fund 300 metres of asphalt overlay which if funded would leave the last 300 metres for a future year. This work is currently earmarked in the 10 Year Strategic Works Plan for 2025/26.
- Blechynden Street Asphalt Overlay - the section from Roe Street to Barlee Street has a very bad condition rating however it isn't currently in the 10 Year Strategic Works Plan. In the annual review of that Plan, scheduled to occur next month, this job was likely to be recommended for elevated priority. An amount of \$80,000 would complete from Roe Street to just past the school drop-off bay. The scope for the project would include, subject to final quotes being within the \$80,000 allocation, reinstatement of the short footpath next to the drop-off bay and replacing kerbing which is in poor condition. The current road surface is quite hazardous due to lack of skid resistance with many reports being received of wheel spin of vehicles travelling east up the hill from the intersection with Roe Street.
- Bunbury Street Asphalt Overlay – an amount of \$80,000 would asphalt the entire length of this road from Hampton Street to Roe Street. This work is currently earmarked in the 10 Year Strategic Works Plan for 2029/30. Traffic volume on this road is high.

It is the officer recommendation that the replacement project be an asphalt overlay project. Recent contact has been made with relevant contractors and this has confirmed capacity of those contractors to take on additional jobs in this period. The Leisure Centre fans project could be funded from other grant sources, albeit not immediately.

The officer recommendation is for Council to identify its preferred project and seek the approval of the Australian Government for the change of project for expenditure of Local Roads and Community Infrastructure Program Phase 3 (noting the 30 June 2023 completion date deadline).

Statutory Environment

Reallocating funding to a new project in 2022/23 would be classified as unbudgeted expenditure. Section 6.8 of the Local Government Act requires an absolute majority decision for expenditure not included in the annual budget.

Integrated Planning

➤ Strategic Community Plan

Outcome 7 – responsible and attractive growth and development

Objective 7.6 – deliver defined levels of service to provide and maintain Shire assets in the most cost effective way

Outcome 9 – safe, affordable and efficient movement of people and vehicles

Objective 9.3 – develop a safe, well-connected network of paths and trails for all users

- Corporate Business Plan
 - Objective 7.6 – deliver defined levels of service to provide and maintain Shire assets in the most cost effective way
 - Action 7.6.2 – provide implementation of the long term shire road, drainage, bridges and footpaths infrastructure renewal and upgrade plan
 - Objective 9.3 – develop a safe, well-connected network of paths and trails for all users
 - Action 9.3.4 – Provide footpath renewals, upgrades and extensions as per the Shire's long term plan
- Long Term Financial Plan - Nil
- Asset Management Plans
 - Any assets or infrastructure constructed on Shire managed land would be included in Councils Asset Management and Building Maintenance Plans on completion of the project.
- Workforce Plan - Nil
- Other Integrated Planning - Nil

Policy Implications – Nil

Budget Implications

No additional expenditure above what is allocated in the 2022/23 budget would occur under the officer recommendation noting that allocations for individual projects would change.

Whole of Life Accounting - Nil

Risk Management

The risk in this issue is not fully expending the funds assigned in the Local Roads and Community Infrastructure Program Phase 3 grant. The officer recommendation seeks to mitigate that risk by identifying an alternative project.

Voting Requirements – Absolute Majority

Council Decision ***Moved Cr Rose, Seconded Cr Browne***
SpC.03/0323 That Council:

- 1. Seek the approval of the Australian Government for a change of project for Local Roads and Community Infrastructure Program Phase 3. This would replace the Nelson Street Footpath Resurfacing Project (\$80,000) with the following project:***
 - Blechynden Street Asphalt Overlay – overlay the section from Roe Street to Barlee Street, replacement kerbing and reinstatement of the short footpath next to the school drop-off bay.***
- 2. Amend its 2022/23 Budget as follows:***
 - a. Decrease budget allocation for Job FP05 – ‘Nelson Street Footpath’ by \$80,000 (from \$80,000 to \$0)***
 - b. Include new budget allocation of \$80,000 to new “RC” Job No. ‘Blechynden Street’.***

Carried by Absolute Majority 9/0

In accordance with s.5.23(2) of the *Local Government Act 1995*, the CEO has recommended items SpC.04/0323 and SpC.05/0323 be considered behind closed doors as the subject matter relates to the following matters prescribed by Section 5.23(2):

- (b) the personal affairs of any person
- (c) a contract entered into, or which may be entered into, by the local government and which relates to a matter to be discussed at the meeting

In accordance with Clause 4.2 of the Standing Orders Local Law the contents of these items are to remain confidential and must not be disclosed by a member to any person other than a member of Council or an employee of the Council to the extent necessary for the purpose of carrying out his or her duties.

Council Decision *Moved Cr Christensen, Seconded Cr Browne*
C.SpC.04/0323 That Council go behind closed doors at 5.35pm to consider items SpC.04/0323 and SpC.05/0323.

Carried 9/0

Cr Mountford declared an impartiality interest in item SpC.04/0323 (refer page 3) and remained in the meeting.
Cr Mahoney declared a financial interest in item SpC.04/0323 (refer page 3) and vacated the meeting at 5.35pm.
CEO Tim Clynnh declared a financial interest in items SpC.04/0323 and SpC.05/0323 (refer page 3) and vacated the meeting at 5.35pm.
Director Corporate Services Michelle Larkworthy and Director Development, Community and Infrastructure Philip St John vacated the meeting at 5.35pm.

ITEM NO.	SpC.04/0323	FILE REF.	221.1
SUBJECT	Appointment of Recruitment Consultant for CEO Recruitment Process		
PROPONENT	Council		
OFFICER	Director Development, Community and Infrastructure		
DATE OF REPORT	2 March 2023		

Attachment 4 Recruitment Consultants' submissions - Confidential
Attachment 5 Scope for Human Resource Consultant to Assist CEO Recruitment Committee

Council Decision *Moved Cr Pratico, Seconded Cr Rose*
SpC.04/0323a That Council invoke clause 18.1 of the Standing Orders at 5.36pm to allow for informal discussion.

Carried 8/0

Director Development, Community and Infrastructure Philip St John returned to the meeting at 5.45pm and vacated the meeting at 6.00pm.

Council Decision *Moved Cr Lansdell, Seconded Cr Rose*
SpC.04/0323b *That application of clause 18.1 of the Standing Orders*
cease at 6.05pm.

Carried 8/0

Council Decision *Moved Cr Rose, Seconded Cr Browne*
SpC.04/0323c *That Council appoint Beilby Downing Teale as the*
Recruitment Consultant to assist the CEO Recruitment Committee and Council
with the recruitment and selection process for the CEO recruitment.

Carried 8/0

Cr Mahoney returned to the meeting at 6.06pm.

ITEM NO.	SpC.05/0323	FILE REF.	221.1
SUBJECT	Appointment of Independent Member to the CEO Recruitment Committee		
PROPONENT	Council		
OFFICER	Director Development, Community and Infrastructure		
DATE OF REPORT	2 March 2023		

Attachment 6

Committee Nominations - Confidential

Attachment 7

CEO Recruitment Committee Instrument of Appointment
(with proposed amendments)

Council Decision *Moved Cr Browne, Seconded Cr Rose*
SpC.05/0323 *That Council invoke clause 18.1 of the Standing Orders at 6.07pm*
to allow for informal discussion.

Carried 9/0

Council Decision *Moved Cr Lansdell, Seconded Cr Browne*
SpC.05/0323a *That application of clause 18.1 of the Standing Orders*
cease at 6.30pm.

Carried 9/0

Council Decision *Moved Cr Rose, Seconded Cr Browne*
SpC.05/0323b *That Council:*

- 1. Appoint Michael Fletcher as the independent person on the CEO Recruitment Committee*
- 2. Endorse the revised Instrument of Appointment as shown in Attachment 7, with the inclusion of Michael Fletcher as the independent person.*

Carried by Absolute Majority 9/0

Council Decision *Moved Cr Browne, Seconded Cr Mahoney*
C.SpC05/0323a *That Council come out from behind closed doors at 6.35pm.*

Carried 9/0

At 6.35pm Council opened the doors to the meeting. It was noted that no members of the public returned to the meeting.

Closure

The Presiding Member closed the meeting at 6.35pm.

List of Attachments

Attachment	Item No.	Details
1	SpC.02/0323	Draft Local Planning Scheme No. 6 text
2	SpC.02/0323	Draft Local Planning Scheme No. 6 maps
3	SpC.02/0323	Previous item no. C10/0722 – Council Minutes 28 July 2022
4	SpC.04/0323	Recruitment Consultants' submissions - Confidential
5	SpC.04/0323	Scope for Human Resource Consultant to Assist CEO Recruitment Committee
6	SpC.05/0323	Committee Nominations - Confidential
7	SpC.05/0323	CEO Recruitment Committee Instrument of Appointment (with proposed changes)

Minutes Papers prepared and
recommended by E Matthews,
Executive Assistant



17 March 2023

Minutes Papers authorised by
T Clynch, CEO



17 March 2023

As Presiding Member, I certify that the Minutes of the Special Council Meeting held 9 March 2023 were confirmed as a true and correct record of the proceedings of that meeting at the Ordinary Meeting of Council held on Thursday 30 March 2023.

..... 30 March 2023

SHIRE OF BRIDGETOWN-GREENBUSHES
LOCAL PLANNING SCHEME NO. 6

The Shire of Bridgetown-Greenbushes under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

DRAFT

SHIRE OF BRIDGETOWN-GREENBUSHES

LOCAL PLANNING SCHEME No. 6 AMENDMENTS

AMD NO	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

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PART 1 - PRELIMINARY

1. Citation

This local planning scheme is the Shire of Bridgetown-Greenbushes Local Planning Scheme No.6.

2. Commencement

Under section 87(4) of the Act, this local planning scheme comes into operation on the day on which it is published in the *Gazette*.

3. Schemes revoked

The following town planning schemes are revoked -

Shire of Bridgetown-Greenbushes Town Planning Scheme No.3 (Bridgetown Town site Area) - Gazettal Date 18 March 1983.

Shire of Bridgetown-Greenbushes Town Planning Scheme No.4 - Gazettal Date 18 September 1987.

4. Notes do not form part of Scheme

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

5. Responsibility for Scheme

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

6. Scheme area

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

7. Contents of Scheme

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

- (1) the deemed provisions (set out in the Planning and Development (Local Planning Schemes) Regulations 2015 Schedule 2);
- (2) the supplemental provisions to the deemed provisions contained in Schedule A; and
- (3) the Scheme Map (sheets 1 - 9).

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

Notes for this clause:

1. *The deemed provisions include – terms used, Local Planning Framework, Heritage Protection, Structure Plans, Local Development Plans. Local Planning Policies, Requirements for development approval, Applications and Procedure for development approval, Bushfire risk management, Enforcement and administration, Forms.*
2. *Supplemental provisions provide further development approval exemptions to those prescribed by clause 61 of the deemed provisions.*

8. Purposes of Scheme

The purposes of this Scheme are to -

- (1) set out the local government's planning aims and intentions for the Scheme area;
- (4) set aside land as local reserves for public purposes;
- (5) zone land within the Scheme area for the purposes defined in this Scheme;
- (6) control and guide development including processes for the preparation of structure plans and local development plans;
- (7) set out procedures for the assessment and determination of development applications;
- (8) set out procedures for contributions to be made for the costs of providing infrastructure in connection with development through development contribution plans;
- (9) make provision for the administration and enforcement of this Scheme; and
- (10) address other matters referred to in Schedule 7 of the Act.

9. Aims of Scheme

The aims of this Scheme are to -

- (1) retain and enhance the commercial and cultural functions of existing centres in the Shire;
- (2) provide for the recognition and conservation of areas and places of cultural and heritage significance, including the Bridgetown Special Design Heritage Precinct as a Special Control Area;
- (3) provide for a mix of residential land uses and housing options;
- (4) promote sustainable development that integrates economic, environmental and social factors;
- (5) protect and diversify the Shire's economic base by providing for an overall pattern of land use and development that supports existing businesses and encourages appropriate new businesses and industry;
- (6) protect and sustain rural land for primary production, environmental and cultural values and landscape;
- (7) provide for non-rural uses on rural land where it is compatible with the aims for rural land, and is of benefit to the community and/or economy;
- (8) to assist in the management of natural hazards such as flooding, bushfire and other risks;
- (9) improve the means of access into and around the Scheme area to ensure the safe and convenient movement of people, including pedestrians, cyclists, and motorists;
- (10) implement State and regional strategies, plans and policies; and
- (11) provide a basis for a suite of local planning policies, as may be required, to achieve the stated aims, purposes and objectives of this Scheme.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

There are no other local planning schemes of the Shire of Bridgetown-Greenbushes,

which apply to the Scheme area.

12. Relationship with region planning scheme

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

PART 2 - RESERVES

13. Regional reserves

There are no regional reserves in the Scheme area.

14. Local reserves

In this clause -

Main Roads Western Australia means the department principally assisting in the administration of the *Main Roads Act 1930*;

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

- (1) Local reserves are shown on the Scheme Map according to the legend on the Scheme Map.
- (2) The objectives of each local reserve are as follows -

Table 1 - Reserve Objectives	
Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none">To set aside areas of public open space, particularly those established under the <i>Planning and Development Act 2005 s. 152</i>.To provide for a range of active and passive recreation uses such as recreation buildings and courts and associated car parking and drainage.
State Forest	<ul style="list-style-type: none">To identify areas of State Forest.
Environmental Conservation	<ul style="list-style-type: none">To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.To identify and protect areas of diversity conservation significance within National Parks and State and other conservation reserves.
Civic and Community	<ul style="list-style-type: none">To provide for a range of community facilities which are compatible with surrounding development.To provide for public facilities such as halls, theatres, art galleries, educational, health and social care facilities, accommodation for the aged and other services by organisations involved in activities for community benefit.
Public Purposes	<ul style="list-style-type: none">To provide for a range of essential physical and community infrastructure.
Recreational	<ul style="list-style-type: none">Public Purposes which specifically provide for a range of public recreational facilities.
Education	<ul style="list-style-type: none">Public Purposes which specifically provide for a range of essential education facilities.
Emergency Services	<ul style="list-style-type: none">Public Purposes which specifically provide for a range of emergency services.

Table 1 - Reserve Objectives	
Reserve name	Objectives
Government Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of government services.
Infrastructure Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential infrastructure services.
Medical Services	<ul style="list-style-type: none"> Public Purposes which specifically provide for a range of essential medical services.
Cemetery	<ul style="list-style-type: none"> To set aside land required for a cemetery.
Drainage / Waterway	<ul style="list-style-type: none"> To set aside land for significant waterways and drainage.
Railways	<ul style="list-style-type: none"> To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	<ul style="list-style-type: none"> To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	<ul style="list-style-type: none"> To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local Distributor Road	<ul style="list-style-type: none"> To set aside land required for a local distributor road being a road classified as a Local Distributor under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Special Purpose Reserve	<ul style="list-style-type: none"> To set aside land for a special purpose. Purposes that do not comfortably fit in any other reserve classification.

15. Additional uses for local reserves

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

PART 3 - ZONES AND USE OF LAND

16. Zones

Zones are shown on the Scheme Map according to the legend on the Scheme Map.

16.1 Residential zone

(1) Objectives

- a. To provide for a range of housing and a choice of residential densities to meet the needs of the community.
- b. To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.
- c. To provide for a range of non-residential uses, which are compatible with and complementary to residential development.

(2) Development Requirements

Notwithstanding the R-Code prescribed to land in the Residential zone, a permissible density of R60 may apply for the development of land for aged or dependent persons' dwellings, independent living complex or for a residential aged care facility provided:

- a. the land is not subject to a Special Control Area; and
- b. the development is connected to a reticulated sewerage system provided by a licensed service provider.

- (3) The table below sets out the setbacks, site coverage and landscaping requirements for development:

Zone	Minimum Setbacks(m)			Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear		
Residential	As per R-Codes for residential uses, all other uses at the discretion of local government				

16.2 Rural Residential zone

(1) Objectives

- (a) To provide for lot sizes in the range of 1ha to 4ha.
 - (b) To provide opportunities for a range of limited rural and related ancillary pursuits on rural residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.
 - (c) To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
- (2) Unless the Commission otherwise determines, subdivision and development is to be carried out in accordance with a structure plan.
 - (3) Buildings and structures shall be sympathetic to the surrounding character and amenity of the land, locality and zone.
 - (4) A dwelling on a lot less than 2ha in area shall be connected to a reticulated potable water supply unless it is demonstrated that a reticulated supply is not available or cannot be reasonably provided to the lot/dwelling.
 - (5) Lot sizes shall comply with the following standards for land as prescribed on the Scheme Map.

Scheme Map Code	Minimum lot size
Rural Residential 1	1ha
Rural Residential 2	2ha
Rural Residential 3	3ha

- (6) Where not prescribed on the Scheme Map, the minimum lot size shall be determined in accordance with the Rural Residential objectives, any approved structure plan, prevailing lot size; and/or the Commission's State Planning Policy 2.5 - Rural Planning.
- (7) The table below sets out the setbacks, site coverage and landscaping requirements for development:

Zone	Minimum Setbacks(m)			Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear		
Rural Residential 1, 2 and 3 from:					
Highway	30m	20m	20m	N/A	N/A
Major Road	25m	20m	20m		
Other Road	20m	20m	20m		

16.3 Rural Smallholdings zone

(1) Objectives

- To provide for lot sizes in the range of 4ha to 40ha.
 - To provide for a limited range of rural land uses where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land.
 - To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
- (2) Buildings and structures shall be sympathetic to the surrounding character and amenity of the land, locality and zone.
- (3) The table below sets out the setbacks, site coverage and landscaping requirements for development:

Zone	Minimum Setbacks(m)			Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear		
Rural Smallholdings	20m	20m	20m	N/A	N/A

16.4 Rural zone

(1) Objectives

- To provide for the maintenance or enhancement of specific local rural character.
 - To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use.
 - To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage.
 - To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.
 - To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses
- (2) Tourist development is to be incidental to the rural use of the land.

- (3) The existence of a second dwelling on a rural lot is not justification for subdivision.
- (4) The table below sets out the setbacks, site coverage and landscaping requirements for development:

Zone	Minimum Setbacks(m)			Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear		
Rural from:					
Highway	50m	20m	20m	N/A	N/A
Major Road	30m	20m	20m		
Other from	20m	20m	20m		

16.5 Commercial zone

(1) Objectives

- To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.
 - To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades.
 - To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.
- (2) Unless otherwise determined by the local government, where a development is comprised of both residential and commercial land uses, the residential component shall be confined to an upper story of that development.
- (3) Any residential development shall satisfy the R-Codes at a maximum density of R12.5 unless the land is or proposed to be connected to a reticulated sewerage system provided by a licensed service provider. In that circumstance the maximum density shall be determined by the local government.

- (4) The table below sets out the setbacks, site coverage and landscaping requirements for development:

Zone	Minimum Setbacks(m)			Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear		
Commercial	Nil	Nil	6.0m	75%	50% of all front setback areas

16.6 Light Industry zone

(1) Objectives

- To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones.
 - To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
- (2) Development of land for light industry shall comply with the standards and requirements under clause 16.8 for the General Industry zone.
- (3) The table below sets out the setbacks, site coverage and landscaping requirements for development:

Zone	Minimum Setbacks(m)			Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear		
Light Industry	7.5m	Nil	6.0m	75%	5% of site area - landscaping required along road frontage

16.7 General Industry zone

(1) Objectives

- a. To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses.
 - b. To accommodate industry that would not otherwise comply with the performance standards of light industry.
 - c. Seek to manage impacts such as noise, dust and odour within the zone.
- (2) Land between the building setback line and a road reserve shall not, without the approval of the local government, be used for a purpose other than for site fencing, lawns and gardens, services, for the parking of vehicles and/or as a means of access.
 - (3) Screening by retention of existing trees and vegetation, and/or by additional tree and vegetation planting is required within road reserve frontages.
 - (4) Access to roads shall be appropriately located and designed for safe and efficient use by vehicular traffic to the satisfaction of the local government.
 - (5) Development that is not or cannot be connected to a reticulated sewerage system is restricted to 'dry industry' type, being industries predicted to generate waste water for disposal on-site of a daily rate of less than 540 litres per 1000m² of site area.
 - (6) All buildings shall be located, designed and constructed so that the external appearance arising from building height, bulk, colour, texture, materials used and method of construction, is appropriate for the land, locality and zone.
 - (7) The table below sets out the setbacks, site coverage and landscaping requirements for development:

Zone	Minimum Setbacks(m)			Maximum Site Coverage	Minimum Landscaping
	Front	Side	Rear		
General Industry	10m	Nil	6.0m	75%	5% of site area - landscaping required along road frontage

16.8 Private Community Purpose zone

(1) Objectives

- a. To provide sites for privately owned and operated education, recreation, institutions and places of worship.
 - b. To integrate private recreation areas with public recreation areas wherever possible.
 - c. To separate potentially noisy engine sports from incompatible uses.
 - d. To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development.
 - e. To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
- (2) The local government shall determine the site and development requirements at the

development application stage in conjunction with the applicant.

- (3) The requirements shall be limited to those matters relevant to satisfying the Objectives.

16.9 Special Use zone

(1) Objectives

- a. To facilitate special categories of land uses which do not sit comfortably within any other zone.
- b. To enable the local government to impose specific conditions associated with the special use.

The objectives and requirements for special use zones are set out in Schedule 2 of the Scheme.

17. Zoning table

The zoning table for this Scheme is as follows -

Table 2 - Zoning Table

USE AND DEVELOPMENT CLASS								
	RESIDENTIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDINGS	RURAL	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	PRIVATE COMMUNITY PURPOSE
Abattoir	X	X	X	D	X	X	X	X
Aged or dependent persons' dwelling	A	X	X	X	A	X	X	X
Agriculture - extensive	X	D	P	D	X	X	X	X
Agriculture - intensive	X	A	D	D	X	X	X	X
Ancillary dwelling	P	D	D	D	X	X	X	X
Amusement parlour	X	X	X	X	A	X	X	X
Animal establishment	X	A	D	D	X	D	X	X
Animal husbandry - intensive	X	X	A	D	X	X	X	X
Art gallery	X	D	D	D	D	X	X	D
Bed and breakfast	A	A	D	D	X	X	X	X
Betting agency	X	X	X	X	P	X	X	X
Brewery	X	D	D	D	A	D	D	X
Bulky goods showroom	X	X	X	X	D	D	D	X
Caravan park	X	X	A	A	X	X	X	X
Caretaker's dwelling	X	D	D	D	D	D	D	X
Car park	A	X	X	X	D	D	D	X
Child care premises	A	X	X	X	P	X	X	D
Cinema/theatre	X	X	X	X	D	X	X	X
Civic use	D	D	D	D	D	D	X	P
Club premises	X	A	A	A	D	D	X	P
Commercial vehicle parking	A	A	A	A	P	P	P	X
Community purpose	A	X	X	P	P	X	X	P
Consulting rooms	A	X	X	X	P	X	X	X
Convenience store	X	X	X	X	P	X	X	X
Corrective institution	X	X	X	A	X	X	X	X
Dam	X	D	D	D	X	X	X	X
Educational establishment	A	A	A	A	D	X	X	P
Exhibition centre	X	A	A	A	P	X	X	P

USE AND DEVELOPMENT CLASS	RESIDENTIAL	RURAL RESIDENTIAL	RURAL SMALL HOLDINGS	RURAL	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	PRIVATE COMMUNITY PURPOSE
Family day care	A	A	A	X	A	X	X	X
Fast food outlet	X	X	X	X	P	D	D	X
Fuel depot	X	X	X	D	D	D	P	X
Funeral parlour	X	X	X	X	D	D	D	X
Garden centre	X	D	D	D	D	D	D	X
Grouped dwelling	D	X	X	X	D	X	X	X
Holiday accommodation	D	D	D	D	D	X	X	X
Holiday house	P	P	P	P	P	X	X	X
Holiday unit	D	D	D	D	D	X	X	X
Home business	D	P	P	P	P	X	X	X
Home occupation	P	P	P	P	P	X	X	X
Home office	P	P	P	P	P	X	X	X
Home store	A	A	A	A	D	X	X	X
Hospital	X	X	X	X	A	X	X	X
Hosted accommodation	P	P	P	P	P	X	X	X
Hotel	A	X	X	A	P	X	X	X
Independent living complex	A	X	X	X	A	X	X	X
Industry	X	X	X	X	X	D	P	X
Industry - cottage	D	D	D	D	D	X	X	X
Industry - extractive	X	X	X	D	X	X	X	X
Industry - light	X	X	X	D	D	P	P	X
Industry - rural	X	X	D	P	X	D	D	X
Liquor store - large	X	X	X	X	D	D	X	X
Liquor store - small	X	X	X	X	D	D	X	X
Lunch bar	X	X	X	X	D	D	X	X
Market	X	A	A	A	D	X	X	D
Medical centre	A	X	X	X	A	X	X	X
Mining operations	X	X	X	A	X	X	X	X
Motel	X	X	X	A	D	X	X	X
Motor vehicle, boat or caravan sales	X	X	X	X	D	D	X	X
Motor vehicle repair	X	X	X	X	D	P	P	X
Motor vehicle wash	X	X	X	X	D	P	P	X

USE AND DEVELOPMENT CLASS	RESIDENTIAL	RURAL RESIDENTIAL	RURAL SMALL HOLDINGS	RURAL	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	PRIVATE COMMUNITY PURPOSE
Multiple dwelling	A	X	X	X	D	X	X	X
Nature based park	X	X	X	D	X	X	X	X
Nightclub	X	X	X	X	D	X	X	X
Office	X	X	X	X	P	X	X	X
Park home park	A	X	X	D	X	X	X	X
Place of worship	A	A	A	A	D	X	X	P
Reception centre	X	A	A	A	D	X	X	P
Recreation - private	X	A	A	A	D	X	X	D
Renewable energy facility	X	X	X	A	X	X	X	X
Repurposed dwelling	D	D	D	D	X	X	X	X
Residential aged care facility	A	X	X	X	A	X	X	X
Residential building	D	D	D	D	D	X	X	X
Resource recovery centre	X	X	X	D	X	X	X	X
Restaurant/café	D	A	A	A	P	X	X	X
Restricted premises	X	X	X	X	A	A	A	A
Roadhouse	X	X	X	A	X	X	X	X
Rural home business	X	D	D	D	X	X	X	X
Rural pursuit/hobby farm	D	P	P	P	X	X	X	X
Second hand dwelling	D	D	D	D	X	X	X	X
Serviced apartment	A	X	X	X	A	X	X	X
Service station	X	X	X	X	D	P	D	X
Shop	X	X	X	X	D	X	X	X
Single house	P	P	P	P	P	X	X	X
Small bar	X	X	X	X	D	X	X	X
Tavern	X	X	X	A	D	X	X	X
Telecommunications infrastructure	D	D	D	D	D	D	D	A
Tourist development	X	A	A	A	A	X	X	X
Trade display	X	X	A	D	D	D	D	X
Trade supplies	X	X	A	D	D	D	D	X
Transport depot	X	X	A	D	X	D	D	X
Tree farm	X	X	A	D	X	X	X	X
Veterinary centre	X	A	A	D	D	D	X	X

USE AND DEVELOPMENT CLASS								
	RESIDENTIAL	RURAL RESIDENTIAL	RURAL SMALLHOLDINGS	RURAL	COMMERCIAL	LIGHT INDUSTRY	GENERAL INDUSTRY	PRIVATE COMMUNITY PURPOSE
Warehouse/storage	X	X	A	D	D	P	P	X
Waste disposal facility	X	X	X	D	X	A	D	X
Waste storage facility	X	X	X	D	X	A	D	X
Wayside stall	X	A	A	A	X	X	X	X
Winery	X	A	A	A	A	X	X	X
Workforce accommodation	A	X	X	A	A	A	A	X

18. Interpreting zoning table

- (1) The permissibility of uses of land in the various zones in the Scheme area is determined by cross-reference between the list of use classes on the left-hand side of the zoning table and the list of zones at the top of the zoning table.
- (2) The symbols used in the zoning table have the following meanings -
- P means that the use is permitted if it complies with all relevant development standards and requirements of this Scheme as it relates to the use of the land.
 - I means that the use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with all relevant development standards and requirements of this Scheme.
 - D means that the use is not permitted unless the local government has exercised its discretion by granting development approval.
 - A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the deemed provisions.
 - X means that the use is not permitted by this Scheme.

Notes for this clause:

- 1 The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances one application is made for both the carrying out of works on, and the use of, land.
- 2 Under clause 61 of the deemed provisions and Schedule A, certain works and uses are exempt from the requirement for development approval.
- 3 Clause 67 of the deemed provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.

- (3) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.

- (4) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table –
 - a. determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
- (5) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the deemed provisions before considering an application for development approval for the use of the land; or
- (6) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (7) If a use of land is identified in a zone as being a class P or class I use, the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (8) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to the objectives of the zone and any of the following plans that apply to the land -
 - a. a structure plan;
 - b. a local development plan.

19. Additional uses

- (1) Schedule 2 sets out -
 - a. classes of use for specified land that are additional to the classes of use that are permissible in the zone in which the land is located; and
- (2) the conditions that apply to that additional use.
- (3) Despite anything contained in the Zoning table, land that is specified in Schedule 2 to subclause (1) may be used for the additional class of use set out in respect of that land subject to the conditions that apply to that use.

20. Restricted uses

There are no restricted uses which apply to this Scheme.

21. Special use zones

- (1) Schedule 3 sets out -
 - a. special use zones for specified land that are in addition to the zones in the zoning table;
- (2) the classes of special use that are permissible in that zone; and
- (3) the standards, requirements and conditions that apply in respect of the special uses.
- (4) A person must not use any land, or any structure or buildings on land, in a special use zone except for a class of use that is permissible in that zone and subject to the standards, requirements and conditions that apply to that use.

Note for this clause:

- (1) *Special use zones apply to special categories of land use which do not comfortably sit within any other zone in the Scheme.*

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent -

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

23. Changes to non-conforming use

- (1) A person must not, without development approval -
 - a. alter or extend a non-conforming use of land; or
 - b. erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - c. repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or
 - d. change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the deemed provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use:
 - a. is less detrimental to the amenity of the locality than the existing non-conforming use; and
- (4) is closer to the intended objectives of the zone in which the land is situated.

24. Register of non-conforming uses

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

PART 4 - GENERAL DEVELOPMENT STANDARDS AND REQUIREMENTS

25. Residential Design Codes (R-Codes)

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.
- (4) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (5) The R-Codes apply to an area if -
 - a. the area has a coding number superimposed on it in accordance with subclause (3); or
 - b. a provision of this Scheme provides that the R-Codes apply to the area.
- (6) Where there is a dual-density coding number shown on the Scheme Map, the lower number shall apply to that area unless the land is or will be connected to a reticulated sewerage system, provided by a licensed service provider, in which case that area may be subdivided and developed up to the higher coding number.

26. Modification of R-Codes

- (1) The minimum front and side setbacks for R2.5 coded land, shall be -
 - a. 7.5 metres from the front boundary; and
 - b. 4 metres from a side boundary.
- (2) The minimum rear and side setbacks for R5 coded land, shall be -
 - a. 12 metres from the rear boundary; and
 - b. 4 metres from a side boundary.
- (3) The Deemed-to-comply requirements in Clause 5.2.4 C4.1 and C4.2 (front fences) of Volume 1 of the R-Codes do not apply to development on R2.5 or R5 coded land.

27. State Planning Policy 3.6 to be read as part of Scheme

- (1) State Planning Policy 3.6 - Development Contributions for Infrastructure, modified as set out in clause 28, is to be read as part of this Scheme.
- (2) The local government must ensure that State Planning Policy 3.6 is published in accordance with clause 87 of the deemed provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the deemed provisions.

28. Modification of State Planning Policy 3.6

There are no modifications to State Planning Policy 3.6.

29. Other State planning policies to be read as part of Scheme

There are no other State planning policies that are to be read as part of the Scheme.

30. Modification of State planning policies

There are no modifications to a State planning policy that, under clause 29, is to be read as part of the Scheme.

31. Environmental conditions

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

32. General development standards and requirements

- (1) This Scheme sets out standards and requirements relating to land use and development that are additional to those set out in the R-Codes, structure plans, local development plans or State or local planning policies as follows -
 - a. the zone related site and development requirements in Part 3; and
 - b. the general site and development requirements the subject of this clause.
- (2) To the extent that a standard or requirement referred to in subclause (1) is inconsistent with a standard or requirement in the R-Codes, a structure plan, a local development plan or a State or local planning policy the standard or requirement referred to in subclause (1) prevails.

32.1 Ancillary dwelling

- (1) In non-residential zones, an ancillary dwelling shall satisfy the following requirements:
 - a. Comply with the definition in Appendix 1 of Volume 1 of the Residential Design Codes;
 - b. not exceed a maximum floor area of 70m² measured from the external face of walls;
 - c. is designed and constructed to be compatible with the colour, roof pitch and materials of the single house; and
 - d. be sited within 30m of a single house.
- (2) The existence of an ancillary dwelling does not constitute justification for the subdivision of the land.
- (3) In non-residential zones, the development of an ancillary dwelling is not permitted unless the local government has exercised its discretion by granting development approval.

32.2 Building envelopes

- (1) Where building envelopes have been identified in a structure plan or plan of subdivision, all buildings, structures and on-site effluent disposal systems shall be contained within the approved building envelope, unless otherwise determined by the local government.
- (2) The local government may approve an alternate or variation to a building envelope provided the environment, landscape character and the amenity of the land and locality are not adversely impacted.

32.3 Car parking

- (1) Car parking for land use is to be provided in accordance with the requirements below.

Use type	Minimum car parking spaces to be provided
Commercial	1 per 15m ² net lettable area
Industry	1 per 15m ² gross floor area
Light Industry	1 parking space for each person normally employed per

	use activity plus 1 visitor parking space per use activity
Recreation - private	At the discretion of the local government
Other uses	Per the R-Codes for residential land use, otherwise at the discretion of the local government

- (2) Where a calculation made under subclause 1 results in a number which is not a whole number, the number of car parking spaces required shall be the next highest whole number.
- (3) On-site car parking shall be constructed and paved to the satisfaction of the local government and in accordance with the following standards unless determined otherwise by the local government.

Parking angle	Width (m)	Length (m)	Separation/ Aisle (m)
45 degrees	3.5	5.2	3.7
60 degrees	2.8	5.6	5
90 degrees	2.5	5.5	6.5

- (4) Landscaping shall be undertaken at a rate of 1 tree per every 10 car parking bays.
- (5) Where car parking requirements are to be determined by the local government, the number of car parking spaces required is to be determined by giving due regard to the -
 - a. nature of the proposed development;
 - b. number of employees or others likely to be employed or engaged in the use(s) on the land;
 - c. anticipated demand for visitor car parking; and
 - d. orderly, proper and sustainable planning of the area.
- (6) If there are multiple land uses on any lot that operate at different times to each other, and the operating times will be permanent, the local government may approve a reduced number of car parking spaces to that specified in subclause (1) or otherwise agreed, on a reciprocal use basis.
- (7) Where the minimum on-site car parking requirements cannot be met on-site or reasonably be provided, and the lower number of car parking spaces would be adequate for the demands of the development, the local government may accept cash payments in lieu of the provision of car parking spaces, subject to the following requirements -
 - a. the cash-in-lieu payment shall not be less than the estimated cost to the land owner or developer of providing and constructing the car parking spaces, associated accessways and landscaping, required by this Scheme, plus the value, as estimated by the local government of that area of land, which would have been occupied by the car parking spaces, accessways and landscaping; and
 - b. any cash-in-lieu monies required to be paid to the local government shall be paid into a reserve account established under the *Local Government Act 1995* section 6.11 and are to be used for the provision of public car parking facilities anywhere within reasonable proximity to the subject land in respect of which a cash-in-lieu arrangement is made.
- (8) Where a land use or development involves the delivery or dispatch of goods of any kind, a loading and unloading area shall be provided, clear of the road or right-of-way as appropriate and the area shall be designed so that vehicles using this area can enter and leave in a forward direction unless otherwise approved by the local government.

32.4 Dams

Dams and associated works shall be compatible with zone objectives, protected by easements, if required, and the works maintained by the land owner to the satisfaction of the local government.

32.5 Development of land abutting an unconstructed road reserve

- (1) All development shall be provided with access to a constructed road.
- (2) The local government may waive the requirement of subclause 1 provided -
 - a. the landowner or applicant is prepared to contribute to the full or partial cost of road construction as determined by the local government; or
 - b. legal arrangements have been entered with the local government for permanent legal access to a constructed road.

32.6 Development of land to contain emissions

For land in the Rural, Rural Residential and Rural Smallholdings zones, in addition to the relevant matters prescribed by clause 67(2) of the deemed provisions, the following development assessment matters shall apply -

- a. the relationship and compatibility of the development with existing or proposed land use or development in the locality and any buffer separation required as a result of emission impacts associated with the development; and
- b. the ability to contain any emissions associated with the development within the subject lot.

32.7 Development of land affected by natural hazards

- (1) Where a development is proposed on land, that in the opinion of local government may be impacted by flooding and/or inundation, the application for development approval shall include technical advice from an appropriately qualified practitioner to demonstrate that the development will not be adversely impacted by flood waters and/or inundation, or impact the free flow of floodwaters or inundation.
- (2) Where a development is proposed on land, that in the opinion of the local government is unstable, or has steep slopes necessitating excessive cut and fill, the application for development approval shall include geo-technical advice from an appropriately qualified practitioner of the foundation stability of the land relative to the proposed development.

32.8 Fencing

No boundary fences shall be constructed with the following materials:

- a. asbestos; or
- b. any secondhand materials.

32.9 Keeping of Livestock

- (1) The local government may serve notice on the owner and/or occupier of land where necessary to reduce or eliminate adverse impacts on the amenity or environment caused wholly or partly by the stocking of animals.
- (2) Any costs incurred by the local government in taking action under subclause (3), shall be recoverable by the local government from the landowner.

Clause 61 also sets out exemptions for small scale keeping of stock in accordance with Council local laws and amenity

32.10 Repurposed dwellings and second-hand dwellings

A repurposed or second-hand dwelling shall satisfy the following requirements -

- a. be in satisfactory condition in relation to roof pitch, window size, external cladding materials, enclosure of the sub-floor area, and that the dwelling or building will not, in the opinion of Council, adversely affect the amenity of other properties in the immediate locality;
- b. any internal or external material containing asbestos fibres must be removed prior to the dwelling or building being transported within or into the scheme area; and
- c. be affixed to the ground.

32.11 Servicing requirements

Deep sewerage and on-site effluent disposal:

- (1) Any development that is required to dispose of liquid domestic effluent shall be connected to the reticulated sewerage system or where not able to be connected to the sewerage system provided with an approved onsite effluent disposal system, in accordance with the Government Sewerage Policy. No dwelling shall be occupied without the prior approval and installation of such a disposal system.
- (2) The Local Government may require the use of alternative treatment unit effluent disposal systems in the following situations:
 - a. Where soil conditions are not conducive to the retention of nutrients;
 - b. In low lying areas;
 - c. In areas where there is a known high groundwater level;
 - d. In accordance with the Government Sewerage Policy.

32.12 Trees and vegetation establishment

- (1) The local government may require at the development stage, the planting of trees and/or vegetation of a species, extent and in locations determined by the local government on a lot in the following circumstances -
 - a. to replace trees and vegetation to be removed as a result of approved development works;
 - b. in respect of land substantially denuded of remnant trees and/or vegetation; and
 - c. in order to screen proposed development from surrounding properties.
- (2) In relation to privately owned land for which a conservation area is identified or designated on an approved Subdivision Guide Plan or Conservation Management Plan, or equivalent approved plan identifying tree and vegetation planting and/or preservation, the local government may require implementation and management of planting in accordance with the provisions of an adopted local planning policy.

32.13 Water resource management and protection

- (1) Development proposals that may have potential to impact on the State's water resources may be referred to the relevant agencies for comment. Where relevant, the local government may require the applicant/operator to undertake appropriate pre-development and post development monitoring and undertake measures deemed appropriate by the local government to address water source management and protection issues.
- (2) In considering any development application which may have an impact on any waterway identified in an adopted local planning policy on waterway protection, including rivers, creeks, drainage lines, swamps and other wetlands, groundwater, or significant water-dependant ecosystems, the local government shall have regard to -
 - a. managing water balance;

- b. maintaining and where possible enhancing water quality;
 - c. encouraging water conservation and water sensitive design;
 - d. maintaining and where possible enhancing water related environmental values, recreational and cultural values.
 - e. the protection of vegetation corridors, agricultural production, and mitigation of erosion.
- (3) The local government may require that proponents -
- a. prepare a foreshore management plan, drainage and nutrient management plans, strategy or other document to manage impacts of proposed development and subdivision;
 - b. (b) appropriately implement the plan or strategy to the satisfaction of the local government; and
 - c. incorporate the requirements of bushfire management plans in localities where applicable.

32.14 Tree and Native Vegetation removal

Development approval is not required for tree and native vegetation removal except for under the requirements specified in the table in Schedule 3.

32.15 Public drinking water source protection and potable water supply

- (1) Where land use or development is proposed within a prescribed or proposed Public Drinking Water Source Area, the local government shall refer the proposal to the relevant State agencies and/or water service provider for advice, and give due regard to advice received prior to making a determination.
- (2) Any proposal in a Public Drinking Water Source Area shall demonstrate that it appropriately responds to -
 - a. State Planning Policy 2.9 Planning for Water (and associated guidelines); and
 - b. Water Quality Protection Note 25: Land Use Compatibility Tables for Public Drinking Water Source Areas (DWER 2016 as amended).
- (3) Where a licenced water supply is unavailable, and a sustainable alternative supply is demonstrated, development shall be connected to a fit-for-purpose water supply in accordance with the Rural Planning Guidelines.
- (4) Provision is also to be made for water for firefighting purposes, set out in a Bushfire Management Plan or by the local government in accordance with State policy.

33. Site specific development standards and requirements

- (1) The Table in Schedule 4 sets out requirements relating to development that are additional to those set out in the R-Codes, activity centre plans, local development plans or State or local planning policies.
- (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes, an activity centre plan, a local development plan or a State or local planning policy the requirement referred to in subclause (1) prevails.

34. Variations to general development standards and requirements

- (1) In this clause general development standards and requirements means the standards and requirements set out in clauses 32 and 33.
- (2) The local government may approve an application for a development approval that does not comply with the general development standards and requirements.
- (3) An approval under subclause (2) may be unconditional or subject to any conditions

the local government considers appropriate.

- (4) If the local government is of the opinion that the non-compliance with a general development standard and requirement will mean that the development is likely to adversely affect any owners or occupiers in the general locality or in an area adjoining the site of the development the local government must -
 - a. consult the affected owners or occupiers by following one or more of the provisions for advertising applications for development approval under clause 64(4) of the deemed provisions; and
 - b. have regard to any expressed views prior to making its determination to grant development approval under this clause.
- (5) The local government may only approve an application for development approval under this clause if the local government is satisfied that -
 - a. approval of the proposed development would be appropriate having regard to the matters that the local government is to have regard to in considering an application for development approval as set out in clause 67(2) of the deemed provisions; and
 - b. the non-compliance with the general development standard and requirement will not have a significant adverse effect on the occupiers or users of the development the inhabitants of the locality or the likely future development of the locality.
- (6) Where two or more uses are combined in a single development, the development shall comply with the general development standards and requirements for each use respectively, or where such general development standards and requirements are deemed by the local government to be inappropriate in the particular circumstances, to such general development standards and requirements as the local government shall determine, subject to the provisions of subclauses (4) and (5).

35. Restrictive covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant -
 - a. development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and
 - b. the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the deemed provision

36 Notification of site and development requirements

- (1) The local government may request the Western Australian Planning Commission, at the time of an application for subdivision of any land in the Scheme area referred to in Schedule 4, to impose a condition on approval of subdivision which requires the owner of the land to make arrangements to the satisfaction of the Commission and the local government to ensure that prospective purchasers are informed of provisions of the Scheme relating to site and development requirements applying to the land.

PART 5 - SPECIAL CONTROL AREAS

37. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map.
- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in Table 3.

Note for this clause:

1. Identifies areas which are significant and where special provisions apply in addition to the provisions of the underlying zones and reserves.

Table 3 - Special Control Areas in Scheme Area

Name of area	Purpose	Objectives	Additional provisions
Special Control Area 1 - Bridgetown Special Design Heritage Precinct	To provide specific guidance on land use planning matters in the Bridgetown Special Design Heritage Precinct	<p>To recognise the precinct's historic, aesthetic, cultural and townscape significance and contribution to the tourist importance of the Bridgetown townsite.</p> <p>To ensure the retention and conservation of buildings that are of historic and cultural heritage value and significance and/or buildings that form part of or contribute to the Bridgetown townscape character.</p> <p>To protect and to reinforce the significance of the place and precinct.</p> <p>To ensure that any new buildings are compatible with, and complementary to, the traditional built environment.</p> <p>To encourage development that achieves design excellence, is directed towards achieving townscape objectives and contributes positively toward the improvement of the streetscape.</p>	<p><u>Application requirements</u> Despite any other provision of this Scheme, development approval is required for the use and development of land, including a single house, unless an approved local planning policy provides that development approval is not required for specified development works and/or use and where any conditions are satisfied.</p> <p><u>Referral of applications</u> The local government shall in considering an application for development approval advertise the development application in accordance with clause 64 of the deemed provisions, and when, in the opinion of the local government, an application for development approval may affect any other relevant statutory, public or planning authority and/or service provider, provide a copy of the application to the authority and/or service provider for objections and recommendations.</p> <p><u>Relevant considerations</u> In considering an application for development approval the local government shall have due regard to –</p> <ol style="list-style-type: none"> (a) public submissions; (b) the objections and recommendations of consulted authorities and/or service providers; (c) those matters relevant to the land use or development as prescribed by clause 67(2) of the deemed provisions; (d) the objectives for the Special control area; (e) State Planning Policy 3.5 Historic Heritage Conservation or equivalent State planning policy;

Name of area	Purpose	Objectives	Additional provisions
			<p>(f) local planning policies and development guidelines or similar instruments approved by the local government relating to places of cultural heritage significance and/or to assist in the retention of the established and to guide the future built character of the precinct;</p> <p>(g) the Development requirements;</p> <p>(h) whether the proposed land use or development is suitable and compatible in respect of its location, density, architectural design and style, appearance, scale, form, height, bulk, orientation, building materials, setbacks, car parking and access, signage, landscaping and screening;</p> <p>(i) whether the proposed land use or development provides for appropriate street activation;</p> <p>(j) whether the proposed land use or development provides for appropriate mixed use including tourism uses, offerings and product; and</p> <p>(k) where applicable, any report and/or a Conservation Management Plan that demonstrates that the historic and cultural heritage character and significance of the site, street and locality will not be adversely affected by the proposed land use or development.</p> <p><u>Development requirements (unless determined otherwise by the local government to implement townscape objectives)</u></p> <p>(a) All development shall be designed and constructed using materials that complement the existing or desired future character and amenity of the Bridgetown townsite as determined by the local government or in accordance with the provisions of an approved local planning policy.</p> <p>(b) Land use and development shall provide for site, street and locality responsive design; a high quality built form; appropriate setbacks to street boundaries and to adjoining residential development and/or residential lots; suitable landscaping; sufficient effective and efficient access and parking; provide for safe covered pedestrian spaces; and contemporary building facades consistent with the planned future</p>

Name of area	Purpose	Objectives	Additional provisions
			<p>streetscape character.</p> <p><u>Development approval conditions</u> The local government may impose development approval conditions to ensure compliance with the objectives including but not limited to –</p> <ul style="list-style-type: none"> (a) a temporary or time limited basis; (b) constraining or directing the location, density, architectural design, style, appearance, scale, form, height, bulk, orientation, building materials, setbacks, car parking and access, landscaping and screening of the development; and (c) a Conservation Management Plan and its implementation.

PART 6 - TERMS REFERRED TO IN SCHEME

38. Terms and Land Use Terms

- (1) If this Scheme refers to a word or expression or class of land use which is listed in this provision, the meaning of that word or expression or class of land use is as follows –

Dam shall have the same meaning as prescribed in State Planning Policy 2.9 Planning for Water;

Hosted accommodation means a dwelling or ancillary dwelling, or a portion thereof, used for short-term accommodation, with a permanent resident who is present overnight for the duration of the stay either in the dwelling or ancillary dwelling;

Holiday unit means a grouped dwelling or ancillary dwelling used to provide short term accommodation;

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

Industry - cottage means a trade or light industry which does not fall within the definition of a home occupation and which —

- a. does not cause injury to or adversely affect the amenity of the neighborhood;
- b. where operated in a residential zone, does not employ any person other than a member of the occupier's household;
- c. is conducted in an outbuilding which is compatible with the principle uses to which land in the zone in which it is located may be put;
- d. does not occupy an area in excess of 50m²; and
- e. does not display a sign exceeding 0.2m² in area;

Industry - rural means premises used for industry that -

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

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

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

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

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

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

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

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

transportable dwelling;

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

- (2) Where not listed in subclause (1) a word or expression or class of land use shall have the same meaning as it has in the Planning and Development Act 2005 (amended); or R-Codes (amended); or Planning and Development (Local Planning Schemes) Regulations 2015 (amended).
- (3) In the event of an inconsistency between a class of land use by way of a different name and/or different definition, if in the opinion of the responsible authority a land use name and/or definition in subclause (2) is equivalent to a land use name in the zoning table or name and/or definition in subclause (1) then the equivalent land use name and/or definition in subclause (2) shall prevail and the permissibility in the zoning table shall apply for that equivalent land use name.
- (4) If in the opinion of the responsible authority there is no equivalent land use name and/or definition in subclause (2) to apply, the land use may be considered as a use that cannot reasonably be determined as falling within a use class referred to in the zoning table and determined in accordance with subclause 18(4) of this Scheme.

CLAUSE 39 – DEEMED PROVISIONS FOR LOCAL PLANNING SCHEMES

Please see the Planning and Development (Local Planning Schemes) Regulations 2015, which covers Clauses 1 to 93. Clause 61 of the Deemed Provisions provides a number of standard exemptions for seeking works and/or development approval. These standard exemptions have also been extended by the Shire of Bridgetown-Greenbushes, and are set out in Schedule A of this Scheme.

SCHEDULE 1 - SUPPLEMENTAL PROVISIONS TO THE DEEMED PROVISIONS

These provisions are to be read in conjunction with the deemed provisions Schedule 2 clause 61 contained in the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Numbering follows the final clause (61(8)) of this part of the Deemed Provisions.

61 (9) Development for which Development Approval Not Required

- (1) Development approval is not required for works if –
- a. the works are of a class specified in Column 1 of an item in Table 4; and
 - b. if conditions are set out in Column 2 of Table 4 opposite that item - all of those conditions are satisfied in relation to the works.

Table 4 - Supplemental provisions relating to works		
	Column 1 Works	Column 2 Conditions
21.(1)	The erection, installation, or demolition of a sign or advertisement of a class specified in Schedule 3.	(a) The sign or advertisement complies with the applicable provisions of Schedule 3. (b) The sign or advertisement is not erected or installed within 1.5m of any part of a crossover or street truncation. (c) The works are not located in a heritage-protected place.
21.(2)	The erection of or installation of, or alterations to or additions to, any of the following on a lot in the Rural, Rural Small Holding or Rural Residential zone - (a) a windmill; (b) a bore; (c) a well; (d) a water tank (e) a dam (g) a boundary wall or fence.	(a) In respect of a water tank the conditions of clause 61(1) of the deemed provisions for the installation of a water tank are satisfied, except where, the volume of the water tank may exceed 5,000 litres. (b) The water tank is not visible from the lot road frontage or if visible it is to be treated to be compatible in its setting to the satisfaction of the local government. (c) Where a building envelope applies, the water tank is located entirely within the building envelope. (d) The dam is incidental to a permitted or approved rural land use and the external foot of the dam wall, and any other part of the dam including the stored water is further than 20 metres from boundaries of the subject lot. (e) The works are not located in a heritage-protected place. (f) The works comply with the development provisions of this Scheme for that zone. (g) The boundary wall or fence is of rural construction comprising stock proof wire or ring-lock fencing with timber posts to a maximum height of 1.2m above the natural ground level.

Table 4 - Supplemental provisions relating to works		
	Column 1 Works	Column 2 Conditions
21.(3)	The installation maintenance or repair works for and of any of the following for domestic or rural purposes - (a) service ducts; (b) cables; (c) pipes; (d) conduits.	(a) The works are not located in a heritage-protected place.
21.(4)	The erection of, or alterations or additions to, a single house on a lot.	(a) The single house is a permitted P use on the lot in the zone where the R-Codes do not apply. (b) The works comply with the development provisions of this Scheme for that zone (including, where applicable, any additional site and development requirements specified in Schedule 3). (c) The works are not located in a heritage-protected place. (d) The works are not in a vegetation protection area, landscape protection area, conservation area identified in an approved structure plan, local development plan or management plan. (e) The works do not require access from an unconstructed road. (f) In the case of erection of a single house, the development is not located in a Bushfire Prone Area as defined by the DFES Map of Bushfire Prone Areas. (g) In the case of erection of a single house in the Rural Residential zone, the house is not constructed of materials that are wholly or predominantly second-hand, re-used, damaged or corrugated iron.
21.(5)	The erection of, or installation of, or alterations to, or additions to, any of the following, on the same lot as a single house - (a) an outbuilding; (b) an external fixture; (c) a boundary wall or fence; (d) a patio; (e) a pergola; (f) a verandah; (g) a deck; (h) a garage; (i) a carport; (j) a swimming pool; (k) shade sails.	(a) The single house is a permitted 'P' use in the zone where the R Codes do not apply. (b) The works comply with the development provisions of this Scheme for that zone (including, where applicable, any additional site and development requirements specified in Schedule 3). (c) The works are not located in a heritage-protected place. (d) The works are not within 100m of a watercourse. (e) The works are not within land prone to flooding. (f) The works do not require access from an unconstructed road or that is not a gazetted road reserve. (g) In the case of an outbuilding, the development is of a size that is equal to or less than: <ul style="list-style-type: none"> • 120m² in floor area; • wall height of 3.0m; and

Table 4 - Supplemental provisions relating to works		
	Column 1 Works	Column 2 Conditions
		<ul style="list-style-type: none"> • roof apex height of 4.0m.
21.(6)	Alterations or additions to approved, existing caravan park accommodation units on a lot.	(a) The works comply with the development provisions of this Scheme for the zone applicable to the caravan park lot. (b) The works are not located in a heritage-protected place. (c) The works do not result in a material change in the nature of the accommodation unit use. (d) There is no increase in the number of available accommodation units.
21. (7)	Domestic animal enclosures	(a) For domestic animal enclosures where those enclosures occupy no more than 5% or 50m ² of the lot area, whichever is the lesser
21. (8)	The erection of, or installation of, or alterations to, or additions to, any of the following, on the same lot as a single house in the Residential zone where the density coding is R2.5 or R5 – (a) a boundary wall or fence	(a) The boundary wall or fence is of rural construction comprising stock proof wire or ring-lock fencing with timber posts to a maximum height of 1.2m above the natural ground level.

- (2) Development approval is not required for the following uses if –
- the use is of a class specified in Column 1 of an item in Table 5;
 - if conditions are set out in Column 2 of Table 5 opposite that item - all of those conditions are satisfied in relation to the use.

Table 5 - Supplemental provisions relating to use		
	Column 1 - Use	Column 2 - Conditions
(1)	A use that is wholly located on land identified as a local reserve under this Scheme.	(a) The land is owned or vested in the local government or a public authority. (b) For a purpose for which the land is reserved under this Scheme. (c) For any purpose for which the land may be lawfully used by the local government or public authority.
(2)	Rural Pursuit / Hobby farm	(a) No conditions in rural zones (b) Where the keeping of stock is for small scale domestic purposes, such as vegetation maintenance, egg production, aviaries, etc; and (c) the use is consistent with the Shire's <i>Health Local Law 2001</i>

SCHEDULE 2 – SPECIFIED ADDITIONAL USES FOR ZONED LAND IN SCHEME AREA

No.	Description of land	Additional use	Requirements
A1	Lot 43 Moriarty Street, Bridgetown	Industry-light	<ol style="list-style-type: none"> 1. Development approval is required. 2. The Industry-light land use is restricted to a maximum floor area of 175m². 3. Any emissions from the Industry-light land use shall not adversely impact the amenity of the locality.
A2	Lot 4 of Nelson Locations 746, 747, 17688 and Portion of Locations 1191 and 1246 Maranup Ford Road, Greenbushes	Amusement parlour Grouped dwelling Shop (incidental to the predominant approved Tourist development, Amusement parlour, Recreation-private use of the land)	<ol style="list-style-type: none"> 1. Development approval is required. 2. Development is to accord with an approved Local Development Plan (LDP), should a LDP be required by the local government based on the type and scale of the proposed land use. 3. The LDP shall address and provide for the following- <ol style="list-style-type: none"> (a) the preservation of the rural landscape and amenity; (b) the use of the land including building location, size and design, accommodation requirements, type and frequency of function events, hours of operation, maximum number of people on site, car parking on site, bus services, upgrading of roads servicing the land; (c) location and maximum floor space for any shop use (not to exceed 200m² net lettable area); (d) screening and landscaping; and (e) fire protection in accordance with an approved Bushfire Management Plan. 4. If required by State policy a Bushfire Management Plan is to be prepared and approved to address fire protection, water supply and access. 5. A maximum of three dwellings are permitted on the land.
A3	Lot 7 on Plan 19633 of Nelson Location 612 Rokewood Heights, Kangaroo Gully	Amphitheatre (open air venue used for recreation, entertainment, performances and sport events) and associated uses	<ol style="list-style-type: none"> 1. Development approval is required. 2. Development is to accord with an approved Local Development Plan (LDP) should a LDP be required by the local government basis on the type and scale of the proposed land use. 3. The LDP shall address and provide for the following- <ol style="list-style-type: none"> (a) the use of the land including building location, size and design, accommodation requirements; (b) type and frequency of function events, hours of operation, maximum number of people on site, (c) sufficient car parking on site; (d) screening and landscaping; and (e) fire protection in accordance with an

No.	Description of land	Additional use	Requirements
			<p>approved Bushfire Management Plan.</p> <p>4. If required by State policy a Bushfire Management Plan is to be prepared and approved to address fire protection, water supply and access.</p>
A4	Lot 2 of Nelson Location 9949 South Western Highway	Industry	<p>1. Development approval is required.</p> <p>2. Any emissions from the Industry land use shall not adversely impact the amenity of the locality.</p> <p>3. All vehicles entering and exiting the land are to utilise the existing vehicular access onto South Western Highway which is to be to the satisfaction of local government on the advice of Main Roads WA.</p> <p>4. Other than exempted signage under the deemed provisions and Schedule A, all other signage requires development approval of the local government on the advice of Main Roads WA.</p>

SCHEDULE 3 - SPECIAL USE ZONES IN SCHEME AREA

No.	Description of land	Special use	Requirements
SU1	Lot 4 Brockman Highway, Bridgetown	Camping ground Holiday accommodation Home business Home occupation Industry-cottage Restaurant/café Tourist development	<ol style="list-style-type: none"> 1. Development approval is required. 2. Approved Local Development Plan.
SU2	Lot 5 Brockman Highway, Bridgetown	Agricultural-extensive Agricultural-intensive Bed and breakfast Caretaker's dwelling Education establishment (limited to a cooking school) Holiday accommodation (maximum of 2 dwellings) Home business Home occupation Industry-cottage Rural pursuit/hobby farm Shop (limited to beauty therapy) Single house Winery	<ol style="list-style-type: none"> 1. Development approval is required. 2. An application for development is to be advertised in accordance with clause 64 of the deemed provisions. 3. Approved Structure Plan. 4. Approved Bushfire Management Plan where the land is within a designated bushfire prone area. Construction of dwellings is to be in accordance with AS 3959 (Construction in Bush Fire Prone Areas). 5. Approved Landscape Master Plan. 6. Approved Foreshore Management Plan. 7. Access to and from Brookman Highway shall be to the requirements of Mains Roads WA. 8. Education establishment is to have a maximum of eight clients at any one time. 9. Shop is to be conducted only within the restored dairy or adjacent building.
SU3	Lot 77 South Western Highway, Bridgetown	Club premises	<ol style="list-style-type: none"> 1. Development approval is required.
SU4	Lots 78, 878, 890, South Western Highway, Bridgetown	Camping ground Caravan park	<ol style="list-style-type: none"> 1. Development approval is required. 2. Approved Local Development Plan.
SU5	Lots 1,2,3 and 4 Gifford Road, Bridgetown	Art gallery Caretaker's dwelling Exhibition centre Industry-cottage Industry-light (limited to the processing of fermented and unfermented beverages) Restaurant/café	<ol style="list-style-type: none"> 1. Development approval is required. 2. Approved Local Development Plan.
SU6	Lot 201 Kangaroo Gully Road, Bridgetown	Bed and breakfast Industry-cottage Home business Home occupation Reception centre Recreation-private Restaurant/café Rural pursuit/hobby farm Single house Shop (limited to the sale of locally manufactured goods and food stuffs, convenience goods and the	<ol style="list-style-type: none"> 1. Development approval is required. 2. An application for development is to be advertised in accordance with clause 64 of the deemed provisions. 3. Approved Structure Plan. 4. Approved Bushfire Management Plan where the land is within a designated bushfire prone area. Construction of dwellings is to be in accordance with AS 3959 (Construction in Bush Fire Prone Areas).

No.	Description of land	Special use	Requirements
		serving of light refreshments)	<ol style="list-style-type: none"> 5. Approved Building Envelopes Plan. 6. Approved Building Design Guidelines. 7. Approved Landscape Management Plan. 8. Management Statement for the land. 9. A development application for Rural pursuit/hobby farm shall include the following information: <ol style="list-style-type: none"> (a) an analysis of potential land use conflict between the proposed use and nearby residential uses and other approved uses for the common land; (b) land capability assessment; (c) water availability; (d) access proposals; (e) transport implications associated with transport of the product off the site; and (f) any other matter considered relevant by the local government. 10. Common property is to be managed as a farm. 11. The use of fertilizers and chemicals is to be minimised wherever possible with a preference to the carrying out of organic farming methods.
SU7	Portion Lots 71 & 82 Walter Road and portion road reserve	Art gallery Exhibition centre Fast food outlet/lunch bar Industry-cottage Restaurant/café Shop Other permissible land uses for land that is zoned Residential	<ol style="list-style-type: none"> 1. Development approval is required. 2. Approved Local Development Plan. 3. The shop shall have a maximum 100m² net lettable area.
SU8	Lot 1 Nelson Street, Bridgetown	Bed and breakfast Industry-cottage Holiday accommodation (maximum of 6 dwellings) Home occupation Restaurant/café Reception centre Single house	<ol style="list-style-type: none"> 1. Development approval is required. 2. Approved Local Development Plan. 3. Access to the service corridor is restricted to State agency vehicles only. 4. Planting of trees and vegetation in and along the service corridor if required by the local government.
SU9	Lot 9008 fronting Lakeview Crescent and Gleneagles Drive, Bridgetown	Amusement parlour Art gallery Brewery Car park Caretaker's dwelling Community purpose Industry-cottage Exhibition centre Holiday accommodation Office Reception centre Recreation-private Restaurant/café Shop Single house	<ol style="list-style-type: none"> 1. Development approval is required. 2. An application for development is to be advertised in accordance with clause 64 of the deemed provisions. 3. Approved Local Development Plan. 4. Approved Bushfire Management Plan. 5. Approved Landscape Master Plan. 6. Development approval shall not be granted if the local government holds the view that the adjoining nature reserve will be adversely impacted by the proposed development and that the impact(s) cannot be appropriately avoided, mitigated or managed.

No.	Description of land	Special use	Requirements
			<p>7. Shop shall be limited to a maximum 100m² net lettable area.</p> <p>8. A stock proof fence shall be constructed along the common boundary with the adjoining nature reserve. The construction of the fence is to be to a standard that will prevent domestic animals accessing the reserve to the satisfaction of the local government on the advice of the relevant State agency.</p> <p>9. A trafficable fire break shall be provided along the western boundary of the land from the dam wall connecting to an internal constructed road to the satisfaction of the local government. In addition, gates shall be provided along the required fire break where it passes through lot boundaries and/or fence lines. The fire break shall be maintained by the land owners to the satisfaction of the local government.</p> <p>10. Subdivision proposals are to have due regard to the history of the site and the planning context of the area.</p>
SU10	Lot 887, South Western Highway, Bridgetown	Industry-cottage Home business Home occupation Restaurant/café Single house	<p>1. Development approval is required.</p> <p>2. An application for development is to be advertised in accordance with clause 64 of the deemed provisions.</p>
SU11	Lot 600 Hampton Street, Bridgetown	Cinema/theatre	<p>1. Development approval is required.</p>
SU12	Lot 9371 Williams Street, Bridgetown	Bulky goods showroom Community purpose Industry-cottage Industry-rural Recreation-private Restaurant/café Shop Warehouse/storage Winery	<p>1. Development approval is required.</p> <p>2. An application for development is to be advertised in accordance with clause 64 of the deemed provisions.</p> <p>3. Approved Local Development Plan.</p> <p>4. Shop is to be incidental to the predominant use of the land.</p> <p>5. Development shall have a tourism focus.</p> <p>6. Siting, construction materials and colours of proposed buildings shall be appropriate for the land and locality as determined by the local government.</p> <p>7. Development shall be connected to a reticulated sewerage system provided by a licensed service provider.</p> <p>8. All stormwater is to be retained on-site.</p> <p>9. The existing decommissioned effluent disposal lagoon area is to be drained and filled to the satisfaction of the local government. Prior to the commencement of the above mentioned works a site contamination investigation is to be undertaken. If the area is found to be contaminated, then a Site Remediation Validation Report shall be prepared to the</p>

No.	Description of land	Special use	Requirements
			<p>satisfaction of the local government on the advice of the relevant State agency.</p> <p>10. No development is permitted on the remediated effluent disposal lagoon area unless a geo-technical report demonstrates the capability and suitability of the area for the proposed development to the satisfaction of the local government.</p> <p>11. Subdivision proposals are to have due regard to the history of the site and the planning context of the area.</p>

SCHEDULE 4 – AREAS SUBJECT TO ADDITIONAL SITE AND DEVELOPMENT REQUIREMENTS

No.	Description of Land	Zone (<i>This column is for explanatory use only during advertising of the draft Scheme and will be deleted prior to gazettal</i>)	Requirement	Current zoning under TPS3 or TPS4 (<i>This column is for explanatory use only during advertising of the draft Scheme and will be deleted prior to gazettal</i>)
AR1	Special Rural Zone C Brockman Highway, Bridgetown	Rural Residential RR2	<i>Note: Requirements relating to subdivision layout and building envelopes, tree planting, and watercourse protection are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i>	Special Rural TPS3 (SR1 in Sch. 1)
AR2	Special Rural Zone A, Lefroy Street	Rural Residential RR2	<i>Note: Requirements relating to fencing, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i>	Special Rural TPS3 (SR2 in Sch. 1)
AR3	Special Rural Zone B, Bridgetown-Boyup Brook Road	Rural Residential RR2	<i>Note: Requirements relating to subdivision layout and building envelopes, and fencing are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i>	Special Rural TPS3 (SR3 in Sch. 1)
AR4	Lot 785 and portion of lot 644 Forrest Street, Bridgetown (Reserve Pt. 11376)	Rural Residential RR2	<p>No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A 	Special Rural TPS3 (SR4 in Sch. 1)

			<p>of this Scheme;</p> <p>d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government;</p> <p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, cut and fill on steep slopes, fencing, livestock, sewer and effluent disposal, tree planting, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR5	Portion of Nelson Locations 662 being Lots 2 & 7	Rural Residential RR2	1. No development shall be supported by Council within the 500 metre buffer zone to	Special Rural TPS3 (SR5 in Sch. 1)

	and portion Nelson Locations 663 Taylors Road, Bridgetown		<p>the possible rubbish disposal site extension until the future of the disposal site is determined or the life of the disposal site expires.</p> <p>2. Council will request the Western Australian Planning Commission to impose a road upgrading contribution condition for Dean Road and Taylors Road at the time of subdivision.</p> <p>3. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government; e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk; f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and g) remnant vegetation where 	
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			<p>in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, tree planting, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR6	Part Lot 3 Dean Street	Residential R5	<p><i>Note: Requirements relating to livestock, and tree planting are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i></p>	Special Residential TPS3 (SRes1 in Sch. 3)
AR7	Portion of Lot 644 corner Forrest Street and Giblett Road Bridgetown (Reserve Pt. 11376)	Residential R5	<p>1. Council shall require detailed plans of stormwater drainage at the application for subdivision stage.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, cut and fill on steep slopes, fencing, livestock, and tree planting, are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	Special Residential TPS3 (SRes2 in Sch. 3)

AR8	Bridgetown Suburban Lots 32, 33 & 34 Tweed Road, Bridgetown	Residential R5	<p>1. With the intention of minimising the potential for land degradation and erosion, Council may require land owners to utilise alternative housing styles and techniques which are in harmony with the character of the land, sympathetic to topography and minimise the potential for erosion through excavation.</p> <p>2. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government; e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk; f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and g) remnant vegetation where in accordance with the 	Special Residential TPS3 (SRes3 in Sch. 3)
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			<p>Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to livestock, and tree planting, are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i></p>	
AR9	<p>Portion of Nelson Locations 662 and Portion of Lot 7 and portion of Nelson Location 663 Taylors Road, Bridgetown (SRes4 in TPS3)</p>	Residential R5	<ol style="list-style-type: none"> 1. No development shall be supported by Council within the 500 metre buffer zone to the possible rubbish disposal site extension until the future of the disposal site is determined or the life of the disposal site expires. 2. Council will request the Western Australian Planning Commission to impose an upgrading contribution for the upgrading of Dean Road and Taylors Road. 3. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is: <ol style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable 	<p>Special Residential TPS3 (SRes4 in Sch. 3)</p>

			<p>development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme;</p> <p>d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government;</p> <p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, and tree planting are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR10	Portion Lot 874 Nelson Street,	Residential R5	1. No clearing of trees or vegetation is permitted without the planning approval	Special Residential TPS3 (SRes5 in Sch. 3)

	Bridgetown (SRes5 in TPS3)		<p>of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government; e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk; f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations. <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by</p>	
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			<p>the Local Government.</p> <p>2. In respect to the remnant vineyard on portion of the lots the following shall apply:</p> <ul style="list-style-type: none"> a) No mechanical cultivation shall be allowed. Weed growth shall be dealt with by either mowing or mulching. b) Spraying shall only be permitted where it is carried out with low volume, non-misting type spray equipment which will minimise or avoid any potential spray drift outside of the property c) The vineyard shall be setback 2.5m from all boundaries to maintain service access around the property. d) Unmanaged vines may be required to be removed if a demonstrated nuisance persists. e) The use of mechanical bird scarers will not be permitted. f) All adjoining landowners are to be notified in writing prior to the use of any chemical sprays on viticulture. <p>3. Access to the service corridor is restricted to Government agency service provider vehicles only. No domestic access to private land via this service corridor shall be permitted.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, tree planting, and sewer and effluent disposal are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR11	Portion Lots 1, 2, 3, 4, 5, 6, 7 and 8 of Bridgetown Lot	Residential R5	<p>1. Council shall request the Western Australian Planning Commission require the preparation of a Landscape</p>	Special Residential TPS3 (SRes6 in Sch. 3)

	645 and portions of road reserve		<p>Master Plan as a condition of subdivision approval.</p> <p>2. As a condition of development approval Council shall require lot owners to plant and maintain 30 trees, in accordance with the recommended species and planting of the Landscape Master Plan. Where lots contain significant levels of existing vegetation Council may waive this condition or stipulate a reduced number of trees for planting.</p> <p>3. At the time of subdivision Council will request the Western Australian Planning Commission to impose a condition requiring the subdivider to plant street trees in accordance with the recommended species and planting of the Landscape Master Plan.</p> <p>4. At the time of subdivision Council will request the Western Planning Commission impose conditions relating to fencing of public open space, construction of dual use paths/bridle trails, fire management plan and external road upgrading.</p> <p>5. At the time of subdivision Council may recommend to the Western Australian Planning Commission the imposition of a condition requiring the subdivider prepare a stormwater management plan as part of road construction planning. This plan is to identify the requirement and siting of detention basins and other stormwater treatment measures within and adjacent to the subdivision.</p> <p>6. At the time of subdivision Council may recommend to the Western Australian Planning Commission the imposition of a condition requiring the subdivider prepare a vegetation</p>	
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			<p>management plan for the proposed public open space within the subdivision.</p> <p>7. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) clearing consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government; e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk; f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations. 	
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			<p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, and sewer and effluent disposal, are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i></p>	
AR12	Lot 8 Nelson Location 662 Bridgetown-Boyup Brook Road, Bridgetown (SRes7 in TPS3)	Residential R5	<p>1. The Shire will request as a condition of subdivision, that the proposed subdivision road is to be linked with the Bridgetown-Boyup Brook Road to the satisfaction of the Shire and Main Roads WA. This may include provision of a median island with a turning pocket and slip lane.</p> <p>2. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government; 	Special Residential TPS3 (SRes7 in Sch. 3)

			<p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, cut and fill on steep slopes, sewer and effluent disposal, and tree planting are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
	Provisions from TPS4 Schedule 3 start here at AR13			
AR13	Lot 1 and Part of Lot 2, North Greenbushes Location 354, Part of Lot 138 and Part of Lot 63	Rural Residential RR2	<i>Note: Requirements relating to subdivision layout and building envelopes are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i>	Special Rural TPS4 (SR1 in Sch. 3)
AR14	Nelson Locations 439 and 1020	Rural Residential RR2	<i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and</i>	Special Rural TPS4 (SR2 in Sch. 3)

			<i>effluent disposal, and watercourse protection are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i>	
AR15	Lots 7, 8, 9, 10 and 11, portion of Nelson Location 1020 Henderson Road, Bridgetown	Rural Residential RR2	<p>1. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government; e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk; f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native 	Special Rural TPS4 (SR2(a) in Sch. 3)

			<p>Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, tree planting, watercourse protection, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR16	Nelson Location 439	Rural Residential RR2	<p>1. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government; 	Special Rural TPS4 (SR2(b) in Sch. 3)

			<p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p>2. The owner or subdivider of the land shall inform prospective purchasers of that lot containing the old stone dairy and two storey shed that Council shall require such persons to provide a written undertaking (to the satisfaction of the Council) ensuring the preservation of those buildings which Council considers to be of historical significance.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, tree planting, watercourse protection, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local</i></p>	
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			<i>Planning Schemes) Regulations 2015.</i>	
AR17	Lots 3 & 4 Nelson Loc 199	Rural Residential RR1	<i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, tree planting, watercourse protection, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i>	Special Rural TPS4 (SR3 in Sch. 3)
AR18	Nelson Location 151 and 285 Bridgetown	Rural Residential RR2	<i>Note: Requirements relating to subdivision layout and building envelopes, and livestock, are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i>	Special Rural TPS4 (SR4 in Sch. 3)
AR19	Pt Lot 2 Nelson Loc 199 May Street, Bridgetown	Rural Residential RR1	<p>1. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government; e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk; f) trees or vegetation that is not native to the locality and in accordance with the 	Special Rural TPS4 (SR5 in Sch. 3)

			<p>Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p>2. Overhead powerlines traversing the land are to be relocated and placed underground, at the time of subdivision, to the satisfaction of Western Power.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, tree planting, watercourse protection, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR20	<p>Portion of Nelson Locations 1046, 1047 and Lots 4, 5, 6, 7, 8, 9, 10 and 11 South Western Highway, including Lot 150 Sunridge Drive, Bridgetown</p>	Rural Residential RR2	<p>1. In addition to normal setbacks under the Town Planning Scheme all buildings on the lots along the eastern boundary of the subject land must be setback up to 100 metres from the eastern boundary as illustrated on the Subdivision Guide Plan.</p> <p>2. At the time of subdivision building envelopes are to be identified for all lots. There is</p>	Special Rural TPS4 (SR6 in Sch. 3)

			<p>to be a minimum setback for building envelopes of 75 metres for all lots adjoining the boundary of the railway reserve.</p> <p>3. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <p>a) comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government;</p> <p>b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan;</p> <p>c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme;</p> <p>d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government;</p> <p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native</p>	
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			<p>Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, tree planting, watercourse protection, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR21	Part Nelson Locations 227 and 295 Bridgetown	Rural Residential RR2	<p><i>Note: Requirements relating to subdivision layout and building envelopes, and livestock, are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i></p>	Special Rural TPS4 (SR7 in Sch. 3)
AR22	Tweed Location 902	Rural Residential RR3	<p><i>Note: Requirements relating to subdivision layout and building envelopes, and livestock, are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i></p>	Special Rural TPS4 (SR8 in Sch. 3)
AR23	Nelson Location 152, 4ha northern portion Part Lot 1	Rural Residential RR2	<p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, and watercourse protection are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i></p>	Special Rural TPS4 (SR9 in Sch. 3)
AR24	Part Nelson Locations 295 and 227 Lot 1 of Nelson Location 296	Rural Residential RR2	<p>1. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <p>a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local</p>	Special Rural TPS4 (SR10 in Sch. 3)

			<p>government;</p> <p>b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan;</p> <p>c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme;</p> <p>d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government;</p> <p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, watercourse protection, sewer and effluent disposal, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i></p>	
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AR25	Nelson Locations 273, 1102 and 1102	Rural Residential RR1	<p>1. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government; e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk; f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations. <p>As a condition of granting planning approval the Local Government may require the applicant to plant and</p>	Special Rural TPS4 (SR11 in Sch. 3)
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			<p>maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p>2. To prevent destabilizing of the rock outcrop between Lots 10 and 11 any fencing must be to the satisfaction of the Local Authority and the West Australian Department of Agriculture.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, fencing, livestock, sewer and effluent disposal, tree planting, watercourse protection, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR26	Lot 20 Part Nelson Location 1961	Rural Residential RR2	<p>1. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) 	Special Rural TPS4 (SR12 in Sch. 3)

			<p>approved by the local government;</p> <p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR27	Nelson Location 612	Rural Residential RR1	<p>1. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <p>a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire</p>	Special Rural TPS4 (SR13 in Sch. 3)

			<p>Management Plan approved by the local government;</p> <p>b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan;</p> <p>c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme;</p> <p>d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government;</p> <p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, sewer and effluent disposal, tree planting, watercourse protection, and potable water supply are now specified in Part 4 of this</i></p>	
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			<i>Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i>	
AR28	Nelson Location 656	Rural Residential RR2	<i>Note: Requirements relating to subdivision layout and building envelopes, cut and fill on steep slopes, livestock, sewer and effluent disposal, tree planting, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i>	Special Rural TPS4 (SR14 in Sch. 3)
AR29	Portion of Nelson Location 1442	Rural Residential RR2	<ol style="list-style-type: none"> 1. Where existing earth banks for the control of surface runoff and erosion cross proposed new lot boundaries, a 3 metre section is to be removed to prevent runoff to adjoining properties. 2. Where the physical constraints of a site dictate, Council shall require the use of alternative construction techniques (e.g. pole housing) which minimise the necessity of excavation works and the potential for erosion. 3. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is: <ol style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local 	Special Rural TPS4 (SR15 in Sch. 3)

			<p>Development Plan, or similar plan;</p> <p>c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme;</p> <p>d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government;</p> <p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, tree planting, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i></p>	
AR30	Portion of Nelson Location 8757 and portion of Nelson Location 11949	Rural Residential RR2	<p>1. The maximum height of any building shall be 9 metres measured vertically from the natural ground level.</p>	Special Rural TPS4 (SR16 in Sch. 3)

	Greenbushes - Grimwade Road, North Greenbushes		<p>2. Water tanks required by these provisions, which are visible from any location outside the allotment on which they are situated, shall be painted an appropriate shade of green and/or suitably screened by vegetation and/or treated in such a way to minimise visual impact to the satisfaction of the Council.</p> <p>3. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government; e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk; f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and g) remnant vegetation where 	
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			<p>in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p>4. Access to Lots, 1, 12 and 15 shall be sited, designed and constructed to the specification and satisfaction of the Local Authority.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, fencing, livestock, sewer and effluent disposal, tree planting, watercourse protection, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR31	Nelson Location 1242 Kangaroo Gully and Elwins Roads, Bridgetown	Rural Residential RR2	<p>1. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <p>a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government;</p> <p>b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or</p>	Special Rural TPS4 (SR17 in Sch. 3)

			<p>similar plan;</p> <p>c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme;</p> <p>d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government;</p> <p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, tree planting, watercourse protection, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local</i></p>	
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			<i>Planning Schemes) Regulations 2015.</i>	
AR32	Part Nelson Loc. 8456 and part of Lot 101 Nelson Locs. 8456 and 8457	Rural Residential RR2	<p>1. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p> <ul style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme; d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government; e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk; f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations. <p>As a condition of granting planning approval the Local</p>	Special Rural TPS4 (SR18 in Sch. 3)

			<p>Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, tree planting, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR33	Part Nelson Loc. 984 and Nelson Location 13238, Flintoff Road, Bridgetown	Rural Residential RR2	<ol style="list-style-type: none"> 1. Council may require as a condition of building approval, the lot owner to provide evidence of the foundation soundness of the site. 2. Creek Crossings - at the time of subdivision Council will request the Commission to impose a condition stating that all creek crossings are to be constructed to the satisfaction of the Shire. 3. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is: <ol style="list-style-type: none"> a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government; b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan; c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A 	Special Rural TPS4 (SR19 in Sch. 3)

			<p>of this Scheme;</p> <p>d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government;</p> <p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, livestock, sewer and effluent disposal, tree planting, and potable water supply are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	
AR34	Portion of Nelson Locations 1046 and 1047 South Western Highway, Bridgetown	Residential R5	<p>1. No clearing of trees or vegetation is permitted without the planning approval of the Local Government unless it is:</p>	Special Residential TPS4 (SRes1 in Sch. 7)

			<p>a) to comply with the requirements of the Bush Fires Act 1954 (as amended), the local government's Bushfire Notice and/or any Bushfire Management Plan approved by the local government;</p> <p>b) consistent with an approved Conservation Management Plan, Structure Plan, Local Development Plan, or similar plan;</p> <p>c) for works to enable development pursuant to clause 61 of the deemed provisions and Schedule A of this Scheme;</p> <p>d) required to accommodate an approved building envelope, building and curtilage, fencing, access and/or land use(s) approved by the local government;</p> <p>e) trees or vegetation that are dead, diseased, dangerous or have been assessed as constituting a significant bush fire risk;</p> <p>f) trees or vegetation that is not native to the locality and in accordance with the Environmental Protection (Clearing of Native Vegetation) Regulations 2004; and</p> <p>g) remnant vegetation where in accordance with the Environmental Protection Act 1986 or Environmental Protection and Biodiversity Conservation Act 1999 (as amended) or the Environmental Protection (Clearing of Native Vegetation) Regulations.</p> <p>As a condition of granting planning approval the Local Government may require the applicant to plant and maintain for a period of at least 3 years endemic native trees of species and in locations approved by the Local Government.</p>	
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			<i>Note: Requirements relating to subdivision layout and building envelopes, livestock, and sewer and effluent disposal, are now specified in Part 4 of this Scheme – General Development Standards and Requirements.</i>	
AR35	Portion of Lot 2 Lavery Street, Bridgetown	Residential R5	<p>1. No building or structures shall be permitted to be erected within the landscape buffers identified within the Landscape Management Plan.</p> <p>2. No effluent disposal system for the Residential R5 lots will be permitted within 50 metres of the dam within Special Use Zone No. 9.</p> <p><i>Note: Requirements relating to subdivision layout and building envelopes, and livestock, are now specified in Part 4 of this Scheme – General Development Standards and Requirements. Bushfire management requirements are now specified in Part 10A of the Deemed Provisions for local planning schemes in Schedule 2 of the Planning (Local Planning Schemes) Regulations 2015.</i></p>	Special Residential TPS4 (SRes2 in Sch. 7)

SCHEDULE 5 – SIGNS/ADVERTISEMENTS FOR WHICH DEVELOPMENT APPROVAL NOT REQUIRED

LAND USE AND/OR DEVELOPMENT	SIGNS/ADVERTISEMENTS [subject to Schedule A clause 61(9)(1) item 21.(1)] Applies to non-illuminated signs unless otherwise stated	MAXIMUM SIZE/AREA
dwelling	One professional name-plate.	0.2m ²
home business	One advertisement sign describing the nature of the home business.	1.0m ²
place of worship, club premises, community purpose, civic use	One advertisement sign detailing the function, and/or the activities of the institution concerned.	2.0m ²
cinema, theatre	A maximum of two advertisement signs (illuminated or non-illuminated) detailing the entertainment being presented from time to time at the venue upon which the advertisement signs are displayed.	Each advertisement sign shall not exceed 5m ²
shop, bulky goods showroom and other uses appropriate to a shopping area	All advertisement signs affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5m from the ground floor level of the building, subject to compliance with the requirements of the Signs Hoarding and Bill Posting Bylaws.	No maximum size/area
industrial, warehouse/storage	A maximum of four advertisement signs applied to or affixed to the walls of the building but not projecting above the eaves or the ridge of the roof of the building. A maximum of two free-standing advertisement signs not exceeding 5m in height above ground floor level.	Total area of any such advertisement signs, shall not exceed 15m ² Total area of the advertisement signs shall not exceed 10m ² and individual advertisement sign shall not exceed 6m ²
recreation-private	All advertisement signs provided that, in each case, the advertisement sign is not visible from outside the complex or facility either from other private and/or from public places and streets.	No maximum size/area
public places and reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of Government department, a public authority or local government excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body. (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, car park, cycleway, public walkway or thoroughfare, railway or waterway or other public infrastructure where such advertisement has been constructed or exhibited by or at the direction of a Government department, a public authority or the local government. (c) Advertisement signs (illuminated and non-illuminated) required to be exhibited by or pursuant to any act, statute, regulation or similar instrument provided that any such advertisement sign is constructed and/or exhibited strictly in accordance with the requirements,	(a) No maximum size/area (b) No maximum size/area (c) No maximum size/area

LAND USE AND/OR DEVELOPMENT	SIGNS/ADVERTISEMENTS [subject to Schedule A clause 61(9)(1) item 21.(1)] Applies to non-illuminated signs unless otherwise stated	MAXIMUM SIZE/AREA
	if any specified in the applicable act, statute, regulation or instrument.	
railway property and reserves	Advertisement signs exhibited on such land provided that the advertisement sign relates to the railway functions of the property or reserve.	No advertisement sign shall exceed 2m ² in area
advertisements within buildings	All advertisement signs placed or displayed within a building and not visible to a person outside of the building.	No maximum size/area
all classes of buildings other than those specifically referenced in this Schedule	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used or the name and address of the managing agent thereof.	0.2m ²
<u>building construction sites</u> advertisement signs displayed only for the duration of construction as follows – a) dwellings b) shops, commercial and industrial properties c) large development or redevelopment projects involving shopping centres, offices or other buildings exceeding 3 storey's in height	One advertisement sign per street frontage containing details of the project and the contractors undertaking the construction work. (a) One advertisement sign as for a) above. (b) One advertisement sign as for a) above. (c) One additional advertisement sign showing the name of the project builder.	(a) 2m ² (b) 5m ² (c) 10m ² (d) 5m ²
<u>property transactions</u> advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows - a) dwellings b) shops, commercial and industrial properties c) large development or redevelopment projects involving shopping centres, offices or other buildings exceeding 3 storey's in height and rural properties in excess of 5ha	(a) One advertisement sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the advertisement sign is, or the advertisement signs are displayed. (b) One advertisement sign as for a) above. (c) One advertisement sign as for a) above.	(a) Each advertisement sign shall not exceed an area of 2m ² (b) Each advertisement sign shall not exceed an area of 5m ² (c) Each advertisement sign shall not exceed an area of 10m ²
<u>display homes</u> advertisement signs displayed for the period over which homes are on display for public inspection	a) one advertisement sign for each dwelling on display. b) In addition to a) above one advertisement sign for each group of dwellings displayed by a single project builder giving details of the project building company and details of the range of dwellings on display.	(a) 2m ² (b) 5m ²
sale of goods or livestock	One advertisement sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any and/or within any building upon which the advertisement sign is exhibited provided that the use of the land for that purpose is permitted or approved under the Scheme.	2m ²

COUNCIL ADOPTION FOR ADVERTISING

Adopted for advertising by resolution of the Council of the Shire of Bridgetown-Greenbushes at the Ordinary Meeting of the Council held on the..... (insert date).

.....
SHIRE PRESIDENT

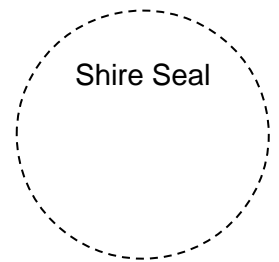
.....
CHIEF EXECUTIVE OFFICER

COUNCIL ADOPTION FOR APPROVAL

Adopted for submission to the Minister for Planning for approval by resolution of the Council of the Shire of Bridgetown-Greenbushes at the Ordinary Meeting of the Council held on the(insert date) and the Common Seal of the Shire of Bridgetown-Greenbushes was hereunto affixed by the authority of a resolution of the Council in the presence of:

.....
SHIRE PRESIDENT

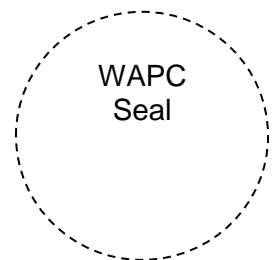
.....
CHIEF EXECUTIVE OFFICER



WAPC RECOMMENDATION / FINAL APPROVAL

.....
DELEGATED UNDER S.16 OF THE *PLANNING AND DEVELOPMENT ACT 2005*

DATE.....



APPROVAL GRANTED

.....
MINISTER FOR PLANNING

DATE.....

LEGEND

Local Scheme Reserves

- Public Open Space
- Environmental Conservation
- State Forest
- Civic and Community
- Public Purposes
- Public Purposes: Medical Services
- Public Purposes: Infrastructure Services
- Public Purposes: Education
- Public Purposes: Emergency Services
- Public Purposes: Government Services
- Public Purposes: Recreational
- Public Purposes: Cemetery
- Drainage / Waterway
- Railways
- Primary Distributor Road
- District Distributor Road

Local Scheme Zones

- Residential
- Rural
- Rural Residential
- Rural Smallholdings
- Light Industry
- General Industry
- Commercial
- Private community purposes
- Special Use
- Local road

Other Categories

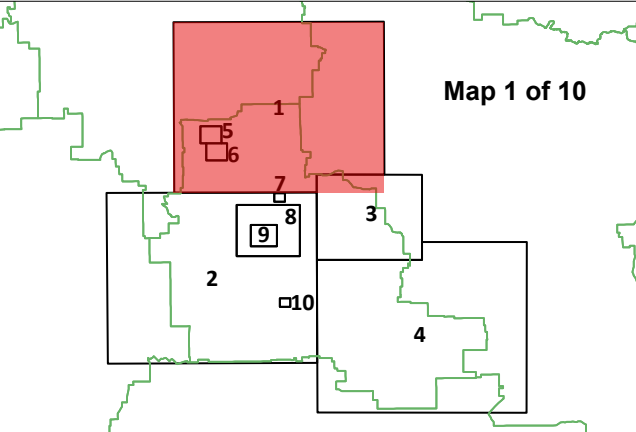
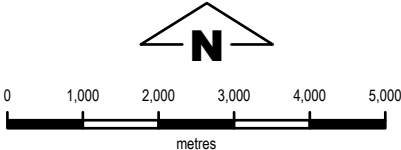
- R Codes
- Additional Uses
- Additional Requirements
- Rural Residential Area
- Bridgetown Special Design Heritage Precinct
- Public Drinking Water Source Area
- Shire Boundary

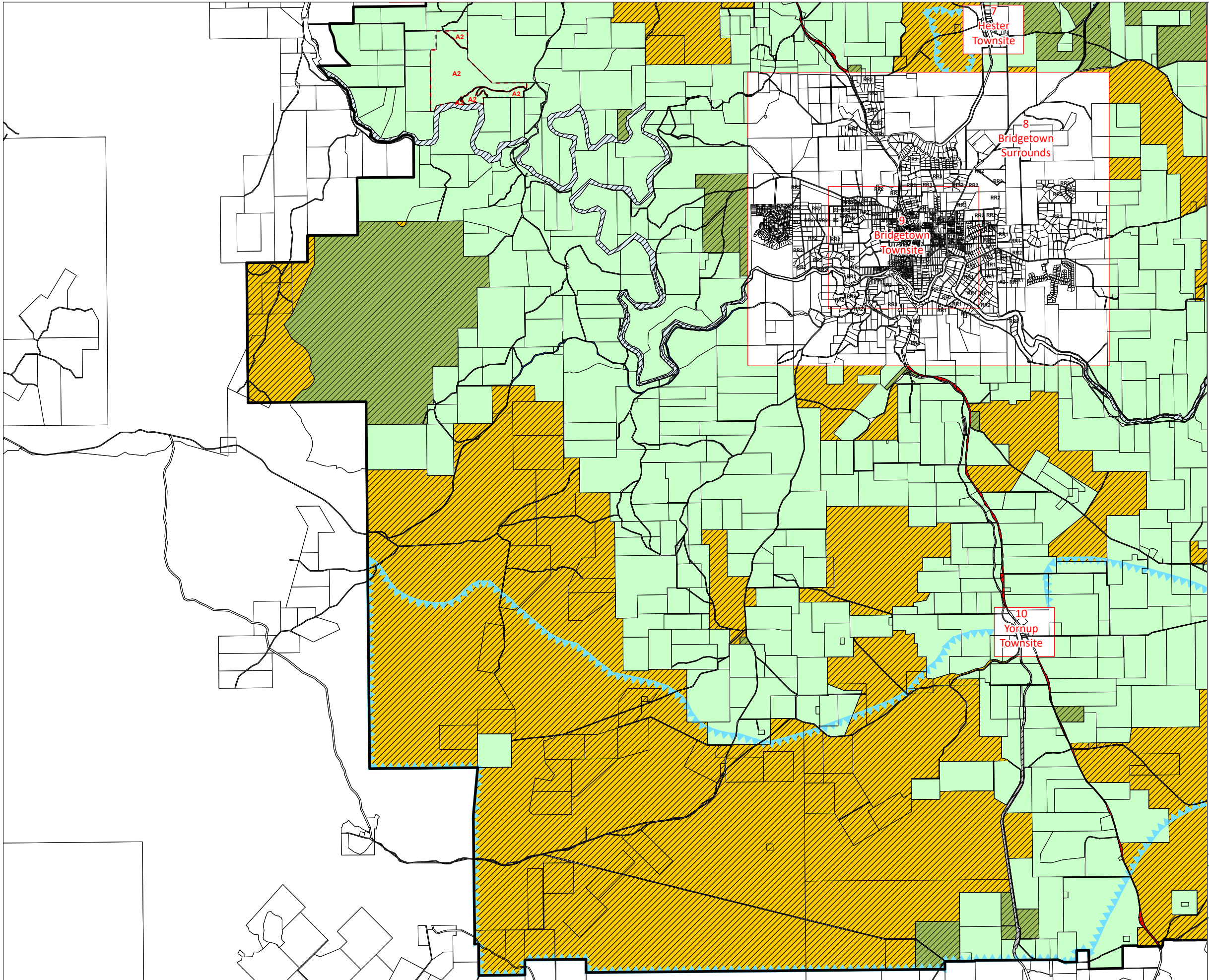
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Base Information Supplied by the Western Australian
Land Information Authority, SLIP 1180-2020-1

Shire of Bridgetown-Greenbushes

PROPOSED Local Planning Scheme No. 6

WORKING
COPY ONLY





LEGEND

Local Scheme Reserves

- Public Open Space
- Environmental Conservation
- State Forest
- Civic and Community
- Public Purposes
- Public Purposes: Medical Services
- Public Purposes: Infrastructure Services
- Public Purposes: Education
- Public Purposes: Emergency Services
- Public Purposes: Government Services
- Public Purposes: Recreational
- Public Purposes: Cemetery
- Drainage / Waterway
- Railways
- Primary Distributor Road
- District Distributor Road

Local Scheme Zones

- Residential
- Rural
- Rural Residential
- Rural Smallholdings
- Light Industry
- General Industry
- Commercial
- Private community purposes
- Special Use
- Local road

Other Categories

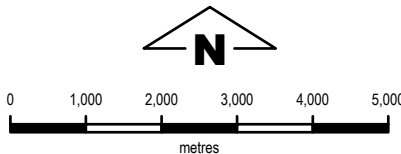
- R Codes
- Additional Uses
- Additional Requirements
- Rural Residential Area
- Bridgetown Special Design Heritage Precinct
- Public Drinking Water Source Area
- Shire Boundary

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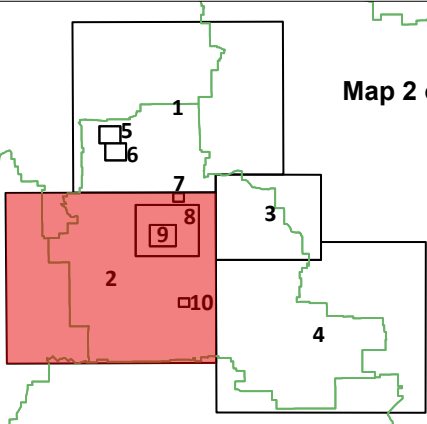
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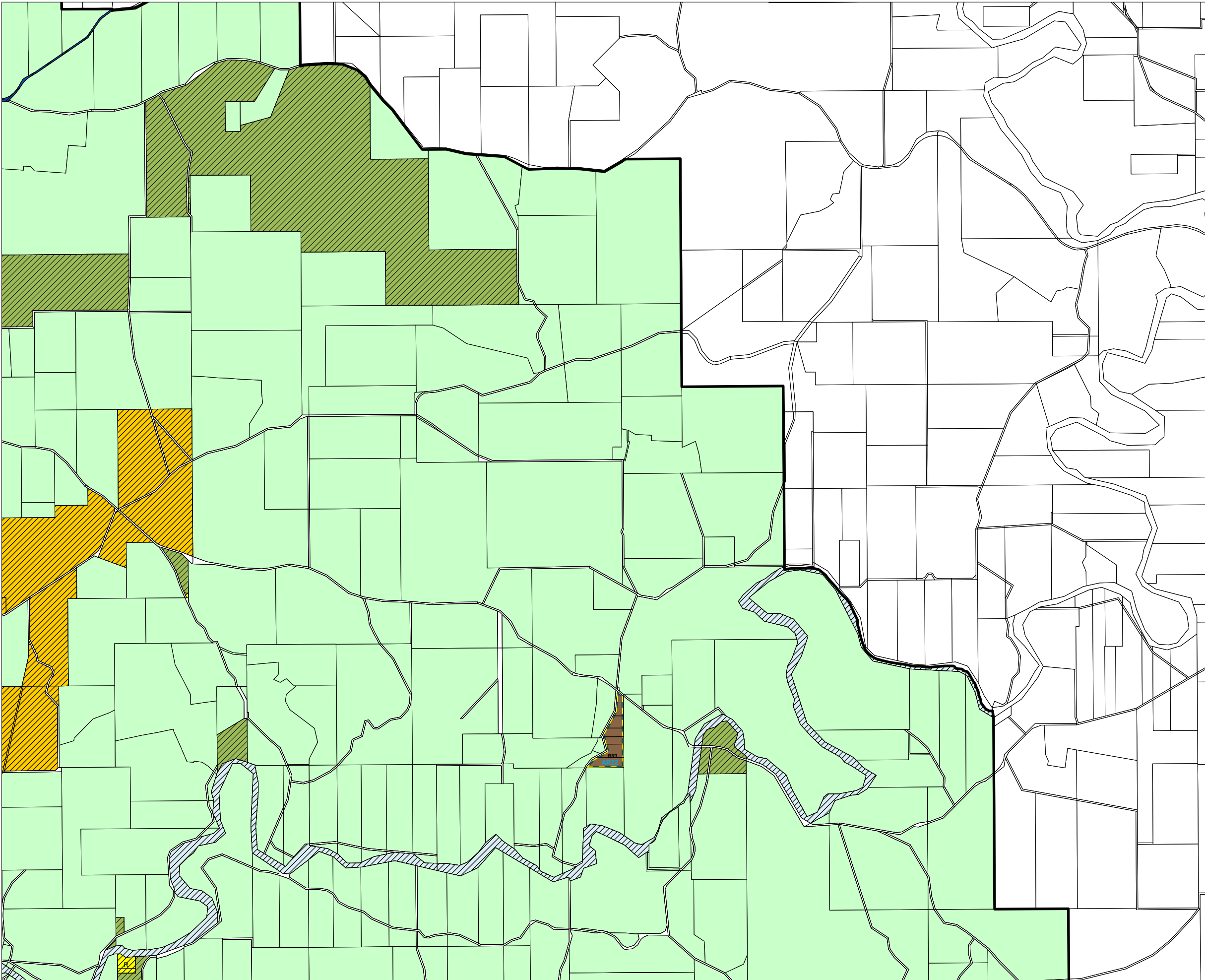
PROPOSED Local Planning Scheme No. 6



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LEGEND

Local Scheme Reserves

- Public Open Space
- Environmental Conservation
- State Forest
- Civic and Community
- Public Purposes
- Public Purposes: Medical Services
- Public Purposes: Infrastructure Services
- Public Purposes: Education
- Public Purposes: Emergency Services
- Public Purposes: Government Services
- Public Purposes: Recreational
- Public Purposes: Cemetery
- Drainage / Waterway
- Railways
- Primary Distributor Road
- District Distributor Road

Local Scheme Zones

- Residential
- Rural
- Rural Residential
- Rural Smallholdings
- Light Industry
- General Industry
- Commercial
- Private community purposes
- Special Use
- Local road

Other Categories

- R Codes
- Additional Uses
- Additional Requirements
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- Bridgetown Special Design Heritage Precinct
- Public Drinking Water Source Area
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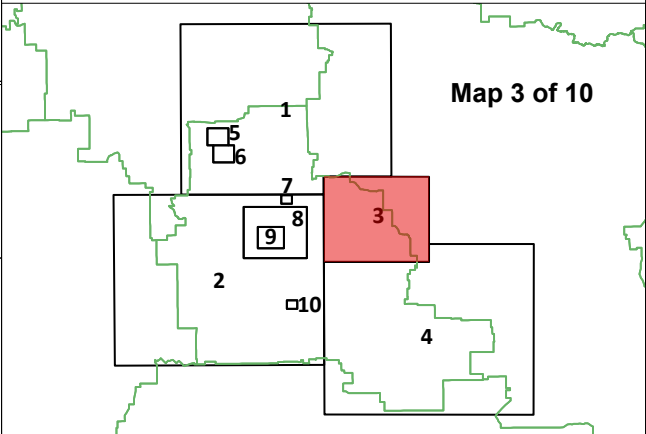
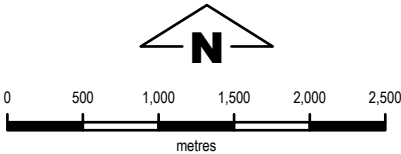
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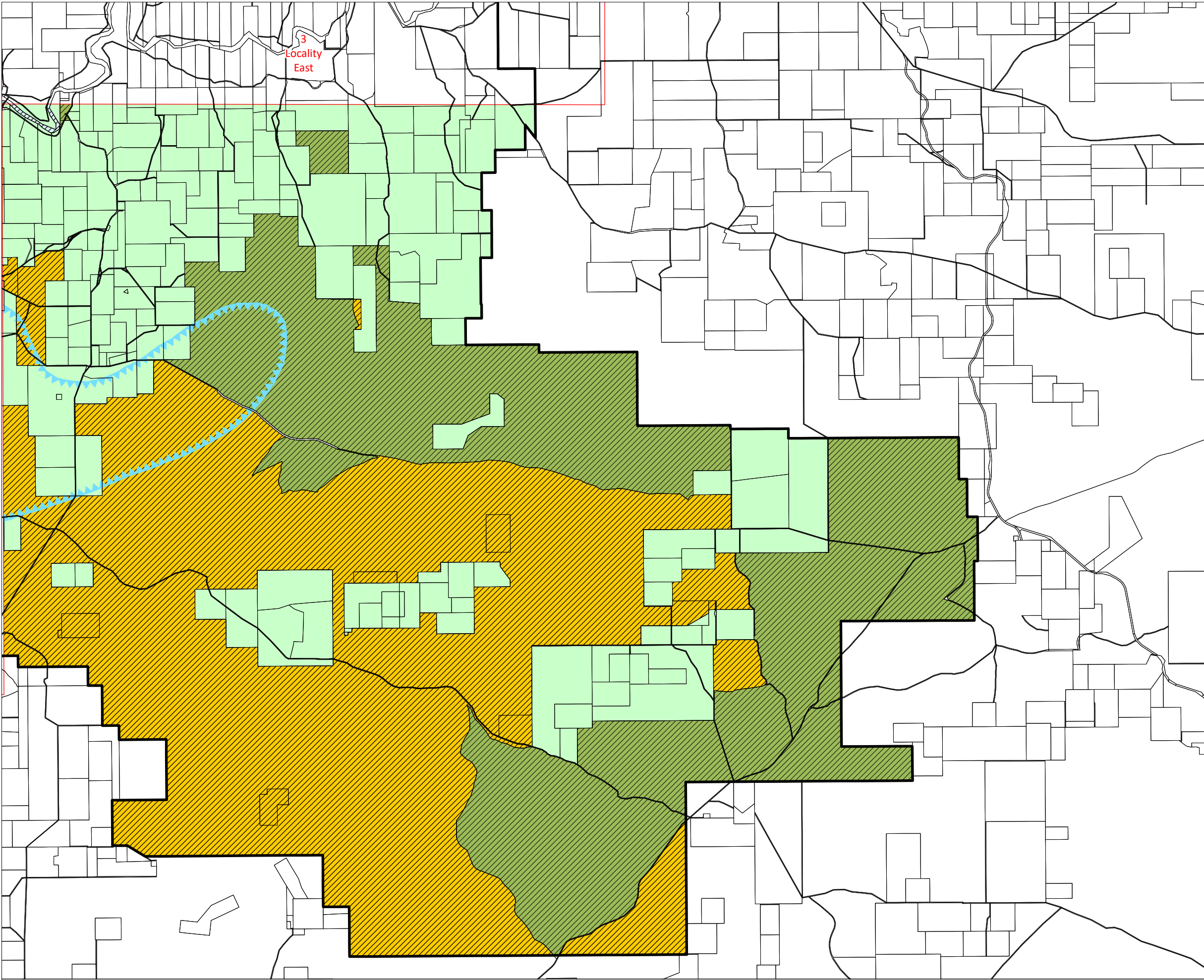
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Shire of Bridgetown-Greenbushes

PROPOSED Local Planning Scheme No. 6





LEGEND

Local Scheme Reserves

- Public Open Space
- Environmental Conservation
- State Forest
- Civic and Community
- Public Purposes
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Local Scheme Zones

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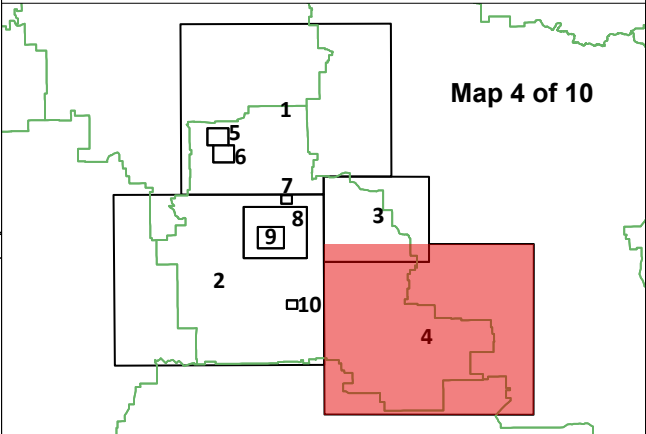
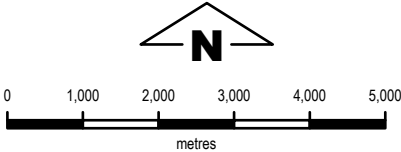
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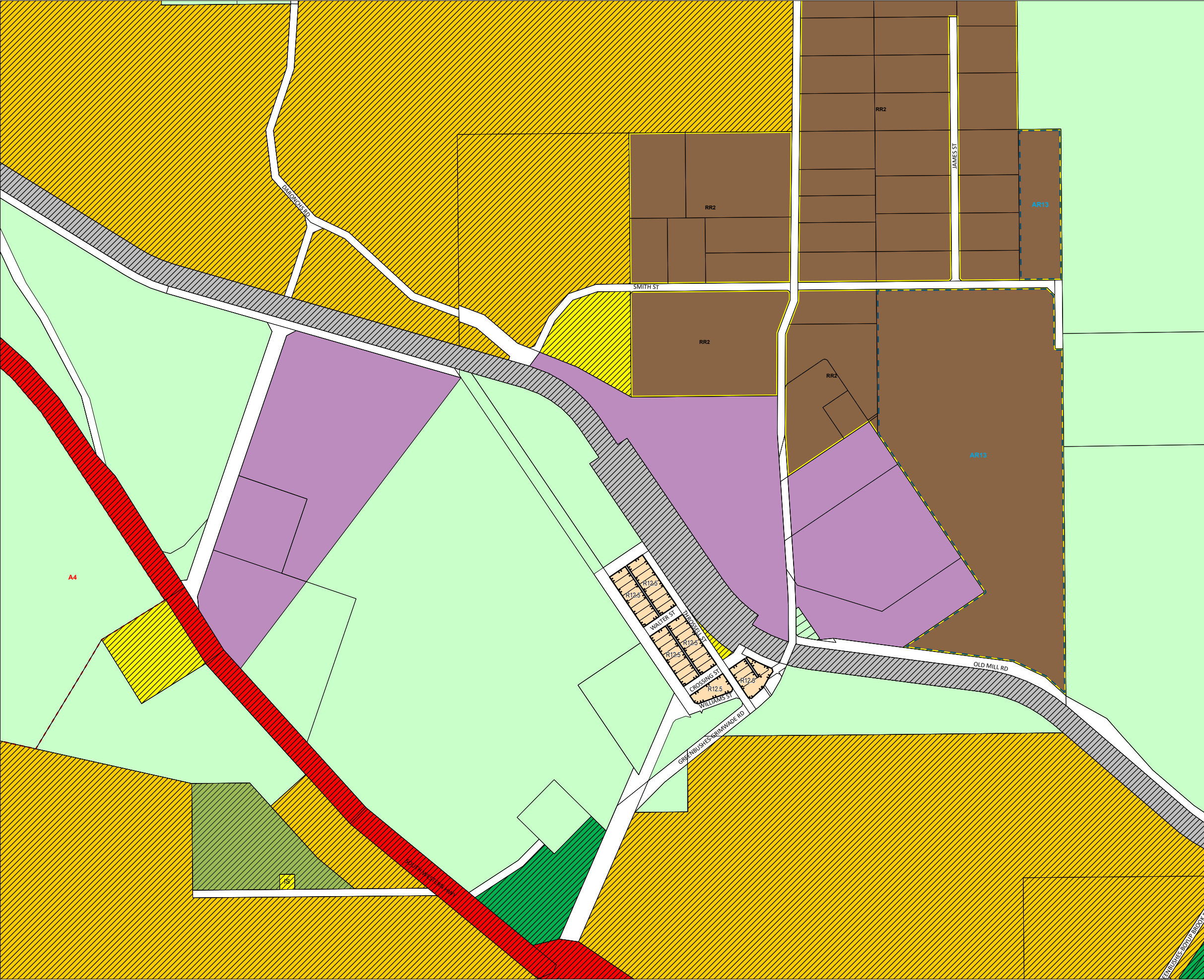
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Shire of Bridgetown-Greenbushes

PROPOSED Local Planning Scheme No. 6





LEGEND

Local Scheme Reserves

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- State Forest
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- Primary Distributor Road
- District Distributor Road

Local Scheme Zones

- Residential
- Rural
- Rural Residential
- Rural Smallholdings
- Light Industry
- General Industry
- Commercial
- Private community purposes
- Special Use
- Local road

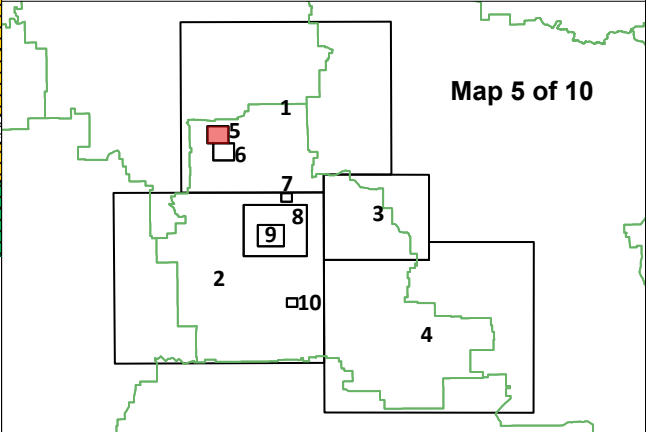
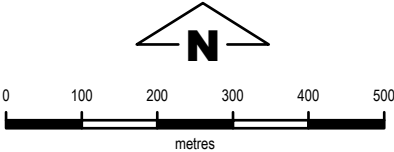
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- Additional Requirements
- Rural Residential Area
- Bridgetown Special Design Heritage Precinct
- Public Drinking Water Source Area
- Shire Boundary

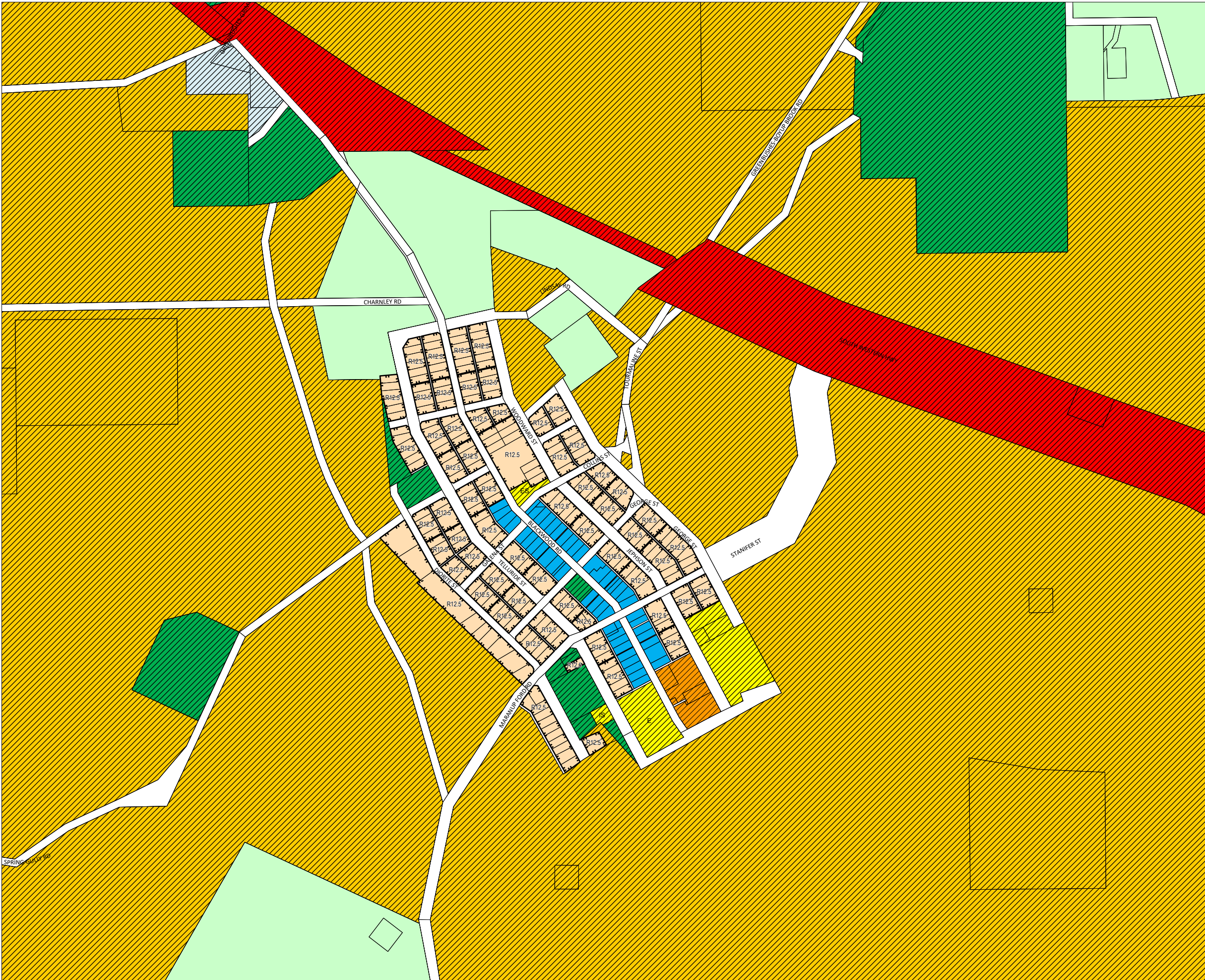
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Shire of Bridgetown-Greenbushes
PROPOSED Local Planning Scheme No. 6



Map 5 of 10



LEGEND

Local Scheme Reserves

- Public Open Space
- Environmental Conservation
- State Forest
- Civic and Community
- Public Purposes
- Public Purposes: Medical Services
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- Public Purposes: Education
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- Public Purposes: Recreational
- Public Purposes: Cemetery
- Drainage / Waterway
- Railways
- Primary Distributor Road
- District Distributor Road

Local Scheme Zones

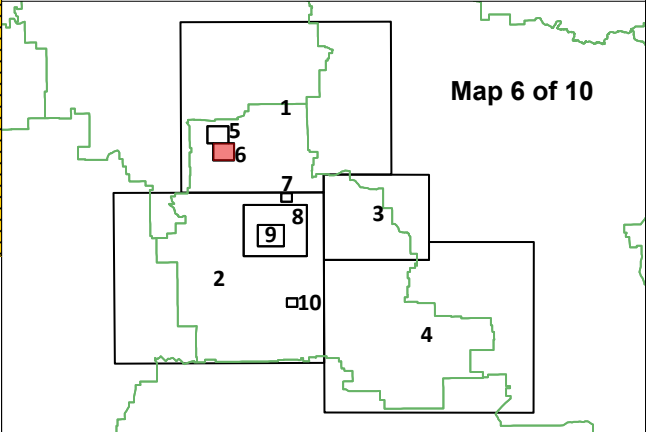
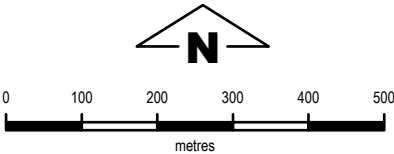
- Residential
- Rural
- Rural Residential
- Rural Smallholdings
- Light Industry
- General Industry
- Commercial
- Private community purposes
- Special Use
- Local road

Other Categories

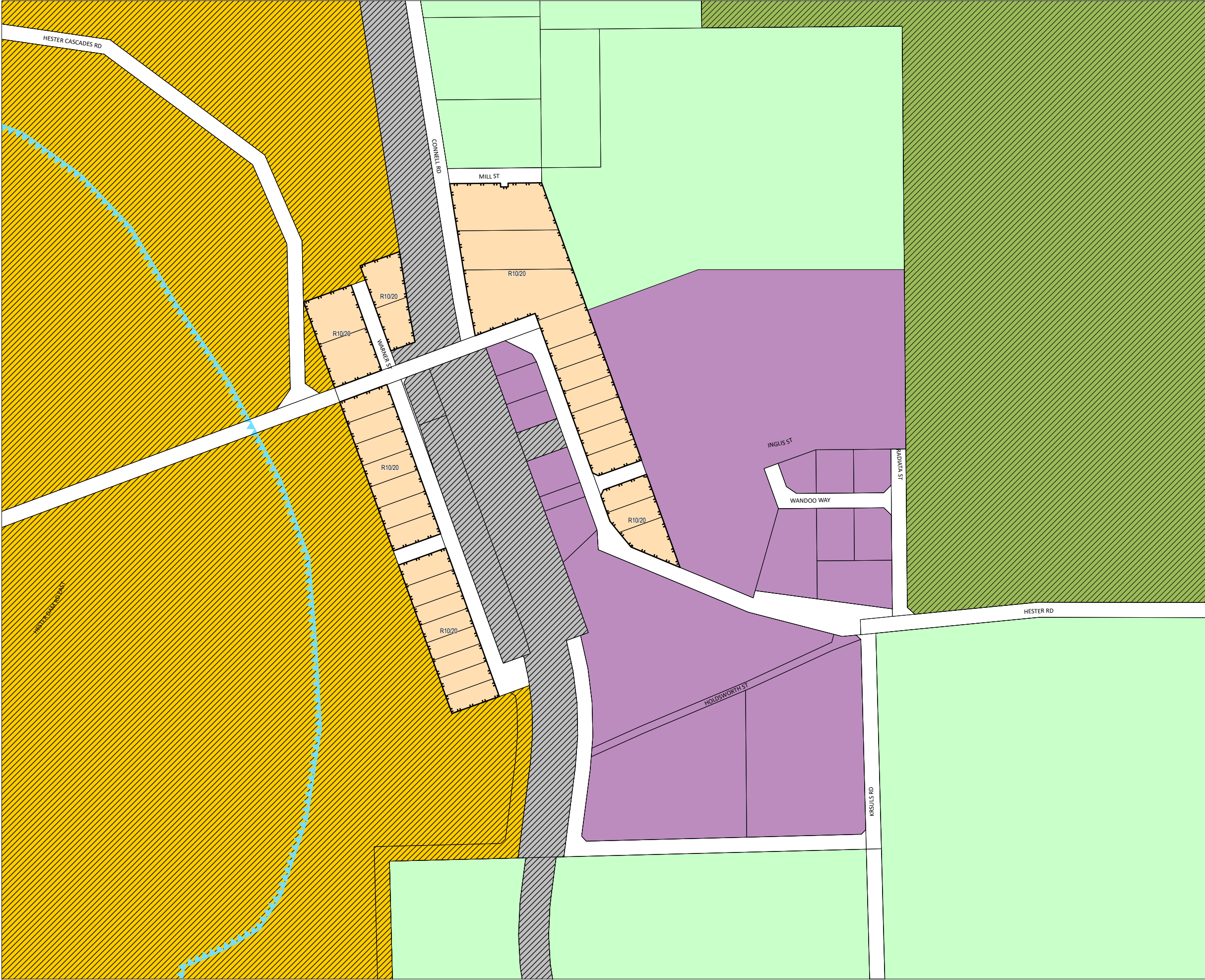
- R Codes
- Additional Uses
- Additional Requirements
- Rural Residential Area
- Bridgetown Special Design Heritage Precinct
- Public Drinking Water Source Area
- Shire Boundary

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Shire of Bridgetown-Greenbushes
PROPOSED Local Planning Scheme No. 6



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LEGEND

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- Public Purposes
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- Public Purposes: Education
- Public Purposes: Emergency Services
- Public Purposes: Government Services
- Public Purposes: Recreational
- Public Purposes: Cemetery
- Drainage / Waterway
- Railways
- Primary Distributor Road
- District Distributor Road

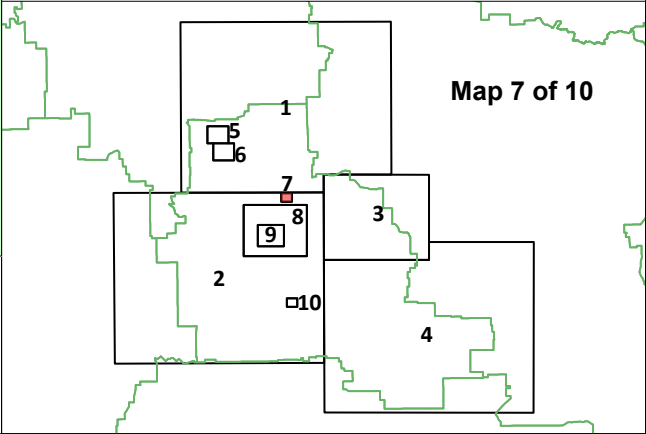
Local Scheme Zones

- Residential
- Rural
- Rural Residential
- Rural Smallholdings
- Light Industry
- General Industry
- Commercial
- Private community purposes
- Special Use
- Local road

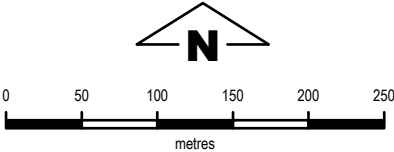
Other Categories

- R Codes
- Additional Uses
- Additional Requirements
- Rural Residential Area
- Bridgetown Special Design Heritage Precinct
- Public Drinking Water Source Area
- Shire Boundary

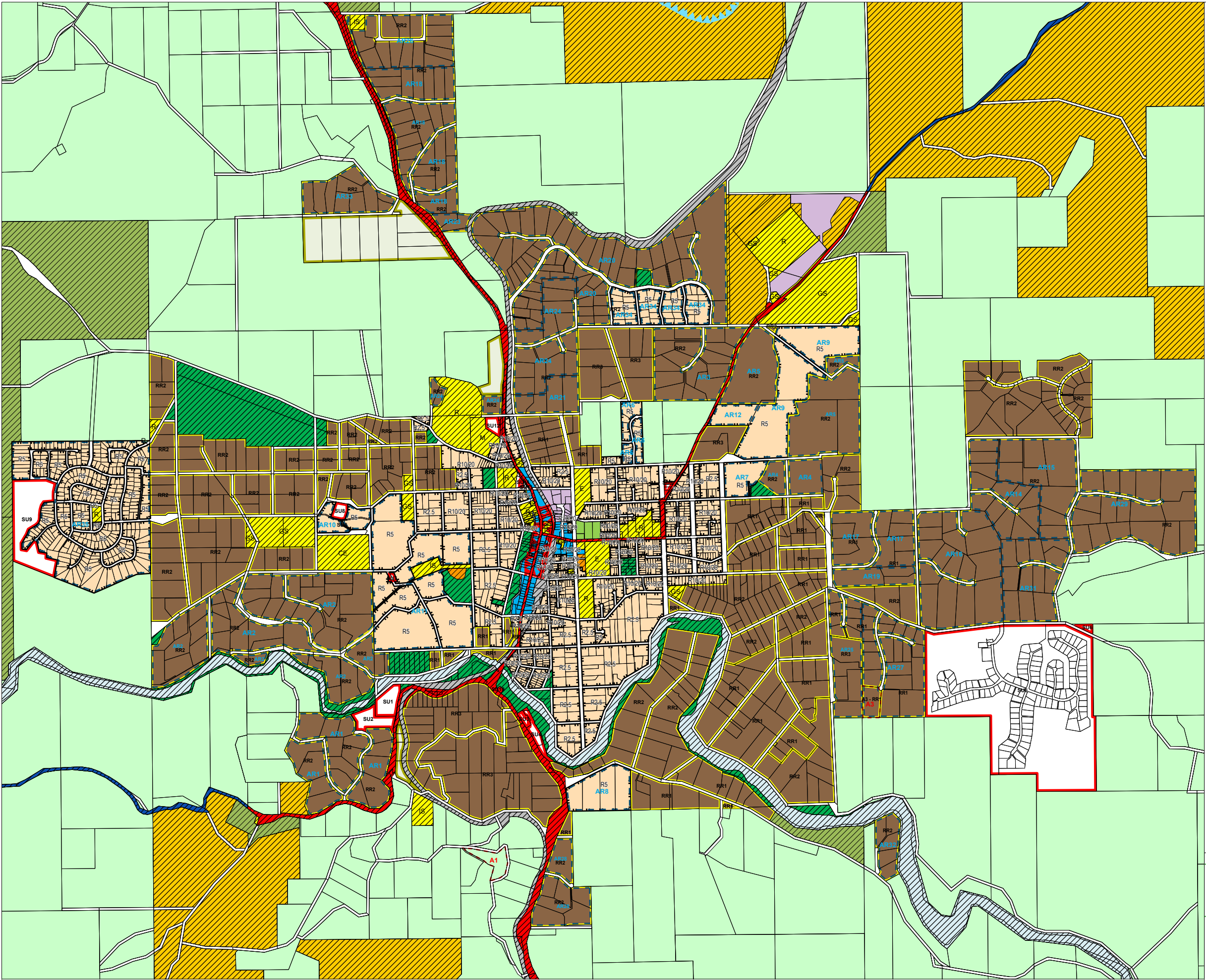
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Shire of Bridgetown-Greenbushes
PROPOSED Local Planning Scheme No. 6



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- Primary Distributor Road
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Local Scheme Zones

- Residential
- Rural
- Rural Residential
- Rural Smallholdings
- Light Industry
- General Industry
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- Private community purposes
- Special Use
- Local road

Other Categories

- R Codes
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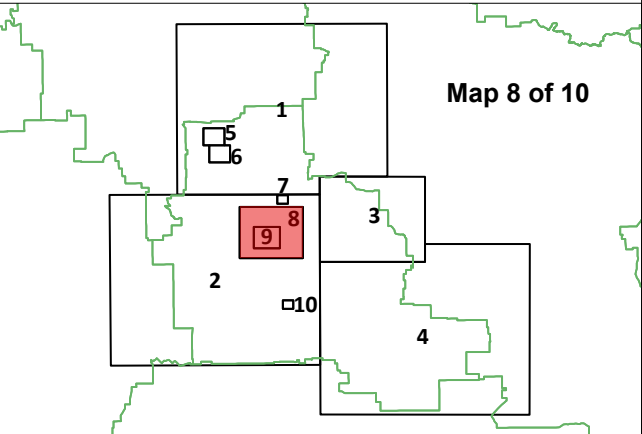
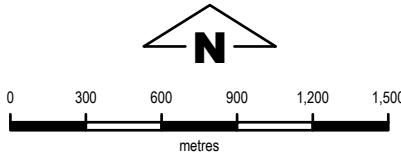
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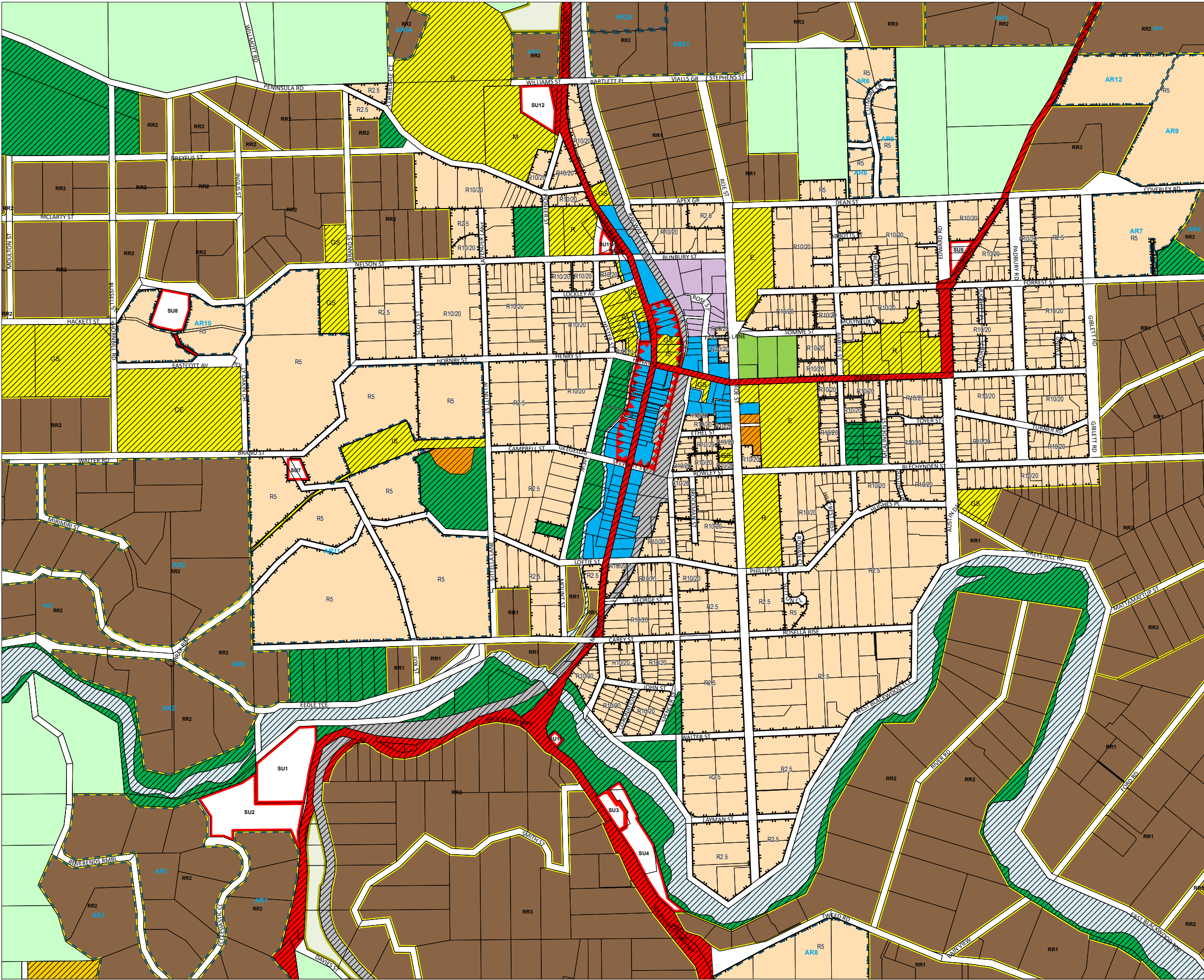
Map 8 of 10

Shire of Bridgetown-Greenbushes

PROPOSED Local Planning Scheme No. 6

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LEGEND

Local Scheme Reserves

- Public Open Space
- Environmental Conservation
- State Forest
- Civic and Community
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- Public Purposes: Cemetery
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- Railways
- Primary Distributor Road
- District Distributor Road

Local Scheme Zones

- Residential
- Rural
- Rural Residential
- Rural Smallholdings
- Light Industry
- General Industry
- Commercial
- Private community purposes
- Special Use
- Local road

Other Categories

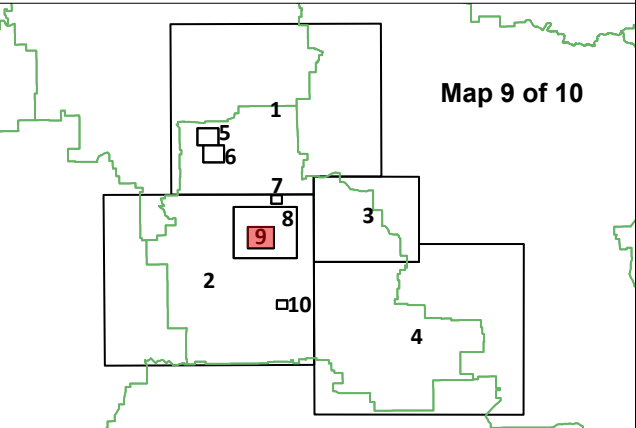
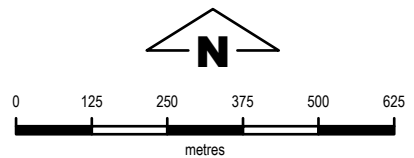
- R Codes
- Additional Uses
- Additional Requirements
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- Bridgetown Special Design Heritage Precinct
- Public Drinking Water Source Area
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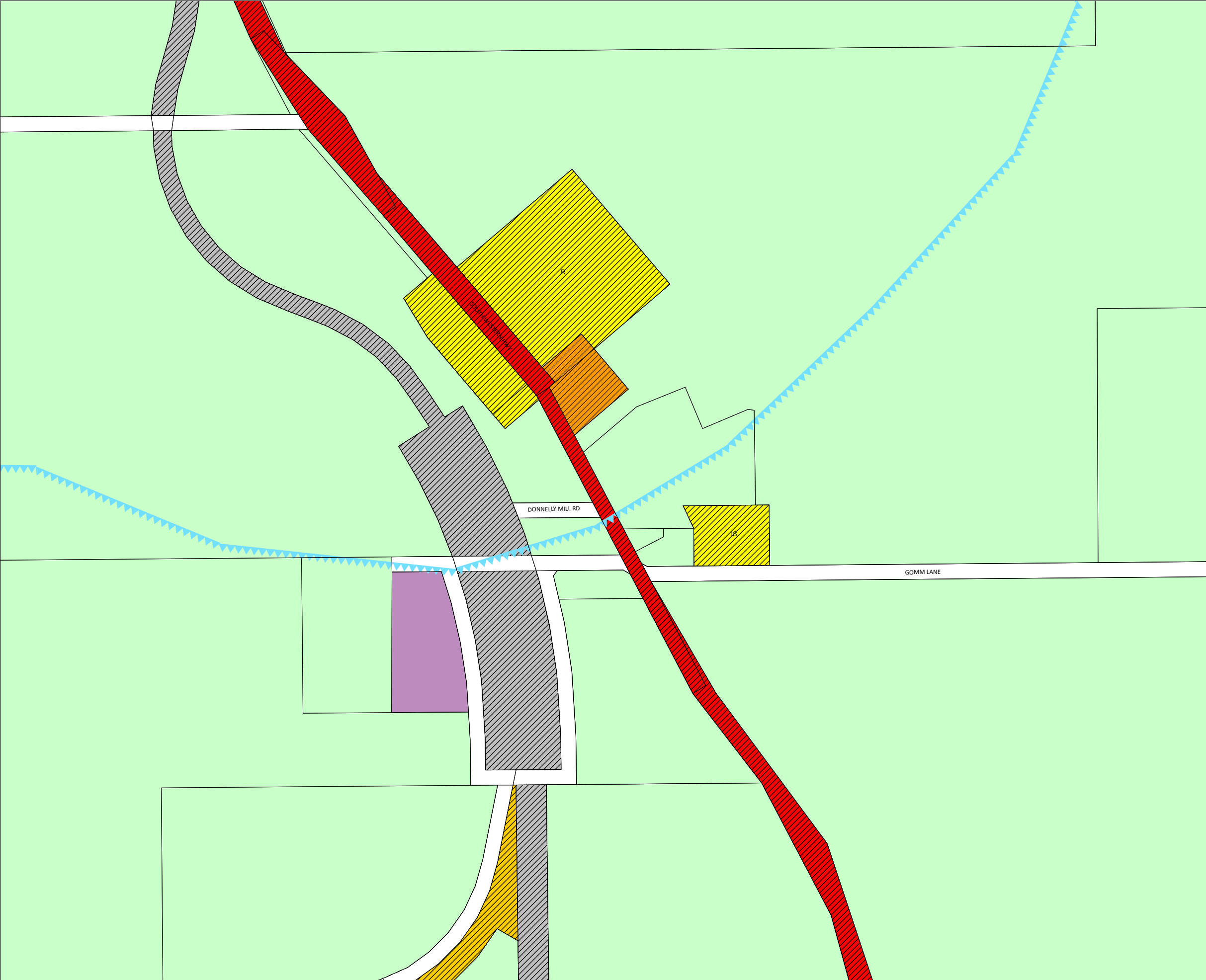
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Shire of Bridgetown-Greenbushes

PROPOSED Local Planning Scheme No. 6

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LEGEND

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- Public Open Space
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- Civic and Community
- Public Purposes
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- Public Purposes: Cemetery
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- Railways
- Primary Distributor Road
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Local Scheme Zones

- Residential
- Rural
- Rural Residential
- Rural Smallholdings
- Light Industry
- General Industry
- Commercial
- Private community purposes
- SU1 Special Use
- Local road

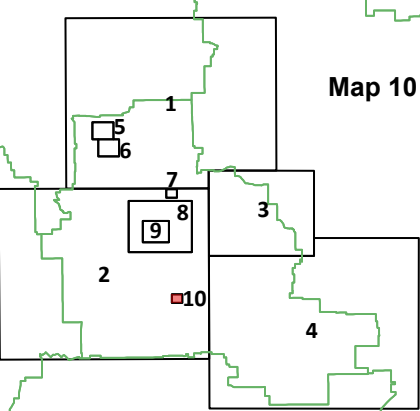
Other Categories

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- Bridgetown Special Design Heritage Precinct
- Public Drinking Water Source Area
- Shire Boundary

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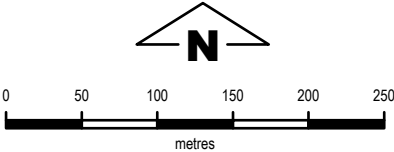
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Map 10 of 10



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Shire of Bridgetown-Greenbushes
PROPOSED Local Planning Scheme No. 6



ITEM NO.	C.10/0722	FILE REF.	770.8
SUBJECT	Review of Local Planning Schemes 3 and 4		
PROPONENT	Council		
OFFICER	Executive Manager Development and Infrastructure		
DATE OF REPORT	13 July 2022		

Attachment 9 Report of Scheme Review

OFFICER RECOMMENDATION*That Council:*

1. *Approve the Report of Review of Local Planning Schemes 3 and 4 as shown in Attachment 9 in accordance with Regulation 66(3) of the Planning and Development (Local Planning Schemes) Regulations 2015.*
2. *Restate its position of September 2017 that Local Planning Scheme No 3 and No 4 be replaced by a single, consolidated new Local Planning Scheme No 6 encompassing all of the land within the Shire of Bridgetown-Greenbushes municipal boundary.*
3. *Decide that the preparation of Local Planning Scheme 6 will be a 3 stage process involving the following;*

Stage 1 – Preparation, adoption and completion of a new Local Planning Scheme No 6 text and maps as a simplification and administrative update of the current Schemes, with a focus on combining the two operational Schemes in a manner consistent with the Model Scheme Text and the Deemed Provisions. At this first stage, the scope of the new Scheme will be limited to include consideration of only such changes as are required by law or WA Planning Commission policy, and are necessary to enable the Schemes to be combined and updated, as listed below:

- (a) *Remove provisions inconsistent with the Model Provisions and the Deemed Provisions as prescribed in the Planning and Development (Local Planning Schemes) Regulations 2015.*
- (b) *Restructure the scheme to follow the format of the Model Scheme Text.*
- (c) *Zone land according to the model land use zones and reserves and their corresponding objectives, as set out in the Model Scheme Text, as much on a like for like basis as is possible. In particular, this includes:*
 - i. *change of existing Special Residential (generally 2,000-4,000m²) zones to Residential (R2.5 to 5) to reflect the minimum lot sizes set out in Schemes 3 and 4, also zone in a manner consistent with the Regulations, and in the WAPC position statement of May 2021 in regard to the Special Residential zone; and*
 - ii. *existing Special Rural (generally 1 to 4ha) estates, to be rezoned Rural Residential (1 to 4 ha), to reflect the minimum lot sizes set out in Schemes 3 and 4.*

- (d) *Rural zoned land in the Bridgetown townsite, subdivided to 1 to 4 ha, with a rural residential character and land use, to be rezoned to Rural Residential with a minimum lot size to match the prevailing lot size.*
- (e) *In the zoning table of the scheme and in Part 6 (clause 37) apply model land use definitions set out in the Model Scheme Text, which will generally be a like for like conversion.*
- (f) *Existing development control provisions will be carried over to the new scheme.*
- (g) *Existing site specific development control provisions will be carried over in the new scheme text excepting where:*
 - i. they set out provisions for the subdivision of the land and the subdivision has been completed;*
 - ii. the issues they deal with can be incorporated into generic scheme provisions; or*
 - iii. they have been overtaken by matters covered under other legislation, that has been introduced after Schemes 3 and 4 were gazetted in the 1980's.*
- (h) *Inclusion of provisions for development that does not requiring planning approval, in addition to those exemptions already required by the deemed provisions.*

Stage 2 – Progression and finalisation of the Local Planning Strategy in accordance with Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Stage 3 – Preparation of a series of logically grouped planning amendments to Local Planning Scheme 6 to enable the implementation of the Local Planning Strategy.

- 4. *Recommend to the WA Planning Commission that the new scheme text and maps can be finalised prior to the completion of the Local Planning Strategy, with the 3 stages of this process, to some extent, overlapping with each other.*
- 5. *Note that although the intent of the Stage 1 is an administrative update and simplification of the existing Local Planning Schemes, it is likely that some new provisions will result in changes to the level of regulatory control and possible planning outcomes. In order that the implications of these can be properly considered, the officer report on the draft Local Planning Scheme No 6 (Stage 1) shall specifically identify where the new and consolidated provisions may change the level of regulatory control and possible planning outcomes, in order to enable their specific consideration as part of the overall consideration of the draft Scheme.*

Summary/Purpose

The purpose of this report is to determine a process for the review of Local Planning Schemes No 3 and 4. Recognising that this review is long overdue from a statutory perspective and the significant complexity of process of the Scheme review, this report proposes an alternative approach to this project to the 'conventional'

approach. This alternative approach, which has been agreed at an officer level with Department of Planning, Land and Heritage, will enable the Scheme review to be expedited as much as is practically possible. It will also provide a framework to implement a modernised and more flexible planning framework for the making of day to day planning decisions, but also the capacity for major strategic planning questions facing the Shire to be properly considered and addressed, with appropriate community engagement in the process.

Background

The Local Planning Scheme is the primary statutory planning document created by a local government in WA. It is prepared under the provisions of the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015. As such Local Planning Schemes have the status of delegated legislation, although they are subordinate to the enabling state Statutes and Regulations.

As part of the State Government promotion of reform and standardisation of the planning system, the Planning and Development (Local Planning Schemes) Regulations 2015 include two types of provisions which are essential components of a local government planning scheme, namely;

- Model Provisions – which, in summary, deal with the purpose and intent of the Scheme, reserves and zones, additional, restricted, special and non-conforming uses, relationship with and application of the R Codes and special control areas. The model provisions are required to be included in every Local Planning Scheme in WA, unless the approval of the Minister for Planning is granted for a specific departure. Owing to the date of gazettal of both the Shire of Bridgetown Greenbushes schemes, the Model Provisions are not currently included in either.
- Deemed provisions – which, in summary, deal with the procedure for making of Local Planning Policies, Heritage protection, structure and local development plans, the requirements for and process of obtaining planning approvals, car parking and cash in lieu payments, bushfire risk management, state of emergency provisions, enforcement and administration. The Regulations require that the Deemed Provisions are read as is they are part of every Local Planning Scheme in WA, irrespective of whether they are actually included in the Scheme or not. The Regulations also state that the Deeded Provisions override any existing Local Planning Scheme provision that is inconsistent.

There are, however, significant areas of the Local Planning Scheme content that can, subject to the approval of the Minister, be determined by Local Government. These relate to issues such as;

- Zoning and reservation of land,
- Density of development
- Standards that are applied to development
- Land use permissibility

The Shire currently has two operative Local Planning Schemes, summarised below.

Scheme No	Scheme Area	Year of gazettal	Number of amendments
3	Bridgetown Town site	1983	74
4	District (excluding Scheme 3 area)	1987	70

There is a statutory obligation to review, or at least examine the need for review, of Planning Schemes every 5 years. Although it is largely accepted within the industry that this target is perhaps unrealistic given the complexity of the planning system and operational pressures on local government, the two Schemes within the Shire of Bridgetown Greenbushes are clearly long overdue for review. In the over 30 years since gazettal, there have been many legislative and state planning policy changes, new development trends, changes in the appeals process, and significant planning process reforms and greater expectations of local government.

Various actions have occurred over the last 20 years in support of the review of the Schemes, although the process has never been completed. The following is a brief summary of key events;

- The Shire's first draft Local Planning Strategy was adopted by Council in 2002. This was not finalised or approved by the WAPC. Consequently the then draft Scheme No. 5, which reflected the draft Strategy was not progressed at that time.
- A second draft Local Planning Strategy was prepared about 10 years ago. This drew on the content of the draft 2002 strategy and a Community Visioning Workshop held in 2008, plus findings of the Shire's 2009 Transport Study and 2010 Community Transport Forum.
- This second draft Strategy was adopted by Council in September 2011. Following community consultation period including two community workshops, this draft and submissions were considered by Council in March and November 2012.
- In 2013 a number of concerns were raised by DPLH regarding key planning issues including population projections, estimated employment needs, housing demand and lot yield justification, proposed residential and rural clusters, proposed infill development areas, tourist accommodation in rural areas, various textual issues including naming conventions and table formats, and the overall quality of the strategy maps. Given these issues the draft 2012 strategy was not finalised or presented to the WAPC for consent for formal advertising.
- In September 2017 (reference C.08/0917) Council adopted its most recent decision on the Scheme review (salient points are summarised below)
 1. To not progress the November 2012 Local Planning Strategy.
 2. To note the appointment of Lush Fire & Planning to prepare a Bushfire Hazard Level Assessment to guide preparation of a new Local Planning Strategy and Local Planning Scheme.

3. To prepare a new Local Planning Strategy and a new Local Planning Scheme No. 6, for all land within the Shire of Bridgetown-Greenbushes Municipality.

The conventional process for the Scheme Review.

A conventional approach to a Local Planning Scheme review requires the preparation of a Local Planning Strategy. The purpose of the Planning Strategy is set out in the Planning and Development (Local Planning Schemes) Regulations 2015, but in essence the Local Planning Strategy is a strategic examination of planning and development issues within the scheme area, consideration of state policy and local issues, and develops the Councils recommendations about the future of the area for a planning perspective.

Most Local Governments undertake significant community engagement as part of the preparation of their Local Planning Strategies.

The research, preparation, consideration by Council, community engagement and consideration by the WA Planning Commission of a Local Planning Strategy can, a minimum take about 2 years, and, in many cases, can take up to 3-5 years. Once the Local Planning Strategy is finalised it is then used as a basis for the preparation of a new Local Planning Scheme, which, in its essence, is a set of 'rules' for the operation of the local planning system and the statutory means to enable the control of development (and to some extent, subdivision) of land in a manner to enable the implementation of the proposals contained within the Planning Strategy.

As discussed above, there are also state government driven planning 'rules' included within the Planning and Development (Local Planning Schemes) Regulations 2015 (these being the Deeded Provisions) which are read as part of the Scheme.

All of the content of the Local Planning Scheme is ultimately required to have the approval of the Minister for Planning. A local government cannot include content in its Scheme independently of the Minister. The Minister also has authority, under Clauses 76 and 77A of the Planning and Development Act 2005 to direct a local government to prepare a new local planning scheme or scheme amendment.

Officer Comment

The recommended approach is different from that summarised above, in that in essence it splits the Scheme review into 3 independent stages. The first stage would involve the preparation and adoption of a new Local Planning Scheme No 6 as a simplification and administrative update of the current Schemes, with a focus on combining the two operational Schemes in a manner consistent with the Model Scheme Text and the Deemed Provisions. Its scope of the new Scheme will be limited to include consideration of only such changes as are required by law or WA Planning Commission policy, or the need to simplify and streamline the current provisions, but would not include consideration of any major strategic planning issues.

Simultaneous the Local Planning Strategy will be prepared in the conventional way as the second, but independent, stage of the process. This is naturally a lengthy exercise involving a range of considerations and significant community engagement. It is expected to address major issues such as;

- The strategic future of the Shire in terms of its population, economy, employment, growth and sustainability
- The future of the Bridgetown and Greenbushes, North Greenbushes and Hester town sites in terms of whether and how these should / could expand
- Future needs for Industrial and Commercial zoned land within Bridgetown and other town sites.
- The possible expansion of Greenbushes Lithium Mine.
- Housing requirements for the expected population structure, affordability, diversity, and infill development
- Potential expansion of plantations
- Potential social and business impacts arising from COVID such as working from home
- The balance of tourism, agriculture and rural living
- Management of environmental questions such as vegetation protection, water quality, fire risk, water quality

The Local Planning Strategy, after final consideration by Council, is submitted to the WA Planning Commission and the Minister, and, once approved at that level, form the basis for a series of major amendments to the Scheme. These amendments (which may be run concurrently but independently) will enable the major issues dealt with in the Local Planning Strategy to be operationalised into the Local Planning Scheme provisions.

Reasons for the recommended 3 stage approach

The primary reason for the recommended 3 stage approach is that there is a pressing need to have a new Scheme Text that is clear, simple to read and interpret, and reflects the current planning statutory environment.

The current two Local Planning Schemes have been in operation since the 1980's. They have both been significantly amended over time and, in many cases, these amendments have to facilitate the approval of specific developments or the subdivision of specific estates. In these cases, the new specific provisions have been progressively added to the scheme as appendices, thus, over time, creating a document that is complex, fragmented and difficult to interpret properly. This situation has been compounded by recent changes to the Planning and Development (Local Planning Schemes) Regulations 2015 (these being the Deeded Provisions) which are read as part of the Scheme, and effectively 'cut through' the existing Local Planning Scheme provisions.

It is not considered to be tenable, from the point of view of the Shires internal business processes and the requirement to provide clear and consistent public information about the planning regime, to maintain the current scheme text for up to 3-5 more years whilst the Local Planning Strategy and Scheme is being prepared. The 3 stage approach will enable the creation of a new Local Planning Scheme Text in around 18 months.

A further significant advantage of the recommended approach is that, by addressing major strategic planning issues in a series of independent scheme amendments, these can be completed separately from each other and implemented as soon as they are finalised. The alternative conventional approach would involve these being

all part of one scheme review process, in which case they can all only be implemented when the scheme is finally gazetted.

Statutory Environment

The Report of Review and Local Planning Scheme are prepared in accordance with the provisions of the Planning and Development Act 2005 and the Planning and Development (Local Planning Schemes) Regulations 2015.

Integrated Planning

- Strategic Community Plan
 - Outcome 7 Responsible and attractive growth and development
 - Objective 7.1 Plan for a diverse range of land, housing and development opportunities to meet current and future needs
- Corporate Business Plan
 - Objective 7.1 Plan for a diverse range of land, housing and development opportunities to meet current and future needs
 - Action 7.1.1 Provide a Local Planning Strategy, in consultation with the community, to plan thoughtfully, creatively and sustainably for population growth, affordable housing and protection of environmental values
- Long Term Financial Plan – Nil
- Asset Management Plans – Nil
- Workforce Plan – Nil
- Other Integrated Planning – Nil

Policy/Strategic Implications

The review of the Scheme has significant policy and strategic implications, as discussed above.

Budget Implications – Nil

Whole of Life Accounting - Nil

Risk Management - Insignificant risk

Voting Requirements - Simple Majority

Council Decision Moved Cr Rose, Seconded Cr Boyle

C.10/0722 That Council:

- 1. Approve the Report of Review of Local Planning Schemes 3 and 4 as shown in Attachment 9 in accordance with Regulation 66(3) of the Planning and Development (Local Planning Schemes) Regulations 2015.**
- 2. Restate its position of September 2017 that Local Planning Scheme No 3 and No 4 be replaced by a single, consolidated new Local Planning Scheme No 6 encompassing all of the land within the Shire of Bridgetown-Greenbushes municipal boundary.**

3. Decide that the preparation of Local Planning Scheme 6 will be a 3 stage process involving the following;

Stage 1 – Preparation, adoption and completion of a new Local Planning Scheme No 6 text and maps as a simplification and administrative update of the current Schemes, with a focus on combining the two operational Schemes in a manner consistent with the Model Scheme Text and the Deemed Provisions. At this first stage, the scope of the new Scheme will be limited to include consideration of only such changes as are required by law or WA Planning Commission policy, and are necessary to enable the Schemes to be combined and updated, as listed below:

- (a) Remove provisions inconsistent with the Model Provisions and the Deemed Provisions as prescribed in the Planning and Development (Local Planning Schemes) Regulations 2015.**
- (b) Restructure the scheme to follow the format of the Model Scheme Text.**
- (c) Zone land according to the model land use zones and reserves and their corresponding objectives, as set out in the Model Scheme Text, as much on a like for like basis as is possible. In particular, this includes:**
 - i. change of existing Special Residential (generally 2,000-4,000m²) zones to Residential (R2.5 to 5) to reflect the minimum lot sizes set out in Schemes 3 and 4, also zone in a manner consistent with the Regulations, and in the WAPC position statement of May 2021 in regard to the Special Residential zone; and**
 - ii. existing Special Rural (generally 1 to 4ha) estates, to be rezoned Rural Residential (1 to 4 ha), to reflect the minimum lot sizes set out in Schemes 3 and 4.**
- (d) Rural zoned land in the Bridgetown townsite, subdivided to 1 to 4 ha, with a rural residential character and land use, to be rezoned to Rural Residential with a minimum lot size to match the prevailing lot size.**
- (e) In the zoning table of the scheme and in Part 6 (clause 37) apply model land use definitions set out in the Model Scheme Text, which will generally be a like for like conversion.**
- (f) Existing development control provisions will be carried over to the new scheme.**
- (g) Existing site specific development control provisions will be carried over in the new scheme text excepting where:**
 - i. they set out provisions for the subdivision of the land and the subdivision has been completed;**
 - ii. the issues they deal with can be incorporated into generic scheme provisions; or**
 - iii. they have been overtaken by matters covered under other legislation, that has been introduced after Schemes 3 and 4 were gazetted in the 1980's.**

- (h) Inclusion of provisions for development that does not requiring planning approval, in addition to those exemptions already required by the deemed provisions.***

Stage 2 – Progression and finalisation of the Local Planning Strategy in accordance with Part 3 of the Planning and Development (Local Planning Schemes) Regulations 2015.

Stage 3 – Preparation of a series of logically grouped planning amendments to Local Planning Scheme 6 to enable the implementation of the Local Planning Strategy.

- 4. Recommend to the WA Planning Commission that the new scheme text and maps can be finalised prior to the completion of the Local Planning Strategy, with the 3 stages of this process, to some extent, overlapping with each other.***
- 5. Note that although the intent of the Stage 1 is an administrative update and simplification of the existing Local Planning Schemes, it is likely that some new provisions will result in changes to the level of regulatory control and possible planning outcomes. In order that the implications of these can be properly considered, the officer report on the draft Local Planning Scheme No 6 (Stage 1) shall specifically identify where the new and consolidated provisions may change the level of regulatory control and possible planning outcomes, in order to enable their specific consideration as part of the overall consideration of the draft Scheme.***

Carried 7/0



SCOPE

HUMAN RESOURCE CONSULTANT TO ASSIST SHIRE OF BRIDGETOWN-GREENBUSHES IN CEO RECRUITMENT PROCESS

With the contract for the current CEO coming to an end in December 2023 the Shire of Bridgetown-Greenbushes will be required under legislation to run a recruitment process seeking to receive suitably qualified and interested applications for this position.

Council has determined the need for a human resources consultant to assist its CEO Recruitment Committee in the recruitment and selection processes. Accordingly Council seeks quotes from specialised consultants to assist with the recruitment process.

It is envisaged that the consultant will commence the process immediately and will provide advice to Council's CEO Recruitment Committee in this undertaking. Please see list below of tasks the consultant will be required to perform:

- development of selection criteria
- development of assessment methods in relation to the selection criteria
- draft and circulation of the advertisement
- executive search
- preliminary assessment with précis for each of the applications
- assist the selection committee to short list potential candidates
- drafting of potential interview questions
- coordinating interviews
- performing reference checks
- preparing the selection summary assessment and recommendation report to Council
- arranging for an integrity check and/or police clearance
- assisting the council in preparing the employment contract.

Your quotation must include either a fixed price or an hourly rate with estimation of hours as well as an outline of your preferred outline of the process.

Council will receive quotations of interest by 12 noon on Monday 27th February 2023.

Please send your proposal to Cr Jenny Mountford, Shire President at crmoutford@bridgetown.wa.gov.au

Should you have any questions concerning this request please address them to the Shire's HR Officer Natalie Kais on 97610 800 or nkais@bridgetown.wa.gov.au



**CEO RECRUITMENT COMMITTEE
(2023-2024)**

INSTRUMENT OF APPOINTMENT & DELEGATION

1. Introduction

The Council of the Shire of Bridgetown-Greenbushes (hereinafter called the "Council") hereby establishes a committee under the powers given in Section 5.8, 5.9(2)(a) and 5.16 of the *Local Government Act 1995*, such committee to be known as the CEO Recruitment Committee (hereinafter called the 'Committee').

The Committee shall act for and on behalf of Council in accordance with provisions of the *Local Government Act 1995*, local laws and policy of the Shire of Bridgetown-Greenbushes and this Instrument.

2. Name

The name of the Committee shall be the *CEO Recruitment Committee*.

3. Objectives

To conduct the recruitment and selection process for the Chief Executive Officer in accordance with the principles of merit, equity and transparency and consistent with Council's adopted *CEO Recruitment and Selection, Performance Review and Termination Standards*, the DLGSC's *Guidelines for CEO Recruitment, Performance and Termination* and applicable legislation.

4. Membership

The Membership of the Committee shall consist of;

- All nine [9] elected members
- One [1] independent person

5. Presiding Member

Council has appointed the Shire President (Cr Mountford) to be the Presiding Member and the Deputy Shire President (Cr Mahoney) to be the Deputy Presiding Member of this Committee.

The Presiding Member shall ensure that minutes of the proceedings are kept and that business is conducted in accordance with the Shire of Bridgetown-Greenbushes Standing Orders.

6. Meetings

Meetings of the Committee shall be held as required or determined by the Committee Members.

- 6.1 Notice of meetings shall be given to members at least 3 days prior to each meeting.
- 6.2 The Presiding Member shall ensure that minutes of agreed outcomes of all meetings are kept.
- 6.3 All members of the Committee shall have one vote and shall vote.

7. Quorum

Quorum for a meeting shall be 5.

8. Delegated Powers

The CEO Recruitment Committee has delegated authority to liaise determine the processes around interview/selection including but not limited to dates, times, content of questions, interview procedure, shortlisting of applicants for interview. It will provide recommendations to Council on all other matters.

9. Termination of Committee

Termination of the Committee shall be at the direction of Council.

10. Amendment to the Instrument of Appointment and Delegation

This document may be altered at any time by the Council.