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# **CITY OF ROCKINGHAM**

## **TOWN PLANNING SCHEME NO 1**

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***VERSION 1***

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### **DISCLAIMER**

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SCHEME TEXT

TOWN PLANNING AND DEVELOPMENT ACT 1928 (AS AMENDED)

CITY OF ROCKINGHAM TOWN PLANNING SCHEME NO 1

The Rockingham City Council, under and by virtue of the powers conferred upon it in that behalf by the Town Planning and Development Act, 1928 (as amended), hereby makes the following Town Planning Scheme for the purpose of:

- (a) setting aside land for future public use as reserves;
- (b) controlling land development by zoning; and
- (c) other matters authorised by the enabling Act.

The Scheme is complementary to and is not a substitute for, the Metropolitan Region Scheme, and the provisions of the Metropolitan Region Scheme as amended from time to time, shall continue to have effect.

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# **PART I - PRELIMINARY**

## **1.1 THE SCHEME**

This Town Planning Scheme may be cited as the City of Rockingham Town Planning Scheme No 1, hereinafter called "the Scheme", and shall come into operation on the publication of notice of the Minister's final approval thereof in the Government Gazette.

## **1.2 THE SCHEME MAPS**

The Scheme shall apply to the whole of the land set out in the maps forming part of the Scheme.

## **1.3 PARTS**

The Scheme is divided into the following Parts:

Part I	-	Preliminary
Part II	-	Reserved Land
Part III	-	Zones
Part IV	-	Non-Conforming Uses
Part V	-	Special Provisions
Part VI	-	Special Site Development Controls
Part VII	-	Finance and Administration
Part VIII	-	Special Rural Zones

The remaining documents of the Scheme are as follows:

1. Land Use Map
2. Scheme Map

## **1.4 RESERVES AND ZONES**

In the Scheme, the Planning area is divided into reserves and zones. The basic types of reserves are:-

Regional Reservations  
Public Open Space  
Communications  
Special Uses

The basic types of zones are:

Rural  
Residential  
Commercial  
Industrial

## **1.5 RESPONSIBLE AUTHORITY**

The responsible authority for carrying out the Scheme is the Council of the City of Rockingham, hereinafter called "the Council", except that, where land is defined in the Scheme Proposals Map as "Regional Reservation", the responsible authority shall be deemed to be the Metropolitan Region Planning Authority, hereinafter called 'the Authority', and the provisions of the Metropolitan Region Scheme shall apply to such reservations.

## **1.6 CONSENT**

In any instance where the Council is required to obtain the consent of the Authority before consenting to any application for development, any consent given by Council without having obtained such consent shall be null and void.

## 1.7 COMPLIANCE

Subject to the provisions of the Act and all regulations made thereunder and to Part IV of this Scheme, no person shall depart from or permit or suffer any departure from the requirements and provisions of the Scheme, nor shall any person use or permit the use of any land or building or undertake or permit any new work, if the use, new work, reconstruction, alteration or modification does not conform to the Scheme or would tend to delay the effective operation of the Scheme.

## 1.8 REVOCATION OF PLANNING BY-LAWS

The Town Planning Zoning By-Laws for the City of Rockingham are hereby revoked.

## 1.9 SCHEME PREVAILS

The provisions of the Scheme shall have effect notwithstanding any By-law for the time being in force and, where the provisions of the Scheme are inconsistent with the provision of any By-law, the provision of the Scheme shall prevail.

- 1.10 In addition to the provisions of the Uniform Building By-laws, the conditions set down in Part V and Part VI shall apply to the erection of buildings in the various zones, provided that, where the provisions of the Scheme are inconsistent with the provisions of the Uniform Building By-laws, the provisions of the Scheme shall prevail.

## 1.11 APPEALS

The procedure for the lodgement and determination of appeals shall be in accordance with Part V of the Town Planning and Development Act and the Regulations made under that Act.

## 1.12 INTERPRETATIONS

In the Scheme, the terms used shall have the respective interpretations set out hereunder. Terms not set out hereunder shall have the respective interpretations set out in Appendix "D" of the Town Planning Regulations, 1967:

**Abattoir** - means place for the slaughter of animals for human consumption and the treatment of carcasses, offal and bi-products.

**Absolute Majority** - means a majority of the total number of the members for the time being of the Council whether present at the meeting or not.

**Agriculture** - means cultivation of land and includes horticulture and the use of land for any purpose of husbandry, including the keeping or breeding of livestock, poultry or bees, and the growing of fruit, vegetables or the like.

**Amusement Device** - means a billiard table, a pool table, a bagatelle table, a juke box, any mechanical, electronic or other machine or device on which games or competitions may be played or conducted.

**Betting Agency** - means a building or portion of a building operated in accordance with the Totalisator Board Act of 1960, as amended.

**Boat Building** - means any land, structure or navigable water used for the building, repair or maintenance of marine craft of any kind.

**Boat Launching** - means land, ramp or navigable water used for setting afloat marine craft by any means.

**Boat Sales Premises** - means any land, building or navigable water used principally for the display and sale of marine craft but does not include facilities for repair and maintenance of craft.

**Boat Storage** - means any land, buildings or navigable water used for keeping of marine craft, trailers or similar vehicles.

**Building Envelope** - means an area of land within a lot defined on a plan approved by the Council or by other means related by measurement to the boundaries of the lot and within which all buildings on the lot must be contained.

**Bulk Store** - means a building or place or portion of a building, used or designed for use for the bulk storage of goods, where the goods stored or to be stored are not required for use in a shop or commercial premises on the same parcel of land or on adjoining land in the same ownership.

**Canal or Canal Waterways** - means any artificial channel, lake, harbour or embayment for use or intended for use for navigable, ornamental and recreational purposes or any of those purposes. The term includes any access channel, any addition to or alteration of any canal within the meaning of this definition and any system of canal within the meaning of this definition provided in any development of the land.

**Canal Structure** - means jetties, launching ramps, bridges, moorings, water control structures or any other structure on, in or over the canal waterway.

**Caretaker's House/Flat** - means any building or part thereof used or provided for use as a residence by a person having the care of any building, plant or grounds on the same site as such first mentioned building.

**Club Premises** - means a building and/or associated land used as the main club premises for a yacht club, golf club or the like whether licensed or unlicensed.

**Commercial Sign** - means any advertisement or any sign, notice, device or representation in the nature of an advertisement which is:

- (a) a notice not exceeding 0.4m<sup>2</sup> in area, that premises are to let or for sale, with particulars of the same and the name and address of the person of whom enquiries may be made;
- (b) a plate containing the name of any person residing or carrying on any business, trade, industry or profession in or on the premises, and a statement as to the nature of the business, trade, industry or profession carried on in or on such premises, provided that such plate shall not exceed 0.2m<sup>2</sup> in area if erected on the street alignment or between the street alignment and the building line, and shall not exceed 0.4m<sup>2</sup> in area, if erected on or behind the building line; or
- (c) an advertisement as to meetings, entertainments or religious services to be held in or on such premises.

**Commercial Vehicle** - means:

- (a) a vehicle designed or used for commercial purposes and which exceeds a load capacity of 2 tonnes;
- (b) a vehicle designed or used for industrial purposes including without limiting the generality of the foregoing, any prime mover.

**Convenience Store** - means land and buildings used for the retail sale of convenience goods being those goods commonly sold in a supermarket, delicatessen or newsagent, but including the sale of petrol.

**Coverage** - has the same meaning as is given to it in and for the purposes of the Uniform Building By-laws.

**Development** - means the use or development of any land and includes the erection, construction, alteration or carrying out, as the case may be of any building, excavation, filling or other works on any land. Development includes the felling of timber on property.



**Development Policy Plan** - means the city of Rockingham's City Centre Development Policy Plan dated June 1995 and referred in Clause 3.5 of the Scheme Text.  
*AMD 207 GG 8/8/95*

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

- a single person;
- a family; or
- no more than six (6) persons who do not comprise a single family.

**General Advertising Structure** - means any structure used or to be used for the display of advertisements, other than a commercial sign, and includes signboards, wall signs, hoardings, painted bulletins, illuminated signs, bracket signs, under-verandah signs and sky signs.

**General Residential Zone** - means a portion of the City of Rockingham that is defined as such a zone and classified as Class 4 (GR4) or Class 5 (GR5) in the Scheme.

**Health Studio** - means a building designed and equipped for recreation activities, physical fitness and body building exercises and may include outdoor areas if approved by Council.

**Home Occupation** - means a business carried on with the permission of the responsible authority within a house or the curtilage of a house that:

- (a) does not cause injury to or prejudicially affect the amenity of the neighbourhood including (but without limiting the generality of the foregoing) injury or prejudicial affection due to the emission of noise, vibration, smell, fumes, smoke, vapour, steam, soot, ash, dust, grit, oil, waste water, or waste products;
- (b) does not entail the employment of any person not a member of the occupier's family, except in the case of a professional person not described under the definition Professional Offices residential;
- (c) does not occupy an area greater than 20m<sup>2</sup>;
- (d) does not require the provision of any essential service main of a greater capacity than normally required in the zone in which it is located; and
- (e) is restricted in advertisement to a sign not exceeding 0.2m<sup>2</sup> in area.

**Homestay accommodation** means building/s used for the short term accommodation of tourists and holiday makers and includes other buildings for the amenity of the residents, but does not include a Hotel or Motel. *AMD 286 GG 28/11/97*

**Industry - Rural** - means an industry handling, treating, processing or packing primary products grown, reared or produced in the locality, and a workshop servicing plant and equipment use for rural purposes in the locality. *AMD 283 GG 28/8/98*

**Integrated Development Guide Plan** - means a plan prepared in accordance with paragraph (b) of Sub-Clause 3.5.7 and which deals inter alia with the matters referred to in that paragraph. *AMD 207 GG 8/8/95*

**Junk Yard** - means land used for the collection, storage, abandonment or sale of scrap metals, waste paper, rags, bottle or other scrap materials or goods, or used for the collecting, dismantling, storage, salvaging or abandonment of automobiles or other vehicles or machinery or for the sale of parts thereof.

**Laundromat** - means a building, open to the public, in which coin-operated or other washing machines, with or without provision for drying clothes, are available for use.

**Lunch Bar** - means premises used for the preparation and/or sale of take-away sandwiches and similar foodstuffs within industrial and commercial areas in a form ready to be consumed without further preparation off the premises.

**Market** - means land or buildings used for the display and sale of goods from stalls by independent vendors. *AMD 312 GG 8/12/98*

**Medical Centre** - means a building or part of a building other than a hospital, designed or adapted for the use of practitioners who are members of eligible for membership of:

- (a) The Australian Medical Association
- (b) The Australian Dentist Association (Inc)
- (c) The West Australian Association of Masseurs
- (d) The Australian Chiropody Association
- (e) The Australian Optometrical Association
- (f) The Australian Physiotherapy Association
- (g) The Australian Chiropractors Association

or any other relevant Associations as determined acceptable by the Council.

Within the "Medical Centre", at the discretion of the Council, a dispensing facility may be included.

**Minister** - means the Minister for Town Planning.

**Motel** - means a building or buildings, not being an hotel or a residential building, substantially used or intended for use for the overnight accommodation of travellers and the vehicles used by them, whether or not the buildings are also used or designed for use in the provision of meals to such travellers or the general public.

**Motor Maintenance Station** - means any building or place or portion of a building used or designed for use for the purpose of carrying out repairs to motor vehicles or agricultural machinery, not being:

- (a) body building;
- (b) panel beating which involves dismantling; or
- (c) spray painting other than of a touching up character.

**Motor Showroom** - means a building used or designed for use for the display or sale of motor vehicles and accessories.

**Navigable Waters** - means rivers, lakes, inlets or other inland waters on which any vessel or any type of marine craft can be navigated and includes all water below the water mark within 3 nautical miles of the coastline of the State.

**Night Club** - means a building or land used for entertainment with eating and drinking facilities and may include land or waterway appurtenant thereto used for recreation.

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

**Park** - means to permit a vehicle, whether attended or not, to remain stationary and 'parking' has a correlative meaning.

**Place of Amusement** - means a premises open to the public in which are provided for the use or amusement of the public more than one amusement device.

**Precinct Policy Plan** - means a published policy of the Council relating specifically to a precinct of the City Centre identified in the Development Policy Plan the specific requirements for such a policy being detailed in the Development Policy Plan. *AMD 207 GG 8/8/96*

**Private Hotel** - means land and buildings providing accommodation for the public reward and which is the subject of a Limited Hotel Licence granted under the provisions of the Liquor Act 1970 (as amended) but does not include a tavern, boarding house or premises the subject of a hotel licence granted under the Act.

**Private Recreation** - means land used for parks, playgrounds, sports arenas, or other grounds for recreation which are not normally open to the public without charge.  
AMD 232 GG 28/5/93

**Professional Offices** - means any building used for the purpose of his profession by an Accountant, Architect, Artist, Author, Barrister, Chiropractor, Consular Official, Dentist, Doctor, Engineer, Masseuse, Nurse, Physiotherapist, Quantity Surveyor, Solicitor, Surveyor, Teacher (other than a Dancing Teacher or Music Teacher), Town Planner, or a person having in the opinion of the Council, an occupation of a similar nature.

**Public Amusement** - means land and buildings used for the amusement or entertainment of the public, with or without charge. AMD 232 GG 28/5/93

**Public Worship** - means land and buildings used for the religious activities of a church but does not include an institution for primary, secondary or higher education, or a residential training institution. AMD 232 GG 28/5/93

**Radio and TV Installation** - means the buildings and equipment capable of being used for transmitting and receiving radio and television broadcasts.

**Refreshment Room** - means a restaurant, cafe, tea room, eating house or the like.

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

- (a) temporarily by two or more persons; or
- (b) permanently by seven or more persons;

who do not comprise a single family; but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.

**Rural Dwelling** - means a dwelling house occupied in conjunction with land in a Rural zone.

**Saw Mill** - means a mill handling, cutting and processing timber from logs or baulks.

**Scheme Map** - means the series of thirty-one sheets bound in a book the title sheet of which is marked "City of Rockingham Town Planning Scheme No 1", signed by the Mayor and the Town Clerk and deposited in the following manner:

- (a) the Minister for Town Planning;
- (b) the Board; and
- (c) Rockingham City Council.

**Showrooms** - means a building wherein goods are displayed and may be offered for sale by wholesale and/or retail, excluding the sale of retail of foodstuffs, liquor or beverages, items of clothing or apparel, magazines, newspapers, books or paper products, medical or pharmaceutical products, china, glassware or domestic hardware and items of personal adornment.

**Statement of Planning Policy** - means a planning policy of the Council which has been published in writing. AMD 207 GG 8/8/95

**Stock and Sale Yard** - means a building or place used or designed for the purpose of offering animals for sale and includes a public cattle market.

**Tavern** - means premises in respect of which a Tavern Licence has been granted under the provisions of the Liquor Act, 1970 (as amended).

**Trade Display** - means the use of land or buildings for the display of goods for advertising purposes.

**Veterinary Hospital** - means rooms in which a qualified Veterinary Surgeon performs operations and where animals are allowed to remain for any period over 12 hours.

**Veterinary Surgery** - means offices of a qualified Veterinary Surgeon for consultation and where no animal remains on the premises overnight.

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

**Zoological Gardens** - means land and buildings used for the keeping of native or exotic wildlife, to which the public have admission.

## **PART II - RESERVED LAND**

### **2.1 MRS**

- (a) Land set aside under this Scheme for the purposes of a reservation is deemed to be reserved for the purposes indicated on the Scheme Map, and the reservations of the Metropolitan Region Scheme are shown in the Scheme in order to comply with the provisions of the Metropolitan Region Town Planning Scheme Act.

#### **COUNCIL APPROVAL**

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

### **2.2 SUBDIVISION**

The Council shall, when examining subdivisional proposals, consider the possibility of obtaining by dedication from the landowner all, or portion thereof, of any land required for public purposes that it considers to be equitable in the circumstances applying to the particular subdivision.

### **2.3 APPLICATION FOR APPROVAL**

Except as otherwise provided in this Part, a person shall not carry out any development on land reserved under the Scheme, without first applying for and obtaining the written approval of the Council.

### **2.4 ULTIMATE PURPOSE**

In giving its approval, the Council shall have regard to the ultimate purpose intended for the reserve and shall, in the case of land reserved for the purposes of a public authority, confer with that authority before giving its decision.

### **2.5 INJURIOUS AFFECTION**

Where the Council refuses approval for development of land reserved under the Scheme, on the ground that the land is reserved for public purposes, or grants approval subject to conditions, the owner of the land may, if the land is injuriously affected thereby, claim compensation for such injurious affection.

### **2.6 CLAIMS FOR COMPENSATION**

Any claim for such compensation shall be lodged at the office of the Council not later than six months after the date of the decision of the Council refusing approval or granting it subject to conditions that are unacceptable to the owners.

### **2.7 IN LIEU OF COMPENSATION**

In lieu of paying compensation, the Council may purchase the land affected by the decision of the Council at a price not exceeding the value of the land at the time of refusal of approval or of the grant of approval subject to conditions.

## **2.8 NON-CONFORMING USE**

No provision of this Part shall prevent the continued use of land for the use for which it was being lawfully used immediately prior to the gazettal date or the repair and maintenance of buildings or works lawfully existing on the land.

## **2.9 LAND NO LONGER REQUIRED BY COUNCIL**

Where land previously reserved by Council is no longer required for a reservation, no claim for compensation can be made by the owner or his or her agent. Development of the land will be permitted in accordance with the current zoning and in accordance with such other provisions as required by the Scheme.

## PART III - ZONES

### 3.1 MRS

Notwithstanding anything to the contrary in this Scheme and without affecting the generality of Clause 1.5 of Part I, the Council may, with the consent of the Minister, or when required by the Metropolitan Region Planning Authority so to do, shall require that the development of any land within the District, however zoned, shall be subject to the provisions of Clauses 10, 24 and 30 of the Metropolitan Region Scheme.

### 3.2 ZONES

The Scheme area is divided into the zones set out hereunder:

- (a) Development Zone;
- (b) Residential SR3;
- (c) GR4; (*GR4 Restricted ADDED BY AMD 79 GG 27/12/79; DELETED BY AMD 142*  
*18/1/85*)
- (d) GR5;
- (e) Residential Special;
- (f) Residential Deferred;
- (g) Business Local; (*Business District DELETED BY AMD 129 GG 15/2/85*)
- (h) City Centre; *AMD 207 GG 8/8/95*
- (i) Industry Service;
- (j) Industry Light;
- (k) Industry General;
- (l) Rural;
- (m) Hotel;
- (n) Service Station;
- (o) Special Rural; *AMD 68 GG 28/9/79*
- (p) Service Commercial; *AMD 115*
- (q) Secret Harbour Special Zone; *AMD 127*
- (r) Business Special; *AMD 52*
- (t) Special Residential *AMD 256 GG 1/11/96*
- (u) Port Kennedy Business Enterprise *AMD 326 GG 26/2/02*

### 3.3 USE CLASS TABLE

Table No 1 appended to Clause 3.4 of this Part indicates the several uses permitted by this Scheme in the zones described in Table I of zoning tables, such uses being determined by cross reference between the list of "Use Classes" on the left hand side of the Table and list of "Zones" on the top of that table.

### 3.4 SYMBOLS

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

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

#### 3.4A Application for Town Planning Approval

- (1) Subject to subclause (2) of this clause, a person shall not commence development of any land in the Scheme Area (other than land reserved pursuant to the Metropolitan Region Scheme) without first having applied for and obtained the Town Planning approval of the Council under the Scheme.

- (2) Town Planning approval of the Council shall not be required for the following development of land:
- (a) a single house or two grouped dwellings except where otherwise provided by the Scheme; *AMD 337 GG 27/10/00*
  - (b) works for the maintenance, improvement or other alteration of any building or structure where those works do not materially affect the external appearance of the building or structure;
  - (c) works carried out by the Council or the Commissioner for Main Roads in connection with the maintenance or improvement of a road where those works take place within the boundaries of the road;
  - (d) works carried out by the Council or a public authority in connection with the inspection, repair or renewal of any sewer, main, pipe, cable or other apparatus including works involving the breaking open of any road or other land for that purpose.
- (3) Every application for Town Planning approval shall be made in the form prescribed by the Metropolitan Region Scheme for application for approval to commence development of land zoned under Part III of that Scheme accompanied by such plans and other information as is required by the Scheme.
- (4) Where, under the provisions of the Metropolitan Region Scheme:
- (a) approval of the responsible authority is required for the development of land zoned under Part III of that Scheme; and
  - (b) the Council does not have power under the Metropolitan Region Town Planning Scheme Act 1929 as amended or re-enacted, to determine under that Scheme an application for approval to commence and carry out development;
- the Council shall retain a copy of the applicant's form of application to enable the Council to determine the application for Town Planning approval under the Scheme.
- (5) Every application for Town Planning approval shall be accompanied by:
- (a) the form prescribed in Clause 3.4A(3) of the Scheme duly completed by the applicant;
  - (b) a location plan to a scale of at least 1:5000 upon which the land the subject of the application is clearly identified;
  - (c) a plan or plans to a scale of at least 1:500 showing:
    - (i) the location and proposed use of any existing buildings to be retained and the location and use of buildings proposed to be erected on the land;
    - (ii) the existing and the proposed means of access for pedestrians and vehicles to and from the land;
    - (iii) the location, number, dimensions and layout of all car parking spaces intended to be provided;
    - (iv) the location and dimensions of any area proposed to be provided for the loading and unloading of vehicles carrying goods or commodities to and from the land and the means of access to and from those areas;
    - (v) the location, dimensions and design of any landscaped area and particulars of the manner in which it is proposed to develop the same;



- (d) plans, elevations and sections of any building proposed to be erected or altered and of any building it is intended to retain;
  - (e) any other plan or information required to be provided pursuant to the Scheme or that the Council may require to enable the application to be determined.
- (6) An application for Town Planning approval shall be signed by the owner of the land or an agent authorised in writing for that purpose by the owner of the land the subject of the application.

### **3.4B Deemed Refusal on Application for Town Planning Approval**

Subject to subclause (2) of this clause an application for Town Planning approval in respect of any development shall be deemed to have been refused where an approval is not conveyed to the applicant by the Council within 60 days of the receipt of the application or within such further time as may be agreed in writing between the applicant and the Council within that period of 60 days.

### **3.4C Issue of Decision on Application for Town Planning Approval**

- (1) The Council shall issue its decision in respect of an application for Town Planning approval in the form prescribed by the Metropolitan Region Scheme for approval and refusal of approval to commence development.
- (2) Where the Council refuses to approve an application for Town Planning approval or approves an application subject to conditions, the Council shall advise the applicant in writing of the Council's decision giving the reasons for the refusal or the imposition of the conditions, as the case may be.

### **3.4D Notwithstanding that a single house or two grouped dwellings do not require planning approval, any person who wishes the Council to exercise its discretion in respect of any particular provision of the R-Codes relating to the erection of a single house or two grouped dwellings shall, at the time of lodging an application for a building licence or earlier, apply for Council's Planning Approval for the exercise of discretion. AMD 337 GG 27/10/00**

The Council may grant its consent with or without conditions or may refuse to grant its consent. The Council shall, before granting its consent, satisfy itself that:-

- a) the discretion requested is one which the Council has the power to exercise; and
- b) exercise of the discretion would not compromise the objectives of the R-Codes.

## **3.5 CITY CENTRE ZONE AMD 207 GG 8/8/95**

### **3.5.1 Objective**

The objective of the City Centre zone is to contribute to the development of integrated retail, office, commercial, residential, civic and cultural facilities in Strategic Regional Centre generally in accordance with the objectives and principles outlined in the Rockingham City Centre Development Policy Plan or any other Plan or Policy that Council and the Western Australian Planning Commission adopt from time to time as a guide to future development within the zone.

### **3.5.2 Development Policy Plan**

- (a) For the purposes of this Scheme, "Development Policy Plan" means the City centre Development Policy Plan (as adopted by Council and endorsed by the Western Australian Planning Commission), otherwise referred to as Statement of Planning Policy No. 8.1, together with any amendments and associated policies and performance standards.
- (b) In considering applications for planning approval /or otherwise planning for development within the City Centre Zone, the council shall ensure that the general arrangement of buildings, pedestrian movement systems and activity

nodes, carparking and services areas, public, spaces and street scape structures are in accordance with the development Policy Plan.

- (c) The Development Policy Plan incorporates both general and area specific policy statements Subjects of general policy statements include:
  - (i) Urban Design;
  - (ii) Land Use;
  - (iii) Residential Development; and
  - (iv) Transport
- (d) A copy of the Development Policy Plan shall be kept and made available for public inspection at the offices of Council.

### **3.5.3 Precinct Planning**

- (a) To promote localised character and diversity under a single City Centre Zone, Council shall designate certain Precincts within the City Centre Zone.
- (b) The specific requirements detailed under Precinct Planning Policies, as set out in the Development Policy Plan, shall be considered by Council when dealing with any application for planning approval.
- (c) Precinct Planning Policies will ordinarily cover the following:
  - (i) Location;
  - (ii) Desired future character;
  - (iii) Preferred uses; and
  - (iv) Performance standards

### **3.5.4 Promotion of Mixed Land Use**

To promote the creation of a diversity of land uses and development in the City Centre within the planning parameters which shall apply to individual Precincts, Council shall take all reasonable steps to encourage a mixture of uses within individual building developments with the establishment of a lively and attractive street front environment as a priority objective.

### **3.5.5 Enhancement of Public Domain**

- (a) When considering any application for planning approval, Council shall have regard for the likely contribution (positive or negative) to the development of quality public spaces and desirable day and night time pedestrian activity.
- (b) Council shall have particular regard for the development of a public street net work which shall be defined by generally contiguous building frontages (as defined in Precinct Planning Policy guidelines and other relevant Policy statements).

### **3.5.6 Urban Structure**

In assessing applications for planning approval, Council shall take account of and shall ensure that the following principles are generally adhered to:

- (a) Development shall contribute to the framing up of a coherent structure of public streets defined by street front buildings in general conformity with the provisions of the Development Policy Plan.
- (b) Development shall contribute to the establishment of a traffic-calmed pedestrian friendly environment in both Civic Boulevard and Simpson Avenue.
- (c) Traffic circulation, vehicles access points and car parking shall be arranged to minimise impact on the core of the City while maintaining essential kerbside

parking consistent with the provisions of the Development Policy Plan.

- (d) As a general principle, car parking shall be clustered behind buildings which front the public street.

### **3.5.7 Planning Control**

- (a) In assessing applications for planning approval and formulating recommendations and/or comments on applications for the subdivision of land the Council shall take into account the objective of the City Centre Zone and the principles and policies as set out in the Development Policy Plan.
- (b) Prior to formulating any comments and/or recommendations on applications for the subdivision of land within the City Centre Zone the Council will enquire the applicant to prepare and submit an Integrated Development Guide Plan, which illustrates building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required.
- (c) An Integrated Development Guide Plan prepared in accordance with Clause 3.5.7(b) above shall take account of and adhere to the principles and proposals as set out in the Development Policy Plan.
- (d) An applicant aggrieved by the Council:
  - (i) refusing an Integrated Development Guide Plan
  - (ii) approving an Integrated Development Guide Plan subject to conditions or requirements run acceptable to the applicant; or
  - (iii) failing to make a decision on an Integrated Development Guide Plan within 35 days of the date of submission of the Plan or 35 days of the date of the service of a notice by the applicant requesting a decision on the Plan,

shall have a right of appeal under Part V of the Town Planning and Development Act 1928.

- (e) An applicant dissatisfied by a decision of the Council in respect of an Integrated Development Guide Plan may, within 14 days of the date of the Councils decision, request the Council in writing for a reconsideration of the Plan. In that case the operative date of refusal and approval respectively for the purpose of the appeal right arising under Items (i) and (ii) of paragraph (d) shall be the refusal or approval upon the reconsideration of the Plan.

### **3.5.8 Special Application of Residential Planning Codes**

- (a) In order to encourage residential development within the City Centre Zone, consistent with the urban design objectives for individual Precincts set out in the Development Policy Plan or other adopted Policies, Council may vary the standard Residential Planning Code provisions with respect to: car parking; street and side setbacks; distance between buildings in different occupancies on the same lot; and open space-both general, communal and specific to dwellings.
- (b) Council may only vary such development standards provided that it is satisfied that such variation is in the interest of orderly and proper planning and will not detract from the desired City Centre environment.

### **3.5.9 Special Car Parking Standards**

The Development Policy Plan contains special provisions for car parking under the Transport Policy. A Table setting out minimum car parking requirements and maximum car parking allowances is appended to the Policy Statement.

### **3.5.10 Modification of Development Policy Plan**

- (a) The Council, with the agreement of the Western Australian Planning Commission, may modify the Development Policy Plan, provided that it is satisfied that such modification is in the interest of orderly and proper planning and will not detract from the desired City Centre environment.
- (b) Modifications to the Development Policy Plan shall be advertised for public comment, unless in the opinion of the Council and the Western Australian Planning Commission the proposed modification is minor.

### **3.7 SPECIAL RESIDENTIAL ZONE AMD 256 GG 1/11/96**

Land included in the Special Residential Zone shall be subject to those provisions as may be specifically set out against it in Table VIII entitled "Special Residential Zone - Provisions Relating to Specified Areas".

### **3.8 BALDIVIS TOWN CENTRE ZONE AMD 295 GG 18/2/00**

#### **3.8.1 Objective**

In order to establish a clear and concise statement of planning principles to guide the development of the Baldivis Town Centre, the Council has developed the Baldivis Town Centre Policy.

#### **3.8.2 Baldivis Town Centre Policy**

- (a) For the purposes of Clause 3.8 of this Scheme, "the Policy" means the Baldivis Town Centre Policy adopted by the Council and otherwise referred to as Statement of Planning Policy No. 6.12 including any amendments made under Clause 3.8.6 and any associated policies and performance standards adopted by the Council from time to time.
- (b) In assessing development applications on land within the Baldivis Town Centre zone, the Council shall have due regard for both the general principles and the more specific use precinct requirements of the policy.
- (c) A copy of the Baldivis Town Centre Policy shall be kept and made available for public inspection during working hours at the offices of the Council.

#### **3.8.3 Planning Principles**

In determining any development application within this zone, the Council shall:

- (a) be guided by the objectives of the Baldivis Town Centre Policy;
- (b) have due regard to the impact of the development on the establishment, quality and use of the public domain;
- (c) seek to encourage a mix of uses both within individual developments and more broadly within the centre as a whole;
- (d) consider the specific requirements of the policies established by the policy for each of the use precincts within the Baldivis Town Centre zone.

#### **3.8.4 Application of Residential Planning Codes**

In order to encourage residential development consistent with the precinct policies established by the Baldivis Town Centre Policy, the Council may vary the Residential Planning Codes with respect to: car parking; street and side setbacks; distances between buildings in different occupancies on the same lot; and open space.

### **3.8.5 Parking**

In assessing parking requirements for development within the Baldivis Town Centre zone, the Council shall have regard to the standards and cash-in-lieu provisions of the City Centre Zone Policy and any specific requirements set out in the Baldivis Town Centre Policy.

### **3.8.6 Policy Modifications**

The Council may modify the Baldivis Town Centre Policy provided it is satisfied that such modification will, while generally maintaining the broad objectives of the original policy, enhance the orderly and proper planning of the centre.

### **3.8.7 Planning Control**

Prior to formulating any recommendations on applications for the development of land within the Zone, the Council shall require the applicant to prepare and submit an Integrated Development Plan, which illustrates building envelopes, indicative building configurations, setbacks, pedestrian and vehicular access, indicative carparking layouts and any rights of way or access easements required.

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

### **4.1     LAWFUL USE**

No provision of the Scheme shall prevent:

- (a)     the continued use of land or building for the purpose for which it was being lawfully used at the time of coming into force of the Scheme; or
- (b)     the carrying out of any development for which, immediately prior to that date, a permit or permits, required under the Act or any other law authorising the development to be carried out, had been duly obtained and was current.

### **4.2     DEVELOPMENT APPROVAL - RESERVES**

Where, in respect of land reserved under Part II of the Scheme, a non-conforming use exists or was authorised, as mentioned in Clause 4.1 of this Part, on that land, all or any erections, alterations or extensions of the buildings thereon or use thereof shall not be carried out unless the approval of the Council has been obtained in writing.

### **4.3     SCHEME PREVAILS**

Where, in respect of land zoned under Part III of the Scheme, other than land zoned Residential, a non-conforming use exists or was authorised, as mentioned in Clause 4.1 of this Part, on that land, buildings may be extended, with the consent of the Council, to the limits prescribed by the Uniform Building By-laws or by any other by-laws made under the Local Government Act, 1960 (as amended), for the purpose of limiting the size, location and distance from boundaries and any other matter required by law for that class of use within the boundary of the lot or lots on which the use was carried on immediately prior to the time of coming into force of the Scheme; provided that, where the provisions of any by-law referred to in this clause are inconsistent with provisions of the Scheme, the provisions of the Scheme shall prevail.

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

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

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

- (a)     Notwithstanding the preceding provisions of this Part, except where a change of non-conforming use has been permitted by the Council under Clause 4.3 when a non-conforming use of any land or building has been discontinued, such land or building shall not thereafter be used other than in conformity with the provisions of the Scheme.
- (b)     The Council may effect the discontinuance of a non-conforming use by the purchase of the affected property, or by the payment of compensation to the owner or the occupier or to both the owner and the occupier of that property, and may enter into an agreement with the owner for that purpose.

## PART V - SPECIAL PROVISIONS

### 5.1 CONSIDERATIONS

In respect of any application for consent to erect or use a building to carry out or use or work or to use land, the Council shall take into consideration:

- (a) the character of the proposed development in relation to the character of the development on the adjoining land and in the locality;
- (b) the size and shape of the parcel of land to which the application relates, the siting of the proposed development and the area to be occupied by the development in relation to the size and shape of the adjoining land and the development thereon;
- (c) whether the proposed means of entrance to and egress from the site are adequate and whether provision has been made for the loading, unloading and parking of vehicles on the site;
- (d) any representations made by any public authority, in relation to the application or to the development of the area, and the rights and powers of any such authority;
- (e) any detailed plan, design or code adopted by resolution of the Council for the development of the locality in which the land to which the applications relates is situated;
- (f) whether adequate provision has been made for the landscaping of the parts of the site between any building and the boundary of any reserved land for public purposes;
- (g) the existing and future amenity of the neighbourhood;
- (h) the circumstances of the case and the public interest; and
- (i) the provisions of the Scheme.

### 5.2 NOT PERMITTED *AMD 117 GG 19/3/82; AMD 121 GG 21/5/82*

Notwithstanding the provisions of any Act, By-law or Regulations, the Council shall not consent to the erection of:

- (a) (DELETED BY AMENDMENT 183)
- (b) any building in a Business Zone having walls of other than brick, stone or concrete.

### 5.3 DEVELOPMENT STANDARDS

Any development of land in the:

- (i) Residential SR3 Zone shall be in accordance with the provisions of the R15 code of the Residential Planning Codes for those areas connected to deep sewerage and in accordance with the provisions of the R12.5 code for those areas not connected to deep sewerage;
- (ii) General Residential GR4 Zone shall be in accordance with the provisions of the R40 Code of the Residential Planning Codes for those areas connected to deep sewerage and in accordance with the provisions of the R12.5 Code for those areas not connected to deep sewerage;
- (iii) General Residential GR5 Zone shall be in accordance with the provisions of the R50 code of the Residential Planning Codes for those areas connected to deep sewerage and in accordance with the provisions of the R12.5 Code for those areas not connected to deep sewerage.

### **5.3A VARIATION TO THE SCHEME** *AMD 130 GG 29/7/83*

If a development, the subject of an application for planning consent, does not comply with a standard or requirement prescribed in the Scheme, with respect to that development, the Council may, notwithstanding that non-compliance, approve the application unconditionally, or on such conditions as the Council thinks fit. the power conferred by this Clause may be exercised if the Council is satisfied that:-

- a. approval of the proposed development would be consistent with the orderly and proper planning of the locality and the preservation of the amenities of the locality.
- b. the non-compliance will not have any adverse effect upon the occupiers or users of the development or the property in or the inhabitants of the locality or upon the likely future development of the locality; and
- c. the spirit and purpose of the requirement or standard will not be unreasonably departed from thereby.

### **RESIDENTIAL PLANNING CODES** *AMD 183 GG 13/7/90*

#### **5.4 RESIDENTIAL DEVELOPMENT: RESIDENTIAL PLANNING CODES**

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

#### **Residential Planning Codes: Variations and Exclusions**

Notwithstanding the provisions of Table 1 of the R Codes, the development of two grouped dwellings or two attached houses on lots which were existing at the time of gazettal of Amendment No 183 shall be subject to a minimum lot size of 1000 square metres and a minimum effective frontage of 20 metres.

#### **5.4A TRUNCATIONS**

The setbacks from street property lines for lots at the corners of intersecting streets in the Light Industry zone shall be as follows:

All buildings 15 metres minimum: 22.5 metres for any two combined. Where the lot size is below 2000 square metres, Council may reduce the above setbacks to 10 metres and 15 metres respectively.

#### **5.5 DWELLING ON SMALLER LOTS**

The Council may permit a dwelling house to be erected on a lot smaller in area and frontage than prescribed in the Scheme, if the site comprises the whole of any lot shown on a plan or diagram of subdivision approved in accordance with the provisions of the Act.

#### **5.6 DISTANCE BETWEEN BUILDINGS** *DELETED AMENDMENT 183 13/7/90*



**5.7** Notwithstanding the provisions of Clause 5.3:

**Height Limitation**

- (a) no building shall be erected to a height exceeding two storeys in those parts of the General Residential GR4 zone shown with a heavy red edging on the Scheme Proposals Map;

**Water Connection**

- (b) no attached house or grouped dwelling which comprises more than two dwelling units shall be erected on a lot which is not served with a piped water supply to the satisfaction of the Water Authority of Western Australia. *AMD 183 GG 13/7/90*

- (c) *ADDED BY AMD 30 GG 4/3/77; DELETED BY AMD 124 GG 15/4/83.*

**5.8 CAR PARKING**

Every owner or occupier who constructs or substantially reconstructs, alters or adds to a building or who changes the use of any land or building shall make provision for parking spaces on the said land or the site of the said building generally in accordance with the suggested requirements of Table III, or, if the proposed use is not specified in Table III, as the Council may determine.

Council shall determine what proportion of spaces to be provided should be constructed when giving its approval to the development but reserves the right to insist that all additional spaces be constructed if so required, Council shall re-examine the question of car parking requirements on each site prior to giving its approval to additional building development on the land.

**5.9 CAR BAY DIMENSIONS** *AMD 90 GG 27/6/80; AMD 183 GG 13/7/90*

For non-residential development the minimum dimensions of any parking space, required under the provisions of Clause 5.8, shall be 5.5 metres by 2.5 metres with manoeuvring aisles being not less than 6.5 metres in width. The end parking bays, where no overhang area is provided, are to be increased in width to 3 metres and the additional overhang area is to be provided with a stop-log kerb 300mm from the end side of the parking bay. When considering any development application, the Council shall have regard to and impose conditions on the details of locating and designing the required car parking spaces. In particular, the Council shall take into account and may impose conditions concerning:

- (a) the proportion of spaces to be roofed or covered;
- (b) the proportion of spaces to be below natural ground level;
- (c) the means of access to each space and the adequacy of any manoeuvring area;
- (d) the location of the spaces on the site and their effect on the amenity of adjoining development, including the potential effect if spaces should later be roofed or covered;
- (e) the adequacy of proposed screening or planting;
- (f) the extent to which spaces are located within required setback areas;
- (g) the location of proposed footpaths and the effect of traffic movement on safety; and
- (h) the suitability and adequacy of elevated structural decks for development and service as a proportion of the required area for natural planting and pedestrian space.

**5.10 APPLICATION OF CAR PARKING REQUIREMENTS**

Subject to the provisions of Clause 5.7 and 5.8, the provisions of Clause 5.3 shall apply Mutatis Mutandis to all developments in Residential Zones. *AMD 183 GG 13/7/90*

#### **5.11 NATURAL PLANTING**

*DELETED BY AMD 183 GG 13/7/90*

#### **5.12 SIGNS**

No more than one commercial sign shall be displayed on any lot in a Residential zone.

#### **5.13 MOTEL**

A motel shall not be erected on any land which has an area of less than 4000m<sup>2</sup>.

#### **5.13A BUSINESS LOCAL ZONE AMD 62 GG 15/12/78**

Where the Council is to zone a site for 'business local' the minimum lot size shall be 1000 square metres and the minimum effective frontage of 25 metres. The Council may, under special circumstances, vary this requirement.

#### **5.14 HOTEL**

An hotel shall not be erected on any land which has an area of less than 12000m<sup>2</sup>. Any other land being subject to a Liquor Licence applicable under the Liquor Act 1970 must be approved for this purpose by the Council, and have sufficient area to meet the Council's requirements, except for hotel established on Rockingham Lots 12, 13, 14 and 15.

#### **5.15 SERVICE STATIONS**

The Council shall not consent to the erection or use of a building or the use of land for the purpose of a petrol filling station or a service station unless:

- (a) the site has a frontage of not less than 38 metres;
- (b) the site has an area of not less than 1200m<sup>2</sup>;
- (c) no petrol pump stands closer to the street alignment or proposed alignment than 3.6 metres;
- (d) no building stands closer to the street alignment or proposed alignment than 12.8 metres;
- (e) no vehicular crossing over a footpath exceeds 10.5 metres in width; and
- (f) no vehicular crossing over a footpath is closer than 7 metres to a street intersection.

#### **5.16 DRIVE-IN-THEATRE**

The Council shall not consent to the erection of a drive-in theatre, unless the screen is so located or protected that no image projected thereon shall be visible from any controlled access road reserve, main road reserve or regional road reserve.

#### **5.17 DEFERRED RESIDENTIAL ZONE**

No development shall be carried out in any Deferred Residential zone until the deferment has been lifted by the Authority and until a development plan covering an area of not less than 40 hectares or such area as deemed by Council or the Authority may direct and until such a development plan has been approved by both the Council and the Town Planning Board. All development shall be carried out in accordance with the approved development plan.

#### **5.18 DEVELOPMENT WITHIN THE GENERAL INDUSTRIAL AREA AMD 51 GG 1/12/78**

- (1) **Setbacks:** The minimum building setback from all street boundaries shall be 15 metres.

- (2) **Boundary Clearance:** All boundary clearances from side and rear boundaries to be in accordance with the Uniform Building By-laws.
- (3) **Office/Showroom/Amenity Buildings:** All offices, showrooms, amenity buildings or similar uses, where adjacent to street boundaries shall be constructed in brick, stone or concrete, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finish. Other materials may be permitted at Council's discretion.
- (4) **Fencing:** All industrial type fencing to be of an approved variety with any industrial fencing forward of the building line being suitably landscaped.
- (5) **Storage of Materials:** All storage or stacking of materials to be behind the street building line in such a position or arranged in such a manner so as not to be considered unsightly.
- (6) **Trade Displays:** Trade displays may be permitted with the street setback areas at the discretion of the Council.
- (7) **Advertising Signs:** Individual industrial sites will be permitted one only advertising sign indicating the name/s of the concern/s and the nature of the business.
- (8) **Car Parking:** Parking shall be provided for all company, managerial and workforce vehicles in accordance with Table III of this Scheme.

Notwithstanding the provisions of Table III, Industrial uses that provide employment on a shift basis shall provide parking spaces necessary to accommodate the number of vehicles for the two largest shifts.

A minimum of four customer/visitor car parking spaces shall be provided in close proximity of the office/administration centre. Where Council feels that particular uses require more customer/visitor car parking then those sites shall be additional to the four normally provided.

- (9) **Landscaping:** Landscaping shall be provided on all street frontages for a distance of not less than 7.5 metres from each street boundary. At the discretion of Council, additional landscaping may be required on the remainder of the site.
- (10) **Types of Industry:** Council retains the right to determine the types of industries to be permitted to be established within the General Industrial zone.

## 5.19 TRUNCATION/STREET OBSTRUCTION

No obstruction more than 0.9 metres high shall be permitted on a business lot abutting a residential lot, within a triangle formed by one side 7.5 metres along the dividing boundary measured from the intersection on that dividing boundary and the street boundary, and 15 metres along the street boundary of the business lot. Measured from the same point, parking of vehicles within the triangle so formed is to be prohibited. Every building on a business lot shall be setback 3 metres per storey from the dividing side boundary of an adjacent residential lot.

## 5.20 EXCLUSIVE USES

Nothing in the Scheme shall operate to allow the use of:

- (i) Lot 153 Safety Bay Road, Safety Bay, for no other purpose than Consulting Rooms, or any other use permitted in the Residential SR3 Zone under the Scheme.  
*AMD 244 GG 13/5/94*
- (ii) Lot 174 Sub Lot 1 Thorpe Street to be used for no other purpose than Professional Office or Residence (Doctor's Surgery). *AMD 74 GG 12/10/79*

- (iii) (a) Lot 1 of Rockingham Town Lot 1433 Patterson Road, Rockingham for any purpose other than as a commercial site, the use of which must be approved by Council (Service Commercial). *AMD 8 GG 10/9/76*
- (b) Lot 2 of Rockingham Town Lot 1433 Patterson Road, Rockingham for any purpose other than a motel and commercial site, the use of which must be approved by Council (Service Commercial).
- (iv) Lots 24 and 25 Val Street and Harrison Street to be used for Parking in conjunction with the Yacht Club situated on Lot 1 and Part 23 Val Street (Cruising Yacht Club).
- (v) Lot 2 Thorpe Street for any purpose other than medical purposes and parking (Medical Centre). *AMD 9 GG 10/12/76*
- (vi) Lot 3 Thorpe Street for any purpose other than dental purposes, residence and parking. (Dental Surgery)
- (vii) Lot 324 Cygnus Street to be used for Residential and Medical Purposes only (Doctor's Surgery). *AMD 11 GG 25/6/76*
- (viii) Lot 10 Council Avenue, zoned Local Business, for any purpose other than "Squash Courts" (Squash Courts). *AMD 26 GG 17/12/76*
- (ix) *DELETED AMENDMENT 207 GG (8/8/95)*
- (x) That portion of Part Lot 14 Mandurah Road, which is zoned Local Business to be a lot upon which petrol pumps may be installed. *AMD 22 GG 22/4/77*
- (xi) The first storey of the building located on Lot 1 Kent Street, (Corner Railway Terrace), for any purpose other than a night club (Night Club). *AMD 76 GG 11/1/80*
- (xii) *DELETED BY AMD 207 GG (8/8/95)*
- (xiii) An area of 1000 square metres with a frontage of 25 metres to Mandurah Road and a depth of 40 metres on the southwest corner of Part Lot 101 of Lot 9, zoned Rural, for any purpose other than for sales of market goods produced in the area. *AMD 83 GG 22/8/80*
- (xiv) Lot 283 Parkin Street, Rockingham, for any purpose other than a duplex or a detached dwelling house. *AMD 91 GG 19/9/80*
- (xv) *ADDED BY AMD 103 GG 12/6/81; DELETED BY AMD 147 GG 26/7/85*
- (xvi) Lot 71 Mandurah Road (corner Outridge Road), Baldivis for no other purpose than a restaurant, reception centre and tavern and any other use permitted in the "Rural" zone. *AMD 101 GG 16/10/81; AMD 278 GG 5/9/97*
- (xvii) Lot 271 Safety Bay Road, Waikiki for no purpose other than Medical Centre and any other use permitted within the Residential SR3 Zone under the Scheme. *AMD 125 GG 15/10/82; AMD 323 GG 27/4/99*
- (xviii) Lot 100 corner Parkin and Bell Streets, Rockingham for any purposes other than Consulting Rooms, Medical Centre, Offices and Professional Offices. *AMD 219 GG 25/10/91*
- (xix) **(this item not proceeded with).**
- (xx) Notwithstanding the provisions of the Uniform Building By-laws, Lot 540 Leeder Street, Safety Bay for any purpose other than five residential houses, in a position to agree with the Council's Plan Drawing No 6/82. *AMD 128 GG 13/5/83*

- (xxi) Lots 805 and 806 Malibu Road, Safety Bay for any purpose other than a residence and veterinary hospital or any other use permitted in the Residential SR3 zone under the Scheme. *AMD 135 GG 7/9/84; AMD 156 GG 13/2/87*
- (xxii) Lot 959 Ray Street, Rockingham for any purpose other than for Office Premises for the Silver Chain Nursing Association Inc, or for uses permitted in a Residential Zone under the Scheme. *AMD 162 GG 28/8/87*
- (xxiii) *AMD 167 GG 23/11/887; AMD 197 GG 4/5/90; AMD 245 GG 2/5/95; DELETED BY AMD 270 GG 25/6/96*
- (xxiv) That portion of Lots 32, 33 and 34 corner of Read Street, Council Avenue and Sepia Court, Rockingham which is zoned Special Business for any purposes other than Offices and Restaurants. *AMD 174 GG 2/6/89*
- (xxv) Lot 201 on the corner of Kent and Wanliss Streets, Rockingham, for no other purpose than Medical Centre and professional Uses or for uses permitted in a Residential GR4 Zone under the Scheme. *AMD 180 GG 27/1/89; AMD 257 GG 26/9/95*
- (xxvi) Lot 47 corner Safety Bay Road and Penguin Road, Safety Bay, for any purpose other than Marine Maintenance and Repair, or for uses permitted in a Business Local Zone under the Scheme. *AMD 201 GG 30/3/90*
- (xxvii) Lot 492, corner of Singleton Beach Road and Mandurah Road, Singleton, for any purpose other than Shops (maximum gross leasable area 160 square metres) or for uses permitted in a Service Station Zone under the Scheme. *AMD 211 GG 25/1/91*
- (xxviii) Lots 232 and 233 Safety Bay Road, Warnbro, for any purpose other than a Veterinary Hospital, or for uses permitted in a Residential Zone under the Scheme. *AMD 190 GG 22/9/89*
- (xxix) Part Lot 1000, Warnbro Sound Avenue, Bakewell Drive and Fielden Way, Port Kennedy, for no other purpose than open air display. *AMD 224 GG 27/11/92*
- (xxx) Lot 730, Corner of Read Street and Gnangara Drive, Waikiki, for any purpose other than Service Station, or for uses permitted in a Business Local Zone under the Scheme. *AMD 198 GG 2/2/90*
- (xxxi) Unit 1, Lot 1 Acute Court, Rockingham for any purpose other than a Shop or any use permitted in the Service Commercial Zone under the Scheme. *AMD 230 GG 19/2/93*
- (xxxii) Lot 603 corner Warnbro Sound and Halliburton Avenues, Warnbro, for no other purpose than a Convenience Store or for uses permitted in the Development Zone under the Scheme. *AMD 233 GG 19/3/93*
- (xxxiii) Lot 1 and 175 Livingstone Road, Leach Crescent and Leghorn Street Rockingham, for no other purpose than a "Restaurant" or for uses permitted in the Service Commercial Zone under the Scheme *AMD 237 GG 22/4/94*
- (xxxiv) Lot 6 Fifty Road, Baldivis for no purpose other than a 'Residential Building' or for uses permitted in the Rural Zone under the Scheme. *AMD 242 GG 17/12/93*
- (xxxv) Lots 13-16 Kent Street, Flinders Lane and Rockingham road, Rockingham for no purpose other than Service Station, Hotel or for uses permitted in a Business Local Zone under the Scheme. *AMD 255 GG 11/7/95*
- (xxxvi) Lot 293 Kerosene Lane, Baldivis for no purpose other than four grouped dwellings in association with a marron/fish farm or for uses permitted in the rural zone. *AMD 254 GG 26/9/95*
- (xxxvii) Lot 688 (No. 8) Grange Drive, Cooloongup for no purpose other than consulting Rooms and any other use permitted within the Residential SR3 zone under the Scheme. *AMD 290 GG 30/9/97*

- (xxxvii) Lot 127 Fletcher Road, Karnup for no purpose other than “homestay accommodation” (not exceeding 15 bedrooms) or for the uses permitted in the subject Special Rural Zone under the Scheme. *AMD 286 GG 28/11/97*
- (xxxviii) Lot 166 corner McLarty and Safety Bay Roads, Safety Bay for any purpose other than Marine Retail, Maintenance and Repair, or for uses permitted in the business Local zone under the Scheme, with the exception of grouped or multiple dwellings. *AMD 302 GG 31/3/98*
- (xxxix) The southern portion of Lot 224 Mandurah Road, East Rockingham for “Noxious Industry” and “Hazardous Industry” uses. *AMD 275 GG 8/8/97*
- (xi) Lot 1331 (No. 21) Dixon Road, Rockingham for no purpose other than Consulting Rooms or any other use permitted in the Light Industrial Zone under the Scheme. *AMD 308 GG 11/9/98*
- (xli) Lot 231 Safety Bay Road, Warnbro for no purpose other than Motor Repair Station, Showroom for the Hire of Garden Equipment and Trailers or Office. *AMD 317 GG 5/1/99*
- (xlili) Lot 139 Paxton Way, Port Kennedy for no purpose other than “Club Premises” or for uses permitted in the Light Industry zone. *AMD 324 GG 14/9/99*
- (xliv) Lot 685 (No. 2) Grange Drive, Cooloongup for no purpose other than an Ambulance (Transport) Depot and any other use permitted within the Residential SR3 Zone under the Scheme. *AMD 339 GG 5/2/02*
- (xliv) (A) Lot 299 Kerosene Lane, Baldivis, for any purpose other than:  
*AMD 344 GG 24/5/02*
  - (a) any use permitted in the Rural Zone
  - (b) the retail sale of fruit and vegetables; and
  - (c) the retail sale of eggs, bread, pastries, milk, cheese, poultry, preserves, confectionery, and non-alcoholic refreshments as an incidental use to the use referred to in paragraph (A) (b)
- (B) The use of the land for the purposes referred to in paragraph (A) (b) (c) shall conform to the following requirements:
  - (a) the floor area of any building or buildings uses for that purpose shall not exceed 234 sqm; and
  - (b) no goods other than those specified in paragraph (A) (b) (c) shall be sold.
- (C) The use of the land for the purpose referred to in paragraph (A) (b) and (c) shall cease upon the land ceasing to be used for the purpose of a market garden.
- (D) The use of the land for the purpose referred to in paragraph (A) (b) and (c) is conditional on the preparation and adherence to a suitable traffic management plan.

## 5.21 SPECIAL MOTEL ZONE

The Special Motel Zone covering Lots 72 and 74 Parkin Street and 49, 50 and 51 Saw Avenue:

- (a) No part of the land or any building thereon or to be erected thereon is designed, constructed or used as for the purposes of and or for wedding receptions, private or public parties, meetings, dances or other functions.
- (b) Any area designed for use as a Restaurant is used for that purpose and no other.

- (c) The premises do not become subject to any licence issued in the provisions of the Liquor Act, 1970, other than a Restaurant Licence.

**5.22 DEVELOPMENT OF LIGHT INDUSTRIAL LAND** *AMD 42 GG 12/8/77; AMD 69 GG 28/9/79*

**(i) Lot Areas**

The minimum lot size for any block in the Light Industrial area shall be 2000 square metres, but under special circumstances Council may agree to the creation of lots having a lesser area.

**(ii) Setbacks**

The minimum setback for a lot that has an area of 2000 square metres or over shall be 15 metres. Where a lot has an area of less than 2000 square metres, Council may reduce the setback to 10 metres.

**(iii) Office/Amenity Buildings**

All offices, showrooms and amenity buildings shall be constructed in brick, stone or concrete, provided that if concrete panels are used, such panels must have an exposed aggregate or textured finish. Other materials may be approved at Council's discretion.

**(iv) Fencing**

All industrial type fencing shall be of an approved variety, with any industrial fencing forward of the building line being suitably landscaped.

**(v) Storage of Materials**

All storage or stacking of materials shall be behind the street building line in such a position, or arranged in such a manner, so as not to be considered unsightly.

**(vi) Trade Displays**

Trade displays may be permitted within the street setback areas, at the discretion of Council.

**(vii) Advertising Signs**

Individual industrial sites shall be permitted one (1) only advertising sign indicating the name/s of the concern/s and the nature of the business.

**(viii) Car Parking**

Parking shall be provided for all company, managerial and workforce vehicles in accordance with Table III of this Scheme.

Notwithstanding the provisions of Table III, industrial uses that provide employment on a shift basis shall provide parking spaces necessary to accommodate the number of vehicles for the two (2) largest shifts.

A minimum of four (4) customer/visitor car parking spaces shall be provided in close proximity of the office/administration centre, however, where Council feels that a particular use requires more customer/visitor car parking, then a greater number than the minimum of four (4) shall be provided.

**(ix) Landscaping**

Landscaping shall be provided on all street frontages for a distance of not less than five (5) metres from each street boundary.

**(x) Side Setbacks**

Distance from side boundaries:

If the walls are of brick, stone or concrete construction and have the required parapet above roof line, one side may be built on the boundary, the other side must be the height of the wall clear of the boundary to allow access to the rear of the lot. In all other cases, distance from the building to the boundary must be equal or greater than the height of the wall.

**(xi) Septic Installation**

Sufficient area must be available for septic tank installation and effluent disposal.

**(xii) Legislation**

All plans and conditions as laid down by the Shops and Factories Act, and Fire Brigades Board, must be adhered to.

**(xiii) By-Laws**

All in accordance with the Uniform General Building By-Laws.

**(xiv) Change of Use**

No lot can be altered to any other use without prior approval of the Council.

**5.23 FUEL STORAGE**

A person shall not stock or place any fuel or raw materials or products or by-products or waste of manufacture between the alignment of the Building and the street alignment.

**5.24 CHANGE OF USE**

No person shall change the use of any land, however zoned, from one use class to another use class unless the prior approval in writing of the Council has been obtained.

**5.25 DEVELOPMENT ZONE COMPREHENSIVE PLAN**

Notwithstanding the provisions of the zoning table no development shall be approved within the 'Development Zone' until a comprehensive plan for development of the area has been submitted to and approved by the Council and Town Planning Board. When considering applications to develop within the zone the Council and the Town Planning Board shall pay due regard to the effect that the proposed development will have on the amenity, public health, convenience and economy of the general area.

**5.25B DEVELOPMENT ZONE - SECRET HARBOUR** *AMD 214 GG 19/6/92*

Development of land for the purposes of Special Residential within the Development Zone of Secret Harbour shall be in accordance with the provisions of the Scheme and "Table VII -Secret Harbour Special Residential Precinct".

**5.25C DEVELOPMENT ZONE - WARNBRO DUNES** *AMD 263 GG 20/5/97*

Development of land for the purposes of Special Residential within the Warnbro Dunes Estate shall be in accordance with the provisions of the Scheme and Table VIII - Warnbro Dunes Special Residential Precinct.

**5.25D PEELDALE** *AMD 354 GG 7/2/03*

Development of land within the Development Zone of Peeldale shall be in accordance with the provisions of the Scheme and Table XII - Peeldale.



**5.26** (ADDED BY AMD 43 GG 14/10/77; DELETED AMD 183 GG 13/7/90)

**5.27** (ADDED BY AMD 126 GG 13/5/83; DELETED AMD 183 GG 13/7/90)

**5.28** (NOT PROCEEDED WITH)

**5.29 MEDICAL CENTRE** (ADDED AS CLAUSE 5.26 BY AMD 52 16/6/78)

No Medical Centre shall be erected on a site having an area of less than 1000 square metres. When considering an application for a Medical Centre, Council shall impose appropriate conditions so that the Medical Centre will not detract from the aesthetics or amenity of that locality.

**5.30 SERVICE COMMERCIAL** (ADDED AS CLAUSE 5.27 BY AMD 115 GG 5/8/83)

**5.30.1** Council's object in controlling development within the Service Commercial Zone is to:

- (i) encourage a high standard of service, business and commercial activity for those uses requiring larger floor areas;
- (ii) promote in the Service Commercial Zone, showrooms/storerooms, service function, offices, retail uses (such as carpet and furniture retailers) and Commercial recreation;
- (iii) promote mixed use developments comprising the general land uses mentioned in (ii) above, together with those which are permitted by Table I, Zoning Table.

**5.30.2 Plot Ratio and Site Coverage**

In the Service Commercial Zone no building shall have a plot ratio exceeding 1.0, with a bonus plot ratio of up to 20%. The site coverage shall not exceed 70% with a bonus site coverage of up to 20%.

**Bonus Plot Ratio**

Council may permit the application of these bonuses if the development proposed to be carried out:

- (i) incorporates on the site of the development a street level and adjoining an area of areas freely accessible to the public and open to the sky or such an area or areas at some other level in circumstances which the Council considers justify an increase in the permissible plot ratio and/or site coverage;
- (ii) is setback from the side boundaries of the site at such level or levels and at such distances as the Council considers justifies an increase in the permissible plot ratio;
- (iii) includes a community or other facility or amenity which the Council considers justifies an increase in the permissible plot ratio and/or site coverage.

**Variation to Plot Ratio**

The Council shall not permit a building to have a plot ratio in excess of that prescribed in this Clause as the case may be unless:

- (a) it is satisfied that the development complies with one or more of the criteria set out in parts (i) and (ii) above;
- (b) it is satisfied that the design, standard and nature of the development as a whole is such as to constitute a significant improvement to the amenities or environment of the Service Commercial Zone;

(c) it resolves to do so by an absolute majority.

**5.30.3 Setback**

Every building within the Service Commercial Zone shall be setback no less than 9 metres from the street which the lot fronts.

**5.30.4 Landscaping**

Within the Service Commercial Zone an area of no less than one-twelfth of the lot shall be designed, developed and maintained as a landscaped area in accordance with the approved plan relating thereto. Where in the opinion of the Council sufficient landscape features exist in the lot or nearby streets and reserves, the landscaped area may be reduced by up to 50%.

**5.30.5 Loading and Unloading**

Areas for the loading and unloading of vehicles carrying goods or commodities to or from premises within the Service Commercial Zone shall be provided and maintained in accordance with the approved plan relating thereto.

**5.30.6 Mixed Development**

Mixed development consisting of uses permitted or approved of by Council within the Service Commercial Zone may be approved where such uses are compatible and where in the opinion of Council the development will not detract from the amenity of the area.

**5.31 PARKING OF COMMERCIAL VEHICLES IN RESIDENTIAL ZONES** *AMD 122 GG 30/3/84; AMD 142 GG 18/1/85*

**5.31.1** A person shall not park a commercial vehicle on land within any of the following zones:

- (a) Residential SR3
- (b) GR4
- (c) GR5
- (d) Residential Special

Unless approval has been granted by the Council for that purpose.

**5.31.2 Approval**

The Council may grant approval for the parking of a commercial vehicle pursuant to sub-clause (1) of this Clause if the Council is satisfied that:

- (a) the parking of such a vehicle will not adversely affect the amenity of the locality;  
and
- (b) the parking of such vehicle will not have any adverse effect upon the occupiers or users of the property in or the inhabitants of the locality of the land on which the vehicle is to be parked.

**5.31.3 Compliance**

The Council may grant approval pursuant to sub-clause (1) of this Clause subject to such conditions as it thinks necessary to ensure the orderly and proper planning of the locality and the preservation of its amenities. If any of those conditions are not complied with the owner of the land shall make good such default, upon being given notice by the Council so to do, within such periods as the Council specifies in the notice for that purpose.

#### **5.31.4 Time Lapse**

If the owner of the land fails to comply with the notice given by the Council pursuant to sub-clause (2) of this Clause within the time limited therefore the approval given by the Council pursuant to sub-clause (1) of this Clause shall be deemed to be of no effect as from the expiration of that time.

#### **5.32 PORT KENNEDY BUSINESS ENTERPRISE ZONE** *AMD 326 GG 26/2/02*

Development of land within the Port Kennedy Business Enterprise zone shall be in accordance with the provisions of the Scheme and 'Table V - Port Kennedy Business Enterprise Zone - Specific Provisions Therein'.

## **PART VI - SPECIAL SITE DEVELOPMENT CONTROLS**

### **6.1 RESIDENTIAL SR3**

This part shall apply to those parts of the Single Residential SR3 zone shown hatched white on the Scheme Map, hereinafter called "The Site Controls Area", and, in addition to any other requirements of the Scheme, no building shall be erected or work carried out therein except in accordance with the provision of this part.

### **6.2 FENCES** *AMD 77 GG 26/10/79; AMD 78 GG 19/1/79*

In the Site Controls Area, all fences on Lots 1-329 and Lots 502-531 shall be either 1.22 metres or 1.8 metres in height, and all fences on Lots 330-501 and Lots 534-830 shall be either 1.22 metres or 1.65 metres in height.

### **6.3 FENCES/RESERVES**

In the Site Controls Area, no fence may be erected between a dwelling and a reserve, if it is constructed of:

- (a) natural timber palings or pickets;
- (b) galvanised iron sheeting; or
- (c) asbestos-cement sheeting, other than of an approved design and fitted with an approved capping.

### **6.4 OUTBUILDING** *AMD 78 GG 19/1/79; AMD 86 GG 20/2/81*

On any lot in the Site Controls Area, no outbuilding may exceed 37 square metres in floor area, all outbuildings and garages shall be screened from view from any reserve by 1.65 metres or 1.8 metre high fencing.

### **6.5 SITE CONTROLS (SELECTIVE)**

In the Site Controls Area, each lot indicated by an identifying symbol in sheets 29, 30 and 31 of the Scheme Map shall be subject to the Controls indicated by the corresponding identifying symbol on sheets 32 and 33 of the Scheme Map and set out in clauses 6.6, 6.7, 6.8 and 6.9.

### **6.6 DWELLING UNIT AREA**

On any lot in the Site Controls Area, the dwelling shall be erected within the dwelling unit area indicated by the corresponding controls on sheets 32 and 33 of the Scheme Map.

### **6.7 CARPORTS/OUTBUILDINGS etc**

On any lot in the Site Controls Area, all carports, garages, outbuildings and appurtenances shall be erected within the dwelling unit area or the carport area indicated by the corresponding control on sheets 32 and 33 of the Scheme Map, provided that, for those lots indicated by the identifying symbols A1, A2, A3, A4, A5, A6, A7 and A8, a garage or carport may be placed within 4.5 metres of the street alignment, if the garage door does not face the street.

### **6.8 HEIGHT/SETBACK**

On any lot in the Site Controls Area indicated by the identifying symbols B1, B2, B3, B4, B5, B6, B7, B8, and H no carport, garage outbuildings or appurtenance may exceed 2.1 metres in height within 3 metres of the street alignment, or 2.7 metres in height if it is between 3.6 metres and 4.2 metres from the street alignment.

## **6.9 FENCES**

On the lots described in Clause 6.2, 1.65 metre or 1.8 metre high fences may be erected:

- (a) along the full length of any property line which is common to two lots; and
- (b) along half the length of any property line abutting a reserve, provided that the length of any fence parallel to a property line abutting a reserve may be increased by 100mm for every 100mm which the fence is set back from the property line or by a corresponding proportion of 100mm for every 100mm which any proportion of the permissible length of the fence is set back from the property line, always provided that no 1.65 metre or 1.8 metre high fences may be erected on those lots indicated by the identifying symbols C1, C2, C3, C4, C5, C6, C7, C8, F1, F2, F3, F4, F5, F6, G1, G2, G3, G4 and L, where such fences are prohibited by the corresponding controls on sheets 32 and 33 of the Scheme Map.

## **6.10 VARIATIONS (MINOR)**

In any instance where development is proposed not in conformity with the provision of Clauses 6.6, 6.7, 6.8 and 6.9, the Council may consent to a minor but not substantial variation of the provisions, provided the general intentions and purposes of the provisions are maintained.

## **6.11 VEHICLE CROSSING**

In the Site Control Area, no vehicular crossing over a footpath shall be closer than 12 metres to a street intersection.

## **6.12 'CONCEPT HOMES'**

"New Concept Homes" will be permitted on Lots 798 and 799 Quamby Place, Lots 722, 773, 755 and 756 Turana Place and Lots 818, 819 and 820 Quamby Place. Development consists of self-contained dwelling units linked by a fire wall only, and usual development modules of 4 to 6.

## **6.13 SITINGS OF OUTBUILDINGS/DWELLINGS etc AMD 19 GG 4/3/77; AMD 86 GG 20/2/81**

Notwithstanding the provisions of Clause 6.1 to 6.11 (inclusive), the Council may, having regard to the amenity of the locality, external appearance and materials used in the construction of any structure or structures, give approval to the siting of outbuildings, dwelling houses, extensions to dwelling houses, garages and appurtenances in a position other than that specified in the site development categories denoted by the symbols "A" or "C" of the Site Control Area, but within the limits provided by the Uniform Building By-Laws, as indicated by the white hatched Residential SR3 zone for the Town Planning Scheme No 1.

## **6.14A (ADDED BY AMD 110 GG 3/12/82; DELETED BY AMD 175 GG 18/8/89)**

## **PART VII - FINANCE AND ADMINISTRATION**

### **7.1 SCHEME TEXT & MAP**

This Scheme Text is to be read in conjunction with the Scheme Map which is part of the Scheme.

### **7.2 CLAIM FOR COMPENSATION**

Claims for compensation by reason of the Scheme, other than for the purposes of Part II, shall be made not later than six months from the date on which notice of approval of the Scheme is published in the Government Gazette.

### **7.3 DISPOSAL OF LAND**

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

### **7.4 ENTRY UPON ANY BUILDING OR LAND**

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

### **7.5 APPROVAL PERIOD *AMD 154 GG 7/11/86***

Any approval given under this Scheme shall be valid for the period specified on the form prescribed in the Metropolitan Region Scheme for approval and refusal of approval to commence development and which has been signed by the Town Clerk.

### **7.6 COMPLIANCE *AMD 154 GG 7/11/86***

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

### **7.7 DELEGATIONS *AMD 213 GG 26/4/91***

The Council may delegate the power to determine applications for Planning Approval, including the discretionary power of the Council under Clause 5.3A, to any officer of the Council.

## **PART VIII - SPECIAL RURAL ZONES, GENERAL PROVISIONS**

*ADDED BY AMD 68 GG 28/9/79*

### **8.1 SPECIAL RURAL ZONE**

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

#### **(a) Objective**

The objective of the Special Rural Zone is to select areas wherein closer subdivision will be permitted to provide for such uses as hobby farms, horse breeding, rural residential retreats, intensive agriculture including market gardening and viticulture, and also to make provision for the retention of the rural landscape and amenity in a manner consistent with the orderly and proper planning of such areas.

#### **(b) Subdivision**

The provisions of controlling subdivision, land uses and development relating to specific Special Rural Zones will be as laid down in Table No IV of the Scheme, and future subdivisions will accord with the plan of subdivision for the specified area referred to in the Table and such plan of subdivision will form part of the Scheme.

#### **Creation of a Special Rural Zone**

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

- (i) A statement as to the purpose or intent for which the zone is being created.
- (ii) The reasons for selecting the particular area the subject of the proposed zone with particular reference as to how this relates to Council's Rural Planning Strategy.
- (iii) A plan or plans showing contours at such intervals as to adequately depict the land form of the area and physical features such as existing buildings, rock outcrops, trees or groups of trees, lakes, rivers, swamps, orchards, wells and significant improvements.
- (iv) Information regarding the method whereby it is proposed to provide a potable water supply to each lot.
- (v) The proposed staging of the subdivision and development and the criteria to be met before successive stages are implemented.

#### **(c) Plan of Subdivision**

The Scheme provisions for a specific Special Rural Zone shall include a plan of subdivision showing:

- (i) The proposed ultimate subdivision including lot sizes and dimensions.
- (ii) Areas to be set aside for Public Open Space, pedestrian accessways, horse trails, community facilities etc, as may be considered appropriate.
- (iii) Those physical features it is intended to conserve.
- (iv) The proposed staging of subdivision where relevant.

**(d) Special Scheme Provisions**

In addition to the plan of subdivision, the Scheme provisions for a specific Special Rural Zone shall specify:

- (i) The facilities which the purchasers of the lots will be required to provide (eg. their own potable water supply, liquid disposal system etc).
- (ii) Proposals for the control of land uses and development which will ensure that the purpose and intent of the zone and the rural environment and amenities are not impaired.
- (iii) Any special provisions appropriate to secure the objectives of the zone.

**(e) Specific Requirements**

**(i) Water Supply**

No dwelling unit shall be constructed or approved for construction unless a minimum of 90,000 litre roof water storage tank is incorporated in the approved plans, and no dwelling unit shall be considered fit for human habitation unless such a tank has been installed and is operating.

This Clause shall not apply where:

- (a) The lots created within the zone are supplied by normal water supply authority mains.
- (b) The developer has produced evidence from some competent professional authority which satisfies Council that an adequate potable on-site water supply is available.

**(ii) Underground Water**

The siting of any underground source of water supply extraction fixture shall require the approval of Council.

**(iii) Sewerage**

The disposal of liquid and solid waste shall be carried out by the installation of a sewerage disposal system, as approved by Council's Senior Health Surveyor.

**(iv) Distance**

The minimum distance between an effluent disposal point and an underground water supply extraction fixture shall be 30.48 metres.

**(v) Trees**

Council may, at its discretion, require tree planting to be carried out by the owner of the land. The number of trees (existing and to be planted) shall be calculated by determining the length of the street alignment (in metres) and dividing it by four. The trees shall be planted within the area that is located within 25 metres from the road alignment or where specified by Council.

**(vi) Road Carriageways**

Road carriageways within the Special Rural Zone shall be bitumenised to a width of 6.1 metres with shoulders of 1.22 metres. Culverts shall be provided where considered necessary by Council.



**(vii) Preservation of Trees**

The Council may, by notice served upon individual landowners or upon a subdivider of land within this Zone, require the preservation of groups of trees and thereafter no landowner or subdivider shall cut, remove or otherwise destroy any tree or trees so specified unless the Council rescinds the notice or order.

**(viii) Variation to Subdivision Design**

Notwithstanding the provisions of the Scheme and what may be shown on the plan of subdivision specified in Table IV, the Town Planning Board may approve a minor variation to the subdivisional design and the amalgamation of the lots, but further breakdown of the lots so created shall be deemed to be contrary to the provisions of the Scheme.

**(ix) Application for Dwelling etc**

In considering an application to build a dwelling house or other structure on a lot situated within the area mentioned in column (a), Council will have regard to:

- (a) The compatibility of the proposed building with other buildings in the immediate locality if any; and
- (b) The compatibility of the proposed building with the immediate general environment.

**(x) Clearing of Flora**

The Council may, at its discretion, restrict the clearing of flora within a distance of 25 metres from any road alignment except for the following purposes:

- (a) Complying with the requirements of the Bush Fires Act 1954 (as amended); and
- (b) The construction of a vehicular accessway.

**(xi) Setbacks *(ADDED BY AMD 68 AS CLAUSE 8.1E.X)***

The following minimum building setbacks shall apply to all lots created within a Special Rural Zone

Front setback:	30 metres
All other:	10 metres

Development within the setback areas shall only be permitted with the express approval of Council.

**(xii) Fences *ADDED BY AMD 68 AS CLAUSE 8.1E.XI***

The erection of fences within the Special Rural Zone shall be in accordance with Schedule Two, Rural Zone, of the Council's Fencing By-laws, which were gazetted on the 2nd April 1968, or as approved by Council.

**(xiii) M.R.S. Form 1 *ADDED BY AMD 68 AS CLAUSE 8.1E.XII***

In addition to a building licence, the Council's prior approval to commence development is required for all development including a private dwelling house and such applications shall be made in the form of a Metropolitan Region Scheme Form 1, 'Application for Approval to Commence Development'.

**(xiv) Dwelling/Lot** *ADDED BY AMD 68 AS CLAUSE 8.1.E.XIII*

Notwithstanding the provisions of Section 11.3(4) of the Uniform Building By-laws, not more than one private dwelling house per lot shall be erected.

**(xv) Use/Purpose** *ADDED BY AMD 68 AS CLAUSE 8.1.E.XIV*

If a particular use or purpose is not mentioned in the list of Use Classes or is not included in the general terms of any of the Use Classes, the Council shall on application, determine if the use is appropriate in the Special Rural Zone and if Council deems the use or purposes to be appropriate it may approve same and impose such conditions on the use as it considers appropriate.

**(f) TABLE IV**

In addition to such other provisions of the Scheme as may affect it, any land which is included in a Special Rural Zone shall be subject to those provisions as may be specifically set out against it in Table IV entitled 'Special Rural Zone - Provisions Relating to Specified Areas' as set out under Table IV of the Scheme.

## **PART IX - CONTROL OF ADVERTISEMENTS**

### **9.1 ADVERTISEMENTS - "DEVELOPMENT"**

For the purposes of this Scheme, the erection, placement and display, of any advertisement, other than an exempted advertisement or an existing advertisement, is "development" within the definition of the Act requiring the Town Planning approval of the Council.

### **9.2 INTERPRETATION**

In this Part, unless the context otherwise requires:

"advertiser" - means any one or any group comprised of the owner, occupier or licensee;

"Appeal Tribunal" - means the Town Planning Appeal Tribunal constituted under Section 42 of the Act;

"exempted advertisement" - means an advertisement or advertisements:

- (a) described in Column 2 of Table VI but does not apply to places, buildings, conservation areas or landscape protection zones which are either:
  - (i) listed by the National Trust;
  - (ii) listed on the register of the National Estate; or
  - (iii) included in Town Planning Scheme No 1 because of their heritage or landscape value;
- (b) erected, placed or displayed on land used for a purpose described in Column 1 of Table VI;
- (c) not exceeding the maximum number of advertisements specified in Column 2 of Table VI; and
- (d) not exceeding the maximum area described in Column 3 of Table VI;

"existing advertisement" - means an advertisement which:

- (a) was lawfully erected, placed or displayed prior to this Scheme coming into force; or
- (b) may be erected, placed or displayed pursuant to a licence or approval granted by the Council prior to this Scheme coming into force;

### **9.3 APPLICATION**

An application for Town Planning approval pursuant to this Part shall be submitted in accordance with the provisions of Clause 3.4A of the Scheme and shall be accompanied by a completed Additional Information Sheet in the form set out at Appendix B giving details of the advertisement to be erected, placed or displayed on the land.

### **9.4 DETERMINATION OF APPLICATION**

Without limiting the generality of the matters which may be taken into account when determining an application for Town Planning approval for the erection, placement or display of an advertisement, the Council shall determine each such application in the light of the objectives of the Scheme and with particular reference to the character and amenity of the locality within which it is to be displayed.

## **9.5 REMOVAL OF EXEMPTED AND EXISTING ADVERTISEMENTS**

Where, in the opinion of the Council, there are exceptional circumstances which cause an exempted or existing advertisement to conflict seriously with the objectives of the Scheme, the Council may, by notice in writing, require the advertiser to remove, relocate, adapt or otherwise modify the advertisement.

## **9.6 DETERIORATION OF ADVERTISEMENTS**

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

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

## **9.7 NOTICES**

Any notice served pursuant to Clause 9.5 or 9.6 shall be served upon the advertiser and shall specify:

- (a) the advertisement the subject of the notice;
- (b) full details of the action or alternative courses of action to be taken by the advertiser to comply with the notice;
- (c) the period, not being less than 28 days, within which the action specified shall be completed by the advertiser; and
- (d) in the case of a notice served pursuant to clause 9. 5, clear reasons for the decision of the Council to serve the notice.

## **9.8 APPEAL**

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

## **9.9 OFFENCE**

Any advertiser who:

- (a) erects, places or displays or who permits to be erected, placed or displayed an advertisement otherwise than in accordance with the provisions of this Part; or
- (b) fails to comply with any notice issued pursuant to this Part:

commits an offence and is liable to the remedies available to the Council pursuant to Section 10 of the Act.

## **PART X - ENVIRONMENTAL CONDITIONS**

*AMD 295 GG 18/2/00*

- 10.1 In accordance with Section 7A4 of the Town Planning and Development Act, environmental conditions imposed by the Minister for the Environment on the Scheme or amendments to the Scheme and contained in Statements under Section 48F of the Environmental Protection Act, are incorporated into the Scheme by:
- Clauses 10.1 to 10.3 inclusive;
  - Table XI; and
  - Appropriate modifications to the Scheme Maps.
- 10.2 Where appropriate, the environmental conditions are indicated on the Scheme Map by the symbol EC to indicate that environmental conditions apply to the land.
- 10.3 The local government shall maintain a register of all the Statements published under Section 48F referred to in sub-clause 10.1 which shall be made available for public inspection at the offices of the local government.

## APPENDIX A - ZONING TABLE: TABLE I

### KEY TO COLUMNS

1. DEVELOPMENT ZONE
2. RESIDENTIAL SR3 (INC SPECIAL SR3)
3. RESIDENTIAL GR4
4. RESIDENTIAL GR5
5. RESIDENTIAL SPECIAL
6. RESIDENTIAL DEFERRED
7. BUSINESS LOCAL

8. CITY CENTRE
9. HOTEL
10. SERVICE STATION
11. INDUSTRY SERVICE
12. INDUSTRY LIGHT
13. INDUSTRY GENERAL
14. RURAL

15. SPECIAL BUSINESS
16. SERVICE COMMERCIAL
17. SPECIAL RURAL
18. PT KENNEDY LIGHT IND ESTATE
19. SPECIAL RESIDENTIAL
20. BALDIVIS TOWN CENTRE
21. PORT KENNEDY BUSINESS

USE CLASS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Abattoir	X	X	X	X	X	X	X	X	X	X	X	X	X	AA	X	X	#	##	###	X	X
Advertising Structure	AA	X	X	X	AA	X	AA	AA	AA	AA	AA	AA	AA	AA	X	AA	#	##	###	AA	AA
Agriculture	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	#	##	###	X	X
Boat Building	AA	X	X	X	X	X	X	X	X	X	X	AA	AA	X	X	X	#	##	###	X	AA*
Boat Launching	AA	X	X	X	X	X	AA	X	AA	X	AA	AA	AA	X	X	X	#	##	###	X	AA*
Boat Sales Premises	AA	X	X	X	X	X	AA	X	X	X	X	X	X	X	X	AA	#	##	###	X	AA
Boat Storage	AA	X	X	X	X	X	X	X	X	X	AA	AA	AA	X	X	AA	#	##	###	X	AA
Bulk Store	X	X	X	X	X	X	AA	X	X	X	AA	P	P	AA	X	P	#	##	###	X	P
Canal or Canal Waterway	AA	X	X	X	X	X	X	X	X	X	X	AA	AA	X	X	X	#	##	###	X	X
Canal Structure	AA	X	X	X	X	X	X	X	X	X	X	AA	AA	X	X	X	#	##	###	X	X
Caravan Parks	X	X	X	X	P	AA	X	X	X	X	X	X	X	AA	X	X	#	##	###	X	X
Caretakers House/Flat	IP	X	IP	IP	IP	X	IP	IP	IP	X	IP	IP	IP	X	X	IP	#	##	###	IP	IP
Carparks	IP	X	IP	IP	IP	X	IP	AA	IP	IP	IP	IP	IP	IP	X	P	#	##	###	AA	P
Car Sales Premises	X	X	X	X	X	X	AA	X	X	X	P	P	P	X	X	P	#	##	###	AA	P
Cemeteries/Crematoria	X	X	X	X	X	X	X	X	X	X	X	X	X	AA	X	X	#	##	###	X	X
Civic Buildings	AA	AA	AA	AA	X	AA	AA	AA	X	X	AA	AA	AA	AA	X	AA	#	##	###	AA	AA
Club Premises	AA	X	X	X	X	X	X	AA	X	X	X	X	X	AA	X	X	#	##	###	AA	X
Convenience Store	AA	X	X	X	X	X	X	AA	X	X	X	X	X	X	X	X	#	##	###	AA	X
Consulting Rooms	AA	IP	IP	IP	IP	X	P	AA	X	X	X	X	X	IP	X	P	#	##	###	AA	P
Commercial Signs	P	P	P	P	P	P	P	AA	P	P	P	P	P	P	X	P	#	##	###		P
Drive-In Theatre	AA	X	X	X	X	AA	X	X	X	X	X	X	AA	AA	X	X	#	##	###	X	X

## APPENDIX A - ZONING TABLE: TABLE I (CONTINUED)

USE CLASS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Dry Cleaning Premises	X	X	X	X	X	X	X	AA	X	X	AA	P	P	X	X	P	#	##	###	AA	P
Educational Establishments	AA	AA	AA	X		AA	AA	AA	X	X	X	X	X	AA	X	AA	#	##	###	AA	AA
Fish Shop	AA	X	X	X	X	X	AA	AA	X	X	AA	X	AA	X	X	X	#	##	###	AA	X
Fuel Depot	X	X	X	X	X	X	X	X	X	IP	X	AA		AA	X	X	#	##	###	X	AA*
Funeral Parlour	X	X	X	X	X	X	X	AA	X	X	AA	AA	X	X	X	AA	#	##	###	AA	AA
Health Centre	AA	X	X	X	X	X	P	AA	X	X	AA	AA	AA	X	X	AA	#	##	###	AA	AA
Home Occupation	AA	AA	AA	AA	AA	AA	X	AA	X	X	X	X	X	AA	X	X	#	##	###	AA	X
Hospital	AA	X	AA	AA	AA	AA	X	AA	X	X	X	X	X	AA	X	X	#	##	###	AA	X
Hotel	AA	X	X	X	X	X	X	AA	P	X	X	X	X	X	X	X	#	##	###	AA	X
Industry Extractive	X	X	X	X	X	X	X	X	X	X	X	X	X	AA	X	X	#	##	###	X	X
Industry General	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	X	#	##	###	X	X
Industry Hazardous	X	X	X	X	X	X	X	X	X	X	X	X	AA	AA	X	X	#	##	###	X	X
Industry Light	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	#	##	###	AA	P*
Industry Noxious	X	X	X	X	X	X	X	X	X	X	X	X	AA	AA	X	X	#	##	###	X	X
Industry Rural	X	X	X	X	X	X	X	X	X	X	X	AA	X	P	X	X	#	##	###	X	AA*
Industry Service	X	X	X	X	X	X	X	X	X	X	P	P	P	X	X	AA	#	##	###	AA	P*
Junk Yard	X	X	X	X	X	X	X	X	X	X	X	X	AA	X	X	X	#	##	###	X	X
Laundromat	AA	X	X	X	X	X	AA	AA	X	X	AA	AA	AA	X	X	AA	#	##	###	AA	AA
Lunch Bar	X	X	X	X	X	X	P	AA	X	X	AA	AA	AA	X	AA	AA	#	##	###	AA	AA
Market	X	X	X	X	X	X	AA	AA	X	X	X	AA	X	X	X	AA	#	X	X		AA
Marine Filling Station	AA	X	X	X	X	X	X	X	X	X	P	P	P	X	X	X	#	##	###	X	AA*
Medical Centre	AA	X	X	X	X	X	P	AA	X	X	X	X	X	X	X	P	#	##	###	AA	P
Milk Depot	X	X	X	X	X	X	X	X	X	X	AA	P	P	AA	X	X	#	##	###	X	P*
Motel	AA	X	X	X	AA	X	X	AA	X	X	X	X	X	X	X	X	#	##	###	AA	X
Motor Repair Station	X	X	X	X	X	X	X	X	X	AA	X	P	P	X	X	AA	#	##	###	AA	P*
Motor Showroom	AA	X	X	X	X	X	P	AA	X	AA	P	P	P	X	X	P	#	##	###	AA	P
Navigable Water	AA	X	X	X	X	X	X	X	X	X	X	AA	AA	X	X	X	#	##	###	XX	X

## APPENDIX A - ZONING TABLE: TABLE I (CONTINUED)

USE CLASS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Office	AA	X	X	X	X	X	AA	AA	X	X	AA	AA	AA	X	X	P	#	##	###	AA	P
Place of Amusement	AA	X	X	X	X	X	AA	AA	AA	X	X	X	X	X	X	AA	#	##	###	AA	AA
Private Hotel	AA	X	X	X	X	X	X	AA	X	X	X	X	X	X	X	X	#	##	###	AA	X
Private Recreation	AA	X	X	X	X	X	X	AA	X	X	X	AA	X	AA	X	AA	#	##	###	AA	AA
Professional Office	AA	AA	AA	AA	AA	X	P	AA	X	X	AA	X	X	AA	X	P	#	##	###	AA	P
Public Amusement	AA	X	X	X	AA	X	P	AA	X	X	AA	AA	AA	X	X	P	#	##	###	AA	P
Public Assembly	AA	X	X	X	AA	AA	AA	AA	X	X	X	X	X	AA	X	P	#	##	###	AA	P
Public Recreation	P	P	P	P	P	AA	X	AA	X	X	X	AA	X	AA	X	AA	#	##	###	AA	AA
Public Utility	P	P	P	P	P	P	P	AA	X	X	P	P	P	P	X	AA	#	##	###	AA	P*
Public Worship	AA	AA	AA	AA	AA	AA	AA	AA	X	X	AA	AA	AA	AA	X	AA	#	##	###	AA	AA
Radio/TV Installation	AA	X	AA	AA	AA	AA	AA	AA	X	X	AA	AA	AA	AA	X	AA	#	##	###	AA	AA
Reformatory Institution	X	X	X	X	P	AA	X	X	X	X	X	X	X	AA	X	X	#	##	###	X	X
Refreshment Room	AA	X	X	AA	AA	X	P	AA	AA	AA	AA	X	AA	X	X	X	#	##	###	AA	X
Residential Building	AA	AA	AA	AA	AA	X	X	X	X	X	X	X	X	X	X	X	#	##	###	AA	X
Residential:																					
(a) Dwelling	P	P	P	P	X	X	X	X	X	X	X	X	X	P	X	IP	#	##	###	AA	IP
(b) Single House	P	P	P	P	X	X	X	X	X	X	X	X	X	P	X	IP	#	##	###	AA	IP
(c) Attached House	P	P	P**	P**	X	X	X	AA	X	X	X	X	X	X	X	X	#	##	###		X
(d) Grouped Dwelling	P	P	P**	P**	X	X	AA	AA	X	X	X	X	X	X	X	X	#	##	###	AA	X
(e) Multiple Dwelling	AA	X	AA	AA	X	X	AA	AA	X	X	X	X	X	X	X	X	#	##	###	AA	X
Sawmill	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	#	##	###	X	X
Service Station	AA	X	X	X	X	X	X	AA	X	P	X	X	X	X	X	X	#	##	###	AA	AA*
Shop	AA	AA	AA	AA	AA	X	P	AA	AA	X	AA	X	AA	X	X	X	#	##	###	AA	X
Showroom	AA	X	X	X	X	X	AA	AA	X	X	AA	AA	AA	X	X	P	#	##	###	AA	P
Sportsground	P	P	P	P	P	AA	X	X	X	X	X	X	P	AA	X	AA	#	##	###	X	AA
Stables	X	X	X	X	X	X	X	X	X	X	X	X	AA	AA	X	X	#	##	###	X	X
Stock & Sales Yards	X	X	X	X	X	X	X	X	X	X	X	X	X	P	X	X	#	##	###	X	X
Tavern	AA	X	X	X	X	X	AA	AA	AA	X	X	X	X	AA	X	X	#	##	###	AA	X
Trade Display	AA	X	X	X	X	X	P	AA	AA	AA	P	P	P	AA	X	P	#	##	###	AA	P



## APPENDIX A - ZONING TABLE: TABLE I (CONTINUED)

USE CLASS	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21
Transport Depot	X	X	X	X	X	X	X	X	X	X	X	P	P	X	X	X	#	##	###	X	P*
Veterinary Surgery	X	X	X	X	X	X	AA	AA	X	X	X	AA	X	AA	X	AA	#	##	###	AA	AA
Veterinary Hospital	X	X	X	X	X	X	X	X	X	X	X	AA	X	AA	X	X	#	##	###		AA
Warehouse	X	X	X	X	X	X	AA	AA	X	X	P	P	P	X	X	P	#	##	###	AA	P
Zoological Gardens	X	X	X	X	X	X	X	X	X	X	X	X	X	AA	X	AA	#	##	###	X	AA
Any use not included above	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	AA	X	AA	#	##	###	AA	AA

# For Permitted Use see Table IV

## For Permitted Use see Table V

### For Permitted Use see Table VIII

\* NOTE: Refer to Clause 4 and/or 5 of Table V

\*\* NOTE: The number of dwelling units per lot may be restricted under Clause 5.7(b) of the Scheme

The symbols used in the cross reference in Table No 1 appended to this Clause have the following meanings:

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

- NOTE:**
1. Where a special zone is restricted to one use only, it may be excluded from the columns in Table No I and its use determined from the Map.
  2. Use Class GR4 Restricted was added by Amendment 79 and deleted by Amendment 142.

### TABLE II - SINGLE RESIDENTIAL SR3 ZONE *(DELETED BY AMD 183 GG 13/7/90)*

**TABLE III**

USE	NUMBER OF PARKING SPACES
1. Single House, Attached House, Grouped Dwelling and Multiple Dwelling	As per the Residential Planning Codes
2. Other Residential Buildings	One to every two persons or part thereof whom the building is designed to accommodate.
3. Motels	One to every bedroom plus one to every 24 square metres of gross floor area or part thereof in service buildings.
4. Educational Establishments	One to every member of the teaching staff.
5. Hospitals	One to every three beds or part thereof.
6. Public Amusements, Religious Purposes	One to every four persons or part thereof whom the building is designed to accommodate.
7. Professional Offices	One to every 20 square metres of gross floor area or part thereof.
8. Shops	Six to every 100 square metres of gross leasable area or part thereof.
9. Civic Buildings & Commercial Premises	One to every 28 square metres of gross floor area or part thereof.
10. Hotels	One to every bedroom plus one to every 2.3 square metres of bar floor area or part thereof plus one to every 4 square metres of lounge floor area or part thereof plus one to every 10 square metres of beer garden area or part thereof.
11. Bulk Stores, Showrooms and Warehouses	One to every 93 square metres of open space or part thereof plus one to every 93 square metres of gross floor area or part thereof.
12. Funeral Parlours	Six spaces.
13. Motor Maintenance Station, Motor Repair Stations and Service Stations	One to every working bay plus one to every employee.
14. Light Industry	One to every 46 square metres of gross floor area or part thereof, or one space to every person employed whichever is the greater.
15. Service Industry	One to every 46 square metres of gross floor area or part thereof, or one space to every person employed whichever is the greater.
16. General Industry	One to every 93 square metres of gross floor area or part thereof, or one space to every person employed whichever is the greater.
17. Medical Centre <i>AMD 52 GG 16/6/78</i>	Six bays for one professional person, ten for two and two for every professional person thereafter.
18. Night Club <i>AMD 76 GG 11/1/80</i>	One to every 4 square metres of seating area or one to every 4 people capable of being accommodated in the building, as determined by the Council.
19. Open Air Display <i>AMD 115 GG 15/8/83</i>	One to every 200 square metres display area or sales area.
20. Market <i>AMD 312 GG 8/12/98</i>	3 bays per stall or 1 bay for every 10 square metres of floorspace (whichever is the greater).

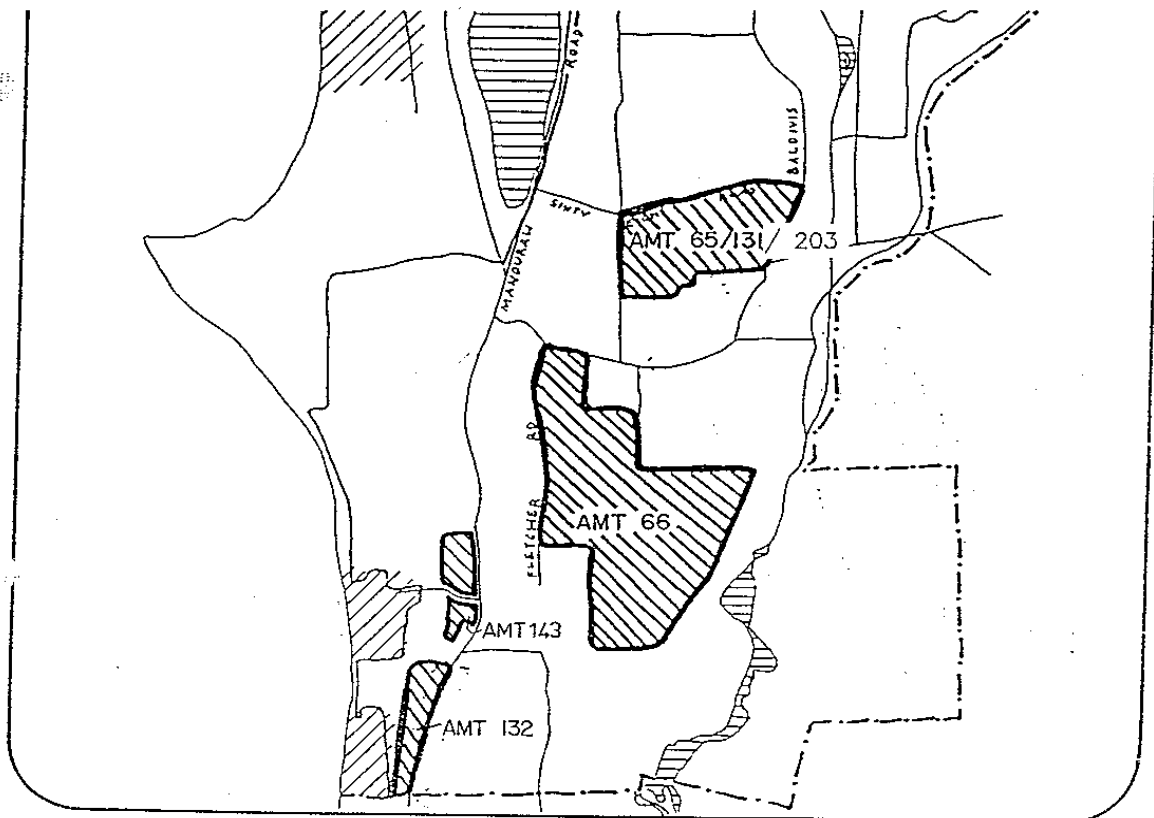
## TABLE IV

### SPECIAL RURAL ZONES

#### PROVISION RELATING TO SPECIFIED AREAS

(added by Amendment 68, amended by Amendments 66,  
131, 132, 143 & 203)

In the form of a schedule with two columns (a) and (b) such that the specified area of locality is identified under column (a) and the provisions which refer specifically to that area are set out under column (b).



#### EXISTING SPECIAL RURAL ZONES

AMT 65 /131/ 203 – SIXTY EIGHT ROAD

AMT 66 – AMARILLO

AMT 132 – SINGLETON

AMT 143 – CRYSTALUNA

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA																											
<b>AMD 66 AREA</b>  Lots 879, 880 and 881 Stakehill Road, Lots 870, 871, 872, 873, 874, 875, 13 and Pt 16 Fletcher Road and Part of Pt Lot 1A Paganoni Road  AMD 66 GG 12/4/85 AMD 127 GG 4/4/85 AMD 147 GG 12/4/85 AMD 262 GG 7/2/97 AMD 281 GG 8/12/98 AMD 357 GG 20/8/04	<p>The following provisions shall apply specifically to the Special Rural Zone are referred to in Column A.</p> <ol style="list-style-type: none"><li>Subdivision shall generally be in accordance with the Subdivision Plan No. 1 and shall form part of the Scheme.</li><li>Subdivision shall be carried out in stages as shown on the subdivision Plan No 1.</li><li>Subdivision of Stage 2 shall not be approved unless a minimum of 10% of the total number of lots in Stage 1 have been developed with a dwelling house, to the satisfaction of Council.</li><li>Subdivision of Stage 3 shall not be approved unless a minimum of 10% of the total number of lots contained in Stage 2 have been developed with a dwelling house to the satisfaction of Council.</li><li><ol style="list-style-type: none"><li>In Stage 1 the Council will not recommend lot sizes less than 2.0 hectares.</li><li>In Stages 2 and 3 the Council will not recommend lot sizes less than 2.0 hectares.</li></ol></li><li><p><b>ZONING TABLE</b></p><table><tr><td>3.</td><td>Agriculture</td><td>AA</td></tr><tr><td>10.</td><td>Civic Buildings</td><td>AA</td></tr><tr><td>20.</td><td>Home Occupation</td><td>AA</td></tr><tr><td>28.</td><td>Industry Rural</td><td>AA</td></tr><tr><td>46.</td><td>Radio/TV Installation</td><td>AA</td></tr><tr><td>50.</td><td>Residential Dwelling House</td><td>P</td></tr><tr><td>61.</td><td>Stables</td><td>AA</td></tr><tr><td>62.</td><td>Veterinary Surgery</td><td>P</td></tr><tr><td>63.</td><td>Veterinary Hospital</td><td>AA</td></tr></table><p>All other uses listed in Appendix A to Clause 3.4 are not permitted in a Special Rural Zone.</p></li><li>The symbols used in the cross reference in paragraph 6 above, have the following meanings:  "P"        a use that is permitted under this scheme.  "AA"       a use that is not permitted unless approval is granted by Council.</li><li>All bores for the purpose of groundwater extraction shall require the prior approval of the Public Works Department.</li><li>With the intention of preventing overstocking or other practices detrimental to the amenity within the zone, intensive agricultural pursuits and the breeding or keeping of animals for commercial gain shall not be permitted without approval in writing of Council. In giving approval under this clause, the Council may impose limits of stocking or such other conditions as it sees fit and may vary such conditions in the light of prevailing seasonal conditions.</li><li>The subdivider making arrangements satisfactory to Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the local authority's Town Planning Scheme which relate to the use and management of the land.</li></ol>	3.	Agriculture	AA	10.	Civic Buildings	AA	20.	Home Occupation	AA	28.	Industry Rural	AA	46.	Radio/TV Installation	AA	50.	Residential Dwelling House	P	61.	Stables	AA	62.	Veterinary Surgery	P	63.	Veterinary Hospital	AA
3.	Agriculture	AA																										
10.	Civic Buildings	AA																										
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46.	Radio/TV Installation	AA																										
50.	Residential Dwelling House	P																										
61.	Stables	AA																										
62.	Veterinary Surgery	P																										
63.	Veterinary Hospital	AA																										

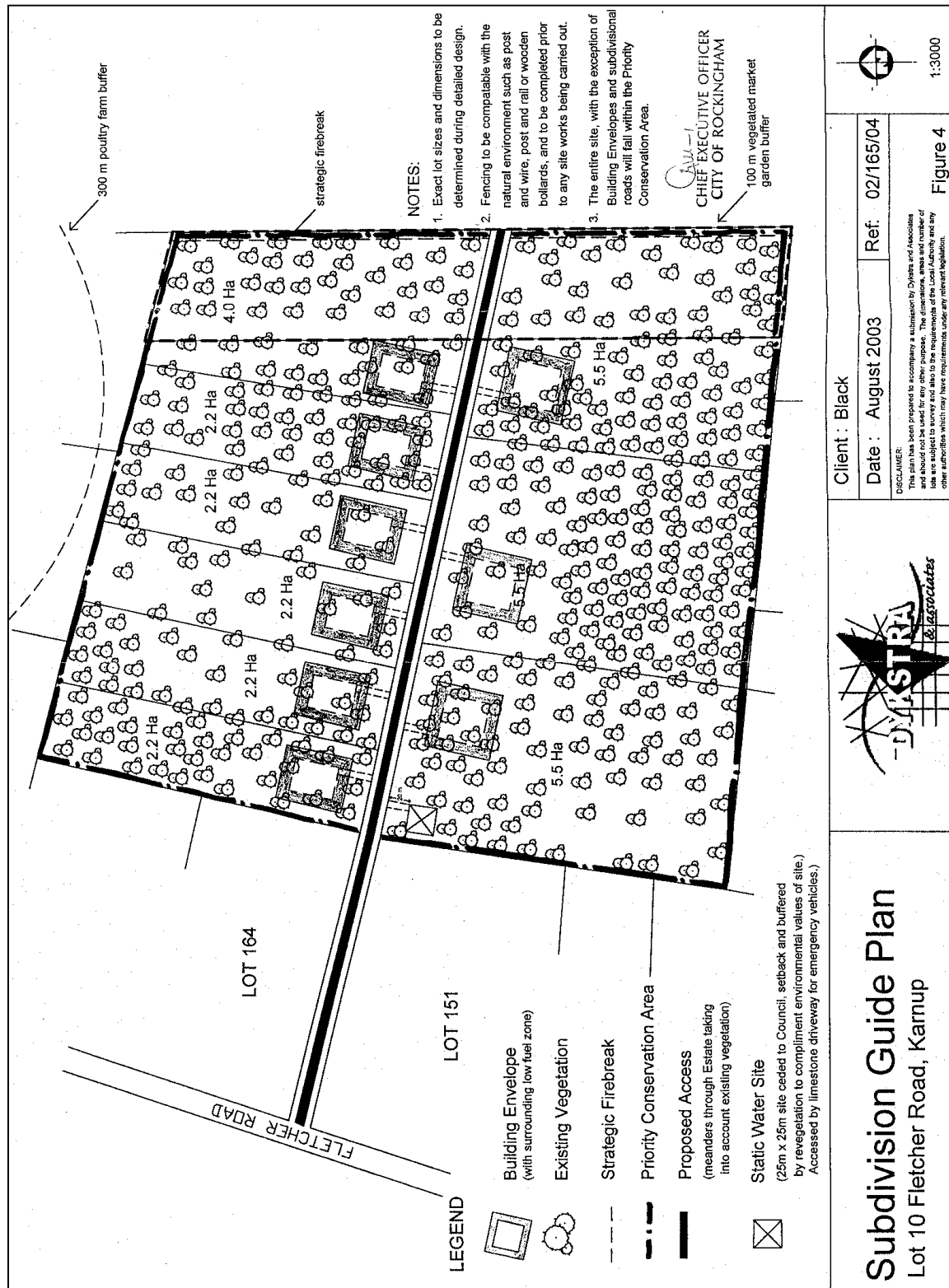
**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>AMD 66 AREA</b></p> <p>Lots 879, 880 and 881 Stakehill Road, Lots 870, 871, 872, 873, 874, 875, 13 and Pt 16 Fletcher Road and Part of Pt Lot 1A Paganoni Road (Cont'd)</p> <p><i>AMD 66 GG 12/4/85</i>  <i>AMD 127 GG 4/4/85</i>  <i>AMD 147 GG 12/4/85</i>  <i>AMD 262 GG 7/2/97</i>  <i>AMD 281 GG 8/12/98</i>  <i>AMD 357 GG 20/8/04</i></p>	<ol style="list-style-type: none"> <li>11. The developer shall plant native trees and shrubs of a species and at a density and distribution to be determined by Council within the Strategic Revegetation Areas as identified on the Subdivision Guide Plan and other areas as identified in the Rural Land Strategy. Tree planting shall be undertaken in accordance with a tree-planting programme to the satisfaction of the Council prior to endorsement by the Western Australian Planning Commission of Plans or Diagrams of Survey to create the lots. Such landscaping is to be maintained and replaced (if and where necessary) on each lot by the owner of the land to the satisfaction of the Council.</li> <li>12. The developer shall notify in writing any prospective purchaser of the requirement for the continued maintenance of strategic revegetation areas within the estate.</li> <li>13. Development within the Peel-Harvey Catchment Area shall comply with Statement of Planning Policy No. 2 (Peel-Harvey Coastal Plain Catchment).</li> <li>14. Development affecting wetlands shall comply with the provisions of the environmental Protection (Swan Coastal Plain Lakes) Policy 1992.</li> <li>15. No indigenous vegetation or trees shall be removed without the prior approval of the Council, except where:- <ul style="list-style-type: none"> <li>• the trees are dead, diseased or dangerous;</li> <li>• the establishment of a fire access track is required under regulation or local law;</li> <li>• access to an approved development site is required;</li> <li>• subdivision works require the removal of vegetation.</li> </ul> </li> <li>16. All development, including the clearing of land, except for firebreaks, shall be generally set back fifty (50) metres from the Kwinana Freeway reservation, thirty (30) metres from other subdivisional roads (primary setback) and ten (10) metres from all other boundaries unless otherwise specified in the Rural and Land Strategy. Setbacks to tourism uses shall be a minimum of thirty (30) metres from any adjoining boundary and the setback shall be vegetated to ensure screening of the activity.</li> <li>17. Where lots have been identified as containing vegetation that is of regional conservation value (such as being included within Bush Forever as Bush Forever Site No. 278), the following requirements shall apply: <ol style="list-style-type: none"> <li>(a) Management of the vegetation to comply with the approved Environmental Management Plan prepared to ensure its long term protection. The Environmental Management Plan shall include a Fire Management Plan and Strategic Revegetation Plan and shall address boundary fencing and strategic firebreaks to avoid unnecessary fragmentation, clearing and degradation of the vegetation;</li> <li>(b) The Environmental Management Plan will be provided to prospective purchasers;</li> <li>(c) Building Envelopes shall be defined at the time of subdivision and be of a size sufficient to include all buildings and the required 20 metre fuel reduction zone around buildings. The location and area of building envelopes shall be to the satisfaction of the Council and may be varied at the discretion of the Council;</li> </ol> </li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>AMD 66 AREA</b></p> <p>Lots 879, 880 and 881 Stakehill Road, Lots 870, 871, 872, 873, 874, 875, 13 and Pt 16 Fletcher Road and Part of Pt Lot 1A Paganoni Road (Cont'd)</p> <p><i>AMD 66 GG 12/4/85</i>  <i>AMD 127 GG 4/4/85</i>  <i>AMD 147 GG 12/4/85</i>  <i>AMD 262 GG 7/2/97</i>  <i>AMD 281 GG 8/12/98</i>  <i>AMD 357 GG 20/8/04</i></p>	<p>(d) No clearing or development, other than for fire management purposes (consistent with the Fire Management Plan) or to construct a vehicle access way which has received the prior written approval of the Council shall be approved outside the designated Building Envelopes;</p> <p>(e) A Memorial be placed on Title of each lot to notify prospective landowners of the conservation value of the vegetation on the site;</p> <p>(f) In the Priority Conservation Area, no planting of non-indigenous species is permitted;</p> <p>(g) No uses other than single dwelling, associated outbuildings and home occupation to be approved;</p> <p>(h) On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council;</p> <p>(i) The use of a bore for the purpose of groundwater extraction is not permitted. In this regard, a 90,000 litre rainwater storage tank is required on each lot to the Council's satisfaction;</p> <p>(j) All buildings and outbuildings are to utilise non-reflective materials in their construction and where possible are to use earth tones and colours such that the buildings are sympathetic to, and integrated with, the surrounding environment;</p> <p>(k) The keeping of horses or livestock is not permitted;</p> <p>(l) All subdivision is to be in general accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to Lot 10 Fletcher Road, Karnup. No further subdivision is recommended;</p> <p>Should any of the above requirements conflict with other provisions in the Scheme that relate to the Special Rural zone, the above requirements shall prevail.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**



**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

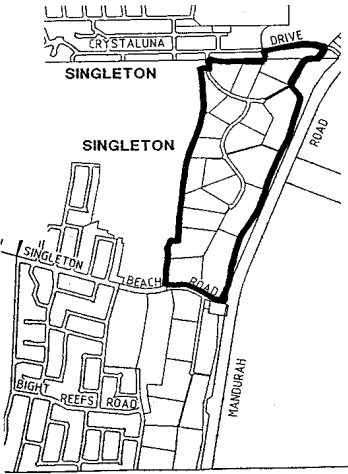
(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p>The land comprising the following:</p> <p>Part of Lot 736 Sixty Eight Road  Part of Lot 737 Eighty Road  Part of Lot 738 Sixty Eight Road  Part of Lot 746 Baldivis Road  Lot 748 Eighty Road  Lot 749 Eighty Road  Lot 853 Eighty Road</p>	<p>The following provisions shall apply specifically to the Special Rural Zone Area referred to in Column (A).</p> <ol style="list-style-type: none"> <li>1. Subdivision shall be in accordance with the subdivision plan No SRZ 1 certified by the Shire Clerk as the subdivision plan relating to the area as described in Column (A) and shall form part of the Scheme.</li> <li>2. The minimum lot size shall be 2.0 hectares and the average lot size shall not be less than 2.5 hectares.</li> <li>3. (a) The following uses are permitted "P" within the Special Rural Zone as described in Column (A): <div style="margin-left: 40px;"> Dwelling House  Veterinary Surgery </div> </li> <li>(b) The following uses are not permitted within the Special Rural Zone, as described in Column (A), unless approval is granted by the Council "AA": <div style="margin-left: 40px;"> Agriculture  Civic Buildings  Home Occupation  Industry Rural  Radio Installation  Stables  Veterinary Hospital </div> </li> <li>4. The symbols used in paragraph 3 above, have the same meanings as those set out in Clause 3.4 of the Scheme Text.</li> <li>5. Lots 39 and 40 as indicated on plan 298-80 dated July, 1982 (attached), to be set aside for acquisition by Council for municipal purposes.</li> </ol>



**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p>The land comprising the following:</p> <p>Pt 736 Sixty Eight Road  Pt 737 Eighty Road  Pt 738 Sixty Eight Road  Pt 741 Sixty Eight Road  Pt 742 Sixty Eight Road  Pt 743 Sixty Eight Road  Pt 744 Sixty Eight Road  Pt 745 Baldivis Road  Pt 746 Baldivis Road</p>	<p>The following provisions shall apply specifically to the Special Rural Zone Area referred to in Column (a):</p> <ol style="list-style-type: none"> <li>Subdivision shall be in accordance with the Subdivision Plan No. 1 certified by the Shire Clerk as the subdivision plan relating to the area as described in Column (a) and shall form part of the Scheme.</li> <li>The minimum lot size shall be 2.0 hectares and the average lot size shall not be less than 2.5 hectares.</li> <li> <ol style="list-style-type: none"> <li>The following uses are permitted "P" within the Special Rural Zone as described in Column (a):-   Dwelling House  Veterinary Surgery</li> <li>The following uses are not permitted within the Special Rural Zone, as described in Column (a) unless approval is granted by the Council "AA";   Agriculture  Civic Buildings  Home Occupation  Industry Rural  Radio Installation  Stables  Veterinary Hospital</li> </ol> </li> <li>The symbols used in paragraph 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment No. 132 (deleted &amp; replaced by amendment No. 259 22/9/98)</b></p> <p>Lot 1 Crystaluna Drive and Lots 1-11, 13-22 Cockburn Location 16, Singleton.</p> 	<p>In addition to all relevant provisions of the City of Rockingham Town Planning Scheme No. 1, the following special provisions shall apply to subdivision and development in this zone.</p> <ol style="list-style-type: none"> <li>1. The subdivision shall be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the area as described in Column (a) and shall form part of the Scheme.</li> <li>2. The Council will generally not recommend lot sizes less than two (2) hectares for the lots fronting Mandurah Road and one (1) hectare for the balance of the area.</li> <li>3(a) The following use is permitted "P" within the Special Rural Zone as described in Column (a):  Single House/Dwelling</li> <li>3(b) The following use is not permitted within the Special Rural Zone, as described in column (a) unless approval is granted by the Council "AA":  Home Occupation</li> <li>3(c) All other uses are not permitted.</li> <li>4. The symbols used in provision 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.</li> <li>5. Buildings shall only be constructed within the area shown on the Subdivision Guide Plan as the "Building Envelope".</li> <li>6. Each building envelope and front setback area shall rehabilitated by each owner within 12 months of the construction of a dwelling.</li> <li>7(a) Clearing of vegetation shall be permitted only within the "Building Envelopes", with the following exceptions:- <ol style="list-style-type: none"> <li>(i) To remove trees which are dead, diseased or dangerous.</li> <li>(ii) For the purpose of a firebreak required by a regulation or local law; except that in order to preserve the amenity of the area Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or due to the physical features of the subject land.</li> <li>(iii) For the purpose of an access driveway for a single house as approved by Council.</li> </ol> </li> <li>7(b) A Tree Planting Programme shall be submitted with a Building Application when deemed necessary by Council.</li> <li>7(c) The subdivider shall provide additional vegetation screening as deemed necessary by Council for a period up to 12 months following the construction of a dwelling.</li> <li>8. In addition to a building licence, Council's prior approval to commence development is required for all development and such application shall be made on the form prescribed by the Council.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment No. 132 (deleted &amp; replaced by amendment No. 259 22/9/98)</b></p> <p>Lot 1 Crystaluna Drive and Lots 1-11, 13-22 Cockburn Location 16, Singleton. (Cont'd)</p>	<ol style="list-style-type: none"> <li>9. In considering application for buildings, Council will ensure that the height of the building does not result in the rural viewshed of the landholding from Mandurah Road being unreasonably affected.</li> <li>10. The developer shall, within the Strategic Revegetation Areas depicted on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to the clearance of the Diagrams of Survey.  The developer shall maintain the trees and shrubs planted within the Strategic Revegetation Area, and vegetation to be retained on each lot, to the satisfaction of the Council, until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those plants and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.  The developer shall notify in writing any prospective purchaser of the requirement for the continued maintenance of Strategic Revegetation Areas.</li> <li>11. A reticulated water supply from the Water Corporation's network shall be provided to each newly created lot below two hectares in area.</li> <li>12. On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that:- <ol style="list-style-type: none"> <li>(a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area and the highest recorded groundwater level;</li> <li>(b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and</li> <li>(c) has been approved in writing by the Council.</li> </ol> </li> <li>13. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Water and Rivers Commission and the Council. The developer shall obtain the approval of the Water and Rivers Commission and the Council for drainage proposals prior to commencement of siteworks.</li> <li>14. The keeping of horses or livestock is not permitted.</li> <li>15. The subdivider shall ensure that all surface disturbance resulting from the construction of service lines be rehabilitated to the satisfaction of Council.</li> <li>16. Battleaxe access legs to lot will be of bitumen construction and drained.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO  
SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment No. 132 (<i>deleted &amp; replaced by amendment No. 259 22/9/98</i>)</b></p> <p>Lot 1 Crystaluna Drive and Lots 1-11, 13-22 Cockburn Location 16, Singleton. (Cont'd)</p>	<p>17. The subdivider shall make arrangements satisfactory to Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Authority's Town Planning Scheme which relate to the use and management of the land.</p> <p>18. Firebreaks shall be constructed and maintained to the satisfaction of the Bushfires Board of Western Australia and the Council.</p> <p>19. All fencing shall be in accordance with the Council's fencing Local Laws.</p> <p>20. All bores for the purpose of groundwater extraction shall require the approval of the Water Corporation.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment 256 Area</b></p> <p>Land comprising the following:</p> <p>Portion of Cockburn Sound Location 16 and being Lot 28 Sawley Close; Lots 27 and 32-36, Trenant Park Gardens; portion of Lots 15 and 16, Dampier Drive and Lot 1 Crystaluna Drive, Golden Bay.</p> <p><i>AMD 256 GG 1/11/96</i>  <i>AMD 279 GG 18/7/97</i>  <i>AMD 340 GG 1/6/01</i>  <i>AMD 346 GG 24/5/02</i></p>	<ul style="list-style-type: none"> <li>(i) The subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Town Clerk as the subdivision plan relating to the area (as described in Column (a)) and shall form part of the Scheme.</li> <li>(ii) Buildings shall only be constructed within those parts of the lots designated as "Building Envelope" except in instances where no building envelope is shown in which case, buildings shall be set back a minimum of 15 metres from the primary street frontage, 5 metres from side boundaries and 10 metres from the rear boundary and be positioned to minimise any disturbance of existing vegetation on the lot. The setbacks may be varied if in the opinion of the Council it would result in the retention of vegetation on the site.</li> <li>(iii) Only one dwelling and one outbuilding shall be constructed on any lot.</li> <li>(iv) Council may modify the location of the "Building Envelopes" if it is of the opinion site conditions are such that a variation is warranted, however such variation shall not be permitted to impinge on those areas of the Plan of Subdivision No. 1, designated as Landscape Protection Area and Landscape Buffer.</li> <li>(v) Where lots contain "Building Envelopes", clearing of flora shall only take place within those "Building Envelopes" with the following exceptions: <ul style="list-style-type: none"> <li>(a) To remove trees which are dead, diseased or dangerous.</li> <li>(b) For the purpose of a fire break required by a regulation or by-law except that in order to preserve the amenity of the area, Council may at its discretion, vary the position of any required fire break to avoid destruction of vegetation or due to the physical features of the subject land.</li> <li>(c) For the purpose of an access driveway for a residential dwelling as approved by Council.</li> </ul> <p>Where lots do not contain "Building Envelopes", vegetation shall only be removed with the permission of Council.</p> </li> <li>(vi) Within areas designated "Landscape Protection Area" and "Landscape Buffer" on the Plan of Subdivision, no trees or other flora shall be removed. The removal of trees or other flora to comply with the Bushfires Act 1954 (as amended) will be permitted.</li> <li>(vii) The land with particular reference to the "Landscape Protection Area" and "Landscape Buffer" is to be managed in such a manner as to avoid being laid bare of vegetation resulting in loose, wind erodible conditions.</li> <li>(viii) Land within "Landscape Protection Area" and "Landscape Buffer" shall not be used for any purpose which in the opinion of Council would adversely affect the purpose of landscape protection, nor without the written consent of Council.</li> <li>(ix) All public roads and public accessways within the "Special Rural" zone shall be constructed to Council's specification and satisfaction.</li> <li>(x) Where lots are not connected to a reticulated water supply no roof or rooves forming an effective catchment area connected to a storage tank shall be less than 90m<sup>2</sup> in area.</li> <li>(xi) Buildings shall be constructed in materials and colours to the satisfaction of Council.</li> </ul>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment 256 Area</b></p> <p>Land comprising the following:</p> <p>Portion of Cockburn Sound Location 16 and being Lot 28 Sawley Close; Lots 27 and 32-36, Trenant Park Gardens; portion of Lots 15 and 16, Dampier Drive and Lot 1 Crystaluna Drive, Golden Bay. (Cont'd)</p>	<p>(xii) Council may refuse any building application that it considers is detrimental to the amenity of the location.</p> <p>(xiii) The following uses are permitted "P" within this "Special Rural" zone - "Dwelling".</p> <p>(xiv) The keeping of horses or livestock is not permitted.</p> <p>(xv) All bores for the purpose of groundwater extraction shall require the prior approval of the Water Authority of Western Australia.</p> <p>(xvi) The developer is to erect signs in prominent positions around the site which set out clearly permitted uses, clearing restrictions, groundwater draw requirements, management of land and the need to seek Council's approval prior to the commencement of any development.</p> <p>(xvii) All fencing shall be in accordance with the Council's Fencing By-Laws.</p> <p>(xviii) On site effluent disposal systems servicing development on the lots shall be in the form of alternative wastewater treatment systems having approved phosphorous retention capability, in accordance with the specifications and to the satisfaction of Council.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
Lots 1 and 2 Cnr Baldivis Road, Sixty Eight Road, Baldivis	<p>The following provisions shall apply specifically to the Special Rural Zone Area referred to in column (A):</p> <ol style="list-style-type: none"> <li>1. Subdivision shall be in accordance with the Subdivisional Guide Plan certified by the Town Clerk as the subdivision plan relating to the areas as described in Column (A) and shall form part of the Scheme.</li> <li>2. The minimum lot size shall be 2.0 hectares.</li> <li>3. (a) The following uses are permitted "P" within the Special Rural Zone as described in Column (A): <ul style="list-style-type: none"> <li>Single House/Dwelling</li> <li>Veterinary Surgery</li> </ul> </li> <li>(b) The following uses are not permitted within the Special Rural Zone, as described in Column (A) unless approval is granted by the Council "AA": <ul style="list-style-type: none"> <li>Agriculture</li> <li>Civic Buildings</li> <li>Home Occupation</li> <li>Industry Rural</li> <li>Radio Installation</li> <li>Stables</li> <li>Veterinary Hospital</li> </ul> </li> <li>4. The symbols used in paragraph 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.</li> <li>5. Within the estate land uses other than a single residence, that are permitted or may be permitted by the Council pursuant to the Scheme shall only be permitted when the Council is satisfied following consultation with the Environmental Protection Authority that the land use does not involve excessive nutrient application or the clearing of the land.</li> <li>6. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any intensive agricultural pursuit. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as the Council deems fit and may modify or vary such conditions to take account of seasonal changes.</li> <li>7. On-site effluent disposal systems servicing development on the lots shall be to the specifications of both the Local Authority and the Environmental Protection Authority. The use of "non-standard" effluent disposal systems may be required and in any event the following requirements shall be satisfied: <ol style="list-style-type: none"> <li>(i) A 2 metre separation is achieved between the base of the leach drain and the highest recorded groundwater level; and</li> <li>(ii) At least a 100 metre horizontal separation is achieved between the disposal system and existing drains, water courses or water bodies;</li> <li>(iii) The area around each effluent disposal system shall be planted with indigenous trees and shrubs by the landowners and be maintained to the satisfaction of the Local Authority; and</li> <li>(iv) Prevention of direct movement of wastewater and nutrient from the locality of each disposal area.</li> </ol> </li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
Lots 1 and 2 Cnr Baldivis Road, Sixty Eight Road, Baldivis (Cont'd)	<p>8. The land is situated within the Stakehill Groundwater Area and a well licence for a bore must be obtained from the Water Authority of Western Australia. The siting of bores shall be to the requirements of the Authority having regard to the location of any effluent disposal systems, water bodies, drains and neighbouring bores.</p> <p>9. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Environmental Protection Authority, the Water Authority and the Council. The developer of the estate shall obtain the approval of the Environmental Protection Authority, the Water Authority and the Council for drainage proposals prior to commencement of site works.</p> <p>10. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate obtaining the prior consent in writing of the Council where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of the firebreak, dwelling, outbuilding, fence and/or house driveways.</p> <p>11. The developer of the estate shall, in accordance with the Tree Planting Guide Plan, plant native trees and shrubs of a species and at a density and distribution to be determined by the Council following consultation with the Environmental Protection Authority. Tree planting shall occur and be undertaken to the satisfaction of the Council prior to the endorsement by the State Planning Commission of Diagrams of Survey to create the lots depicted on the Subdivision Guide Plan.</p> <p>12. The developer of the estate shall maintain the trees and shrubs planted within the "Tree Planting Area" to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer to the satisfaction of the Council.</p> <p>13. Any residence and all other outbuildings shall only be constructed within the building envelopes shown on the proposed subdivisional guide plan.</p> <p>14. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council and these animals shall be restricted to the area within the Building Envelope. Approval to keep animals shall not exceed the stocking rates recommended by the Department of Agriculture for the applicable pasture type.</p> <p>Council may approve the grazing of animals outside the Building Envelope provided that the Council is satisfied that nutrient input to the land can be controlled to the satisfaction of the Environmental Protection Authority and that such will not result in the removal or damage of the vegetation and trees and result in soil erosion and dust pollution. As a condition of approval, the Council may require the animals to be stabled or corralled.</p> <p>Where in the opinion of the Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.</p> <p>15. At the time of building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p>



**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment 251 Area</b></p> <p>Lots 1063 to 1068 Cnr Baldivis Road and Karnup Road, Baldivis</p> <p><i>AMD 251 GG 14/6/96</i> <i>AMD 291 GG 7/10/97</i></p>	<p>The following provisions shall apply specifically to the Special Rural Zone Area referred to in column (a):</p> <ol style="list-style-type: none"> <li>Subdivision to be generally in accordance with the Subdivisional Guide Plan certified by the Town Clerk as the subdivision plan related to the areas as described in Column (a) and shall form part of the Scheme.</li> <li>The Council will not recommend lot sizes less than 2ha's.</li> <li> <ol style="list-style-type: none"> <li>The following uses are permitted "P" within the Special Rural Zone as described in Column (A); <p>Single House/Dwelling. Healing Clinic and Retreat Centre are permitted uses only within that land identified on the Subdivision Guide Plan. These uses are defined as follows:-</p> <p>Healing Clinic: means a building or part of a building, designed or adapted for the use of practitioners who are suitably qualified in the prevention or treatment of physical or mental injuries or ailments.</p> <p>Retreat Centre: means a building with short stay accommodation facilities designed or adapted for conducting group workshops and seminars.</p> <p>With regard to the permitted Healing Clinic and Retreat Centre, the following car parking requirements shall apply.</p> <p>Healing Clinic: ten parking bays. Retreat Centre: one parking bay per short stay accommodation unit.</p> </li> <li>The following uses are not permitted within the Special Rural Zone, as described in Column (A) unless approval is granted by the Council "AA" Agriculture, Home Occupation, Industry Rural, Stables, Veterinary Hospital.</li> </ol> </li> <li>The symbols used in paragraph 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.</li> <li>Within the estate land uses other than a single residence, that are permitted or may be permitted by the Council pursuant to the Scheme shall only be permitted when the Council is satisfied that the land use does not involve excessive nutrient application or the clearing of the land.</li> <li>With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any intensive agricultural pursuit. The Council will have regard to limits on stockings, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions to take account of seasonal changes.</li> <li>On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Local Government. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that: <ol style="list-style-type: none"> <li>has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;</li> </ol> </li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment 251 Area</b></p> <p>Lots 1063 to 1068 Cnr Baldivis Road and Karnup Road, Baldivis (Cont'd)</p>	<p>(b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and</p> <p>(c) has been approved in writing by Council.</p> <p>8. The land is situated within the Stakehill Groundwater Area and a well license for a bore must be obtained from the Water Authority of Western Australia. The siting of bores shall be to the requirements of the Authority having regard to the location of any effluent disposal systems, water bodies, drains and neighbouring bores.</p> <p>9. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Water Authority and the Council. The developer of the estate shall obtain the approval of the Water Authority and the Council for drainage proposals prior to commencement of site works.</p> <p>10. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate obtaining the prior consent in writing of the Council where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence and/or house driveway(s).</p> <p>11. The developer of the estate shall within the Strategic Revegetation Area depicted on the Subdivision Guide Plan, plant indigenous and native trees and shrubs of a species and at a density and distribution to be determined by the Council. Tree planting shall occur and be undertaken to the satisfaction of the Council prior to clearance of the Diagram of Survey.</p> <p>12. The developer of the estate shall maintain the trees and shrubs planted within the Strategic Revegetation Area and vegetation to be retained on each lot to the satisfaction of the Council until the land as a whole or in lots is sold.</p> <p>Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.</p> <p>13. The developer shall notify in writing any prospective purchaser of the requirement for the continued maintenance of strategic revegetation areas within the estate.</p> <p>14. Any residence and all other outbuildings shall only be constructed within building envelopes which shall be identified on each lot at the time of subdivision. The location and area of building envelopes shall be to the satisfaction of Council and may be varied at the discretion of Council.</p> <p>15. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by the Agriculture Department of Western Australia for the applicable pasture types.</p> <p>Council may approve the grazing of animals provided that Council is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval Council may require the animals to be stabled or corralled.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment 251 Area</b></p> <p>Lots 1063 to 1068 Cnr Baldivis Road and Karnup Road, Baldivis (Cont'd)</p>	<p>Where in the opinion of Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said land, requiring the immediate removal of the animals specified in the notice for a period specified in the notice.</p> <p>16. At the time of building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>17. For the purposes of maintaining Beenypool, the following "Beenypool Management Provisions" shall apply.</p> <ul style="list-style-type: none"> <li>i) No new dams, artificial retention of water, pumping, diversion of water or modification of the Pool's natural form shall be undertaken without the prior approval of the City of Rockingham.</li> <li>(ii) The activities of stock on the land immediately surround Beenypool shall be controlled such that problems of erosion, pollution and vegetation degradation do not occur.</li> <li>(iii) A no spray (pesticide/herbicide), non cultivation and non nitrogenous fertiliser application buffer of 50 metres from the foreshore of Beenypool shall apply. The no spray requirement will not preclude carrying out of noxious weed control in accordance with Agricultural Protection Board Requirements or Pest Control as authorised by the Council.</li> <li>(iv) No indigenous trees or substantial vegetation shall be removed without the prior approval of Council, except where: <ul style="list-style-type: none"> <li>• Trees are dead, diseased or dangerous.</li> <li>• The establishment of a fire access track is required under regulation or bylaw.</li> <li>• access to an approved development site is required.</li> </ul> </li> <li>(v) Commencement of any form of development within 100 metres of Beenypool shall require the prior approval of Council.</li> </ul> <p>18. The developer of the estate, the Council and property owners shall be mindful of and comply with the provisions of the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 and Statement of Planning Policy No. 2 - The Peel-Harvey Coastal Plain Catchment. The developer shall notify in writing any prospective purchaser of this provision.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 4C OF THE RURAL LAND STRATEGY (JANUARY 1996).</b></p> <p>Pt. Lot 12 Mandurah Road, Karnup.</p> <p>Pt Lot 102 Stakehill Road, Karnup</p> <p><i>AMD 273 GG 20/5/97</i> <i>AMD 342 GG 18/2/03</i></p>	<p>The following provisions shall apply specifically to the Special Rural zone Area referred to in column (a):</p> <ol style="list-style-type: none"> <li>Subdivision shall be generally in accordance with the subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the areas as described in column (a) and shall form part of the Scheme.</li> <li>The Council will not recommend a lot size less than one hectare.</li> <li> <ol style="list-style-type: none"> <li>The following uses are permitted "P" within the Special Rural zone as described in Column (a): <ul style="list-style-type: none"> <li>Single House/Dwelling</li> </ul> </li> <li>The following uses are not permitted within the Special Rural Zone as described in Column (a) unless approval is granted by the Council "AA": <ul style="list-style-type: none"> <li>Agriculture</li> <li>Home Occupation</li> <li>Industry - Rural</li> <li>Stables</li> <li>Veterinary Hospital</li> </ul> </li> <li>All other uses are not permitted.</li> </ol> </li> <li>The symbols used in Provision 3a) and b) above (ie "P" &amp; "AA") shall have the same meaning as those set out in Clause 3.4 of the Scheme Text.</li> <li>Within the estate land uses other than a single residence, that are permitted or may be permitted by Council pursuant to the Scheme shall only be permitted when the Council is satisfied that the land use does not involve excessive nutrient application or the clearing of the land.</li> <li>With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any intensive agricultural pursuit. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.</li> <li>On-site effluent disposal systems servicing development on the lots shall be to the satisfaction of the Local Authority. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected to it an effluent disposal system that: <ol style="list-style-type: none"> <li>has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area and the highest recorded groundwater level; and</li> <li>has at least 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and</li> <li>has been approved in writing by Council.</li> </ol> </li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 4C OF THE RURAL LAND STRATEGY (JANUARY 1996).</b> (Cont'd)</p> <p>Pt. Lot 12 Mandurah Road, Karnup.</p> <p>Pt Lot 102 Stakehill Road, Karnup</p> <p>AMD 273 GG 20/5/97 AMD 342 GG 18/2/03</p>	<p>8. The land is situated within the Stakehill Groundwater Area and a well license for a bore must be obtained from the Water Corporation.</p> <p>The siting of bores shall be to the requirements of the Water Corporation having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.</p> <p>9. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Water and Rivers Commission and the Council. The developer of the estate shall obtain the approval of the Water and Rivers Commission and the Council for drainage proposals prior to commencement of site works.</p> <p>10. No indigenous vegetation and trees shall be destroyed or cleared unless the developer of the estate or landowner obtains the prior consent in writing of the Council, where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence and/or house driveway(s).</p> <p>11. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture, Western Australia for the applicable pasture types.</p> <p>Council may approve the grazing of animals provided that Council is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval Council may require the animals to be stabled or corralled.</p> <p>Where in the opinion of Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said land, requiring the immediate removal of the animals specified in the notice for a period specified in the notice.</p> <p>12. All development, including the clearing of land, shall be setback 40 metres from Mandurah Road, 30 metres from other subdivisional roads and 10 metres from other boundaries.</p> <p>13. The developer of the Special Rural areas as defined in Column (a) shall maintain the trees and shrubs planted within the Strategic Revegetation Area depicted on the relevant Subdivision Guide Plan, and vegetation to be retained on each lot, to the satisfaction of Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (where necessary) of those plants and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of Council.</p> <p>14. The developer of the Special Rural areas in Column (a) shall notify any prospective purchaser of the requirement for the continued maintenance of the Strategic Revegetation Areas.</p> <p>15. Firebreaks shall be constructed and maintained to the satisfaction of the Bushfires Board of Western Australia and the Council.</p> <p>16. The subdivider shall make arrangements satisfactory to Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Authority's town Planning Scheme which relate to the use, development and the management of the land.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO  
SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 4C OF THE RURAL LAND STRATEGY (JANUARY 1996).</b> (Cont'd)</p> <p>Pt. Lot 12 Mandurah Road, Karnup.</p> <p>Pt Lot 102 Stakehill Road, Karnup</p> <p><i>AMD 273 GG 20/5/97</i> <i>AMD 342 GG 18/2/03</i></p>	<p>17. Only one dwelling shall be constructed on any lot.</p> <p>18. All fencing shall be in accordance with Councils fencing bylaws.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>AMENDMENT NO: 272 AREA - PORTIONS OF PRECINCT 10 IN THE RURAL LAND STRATEGY 1996</b></p> <p>Lot 914 Telephone Lane, corner of Haines Road, Baldivis</p> <p>Lot 471 Mundijong Road, Baldivis</p> <p>Lot 913 Haines Road, Baldivis</p> <p>Lots 5, 501, Pt 585, Pt 586 and Pt 587 Doghill Road and Lots 589 and 590 Haines Road, Baldivis</p> <p><i>AMD 272 GG 1/8/97</i>  <i>AMD 280 GG 8/5/98</i>  <i>AMD 332 GG 8/8/00</i>  <i>AMD 299 GG 19/12/00</i></p>	<p>The following provisions shall apply specifically to the Special Rural Zone Area referred to in column (a):</p> <ol style="list-style-type: none"> <li>Subdivision to be generally in accordance with the Subdivision Guide Plan certified by the Town Clerk as the subdivision plan relating to the areas as described in column (a) and shall form part of the Scheme.</li> <li>The Council will not recommend lot sizes less than 5ha or an average lot size of less than 8ha.</li> <li> <ol style="list-style-type: none"> <li>The following uses are permitted "P" within the special Rural zone as described in column (a) <ul style="list-style-type: none"> <li>Residential - Single House/Dwelling</li> </ul> </li> <li>The following uses are not permitted within the Special Rural Zone, as described in column (a) unless approval is granted by the Council under the "AA" provisions of the Scheme. <ul style="list-style-type: none"> <li>Agriculture</li> <li>Home Occupation</li> <li>Industry Rural</li> <li>Radio Installation</li> <li>Stables</li> <li>Veterinary Hospital</li> <li>Veterinary Surgery</li> </ul> </li> </ol> </li> <li>The symbols used in paragraph 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.</li> <li>Within the estate land uses other than a single residence that are permitted or may be permitted by the Council pursuant to the Scheme, shall only be permitted when the Council is satisfied that the land use does not involve excessive nutrient application or the clearing of land.</li> <li>With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any intensive agricultural pursuit. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.</li> <li>On-site effluent disposal systems servicing development on the lots shall be to the satisfaction of the Local Government. In the event that a nutrient fixing effluent disposal system is not required every dwelling shall have connected to it an effluent disposal system that: <ol style="list-style-type: none"> <li>has a vertical separation of 2 or more metres between the base of the effluent disposal system and the highest recorded groundwater level; and</li> <li>has been approved in writing by Council.</li> </ol> </li> <li>The land is situated within the Stakehill Groundwater Area and a well license for a bore must be obtained from the Water and Rivers Commission. The siting of bores shall be to the requirements of the Commission having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>AMENDMENT NO: 272 AREA - PORTIONS OF PRECINCT 10 IN THE RURAL LAND STRATEGY 1996</b></p> <p>Lot 914 Telephone Lane, corner of Haines Road, Baldivis</p> <p>Lot 471 Mundijong Road, Baldivis</p> <p>Lot 913 Haines Road, Baldivis</p> <p>Lots 5, 501, Pt 585, Pt 586 and Pt 587 Doghill Road and Lots 589 and 590 Haines Road, Baldivis (Cont'd)</p>	<p>9. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Water Corporation and the Council. The developer of the estate shall obtain the approval of the Water Corporation and the Council for drainage proposals prior to commencement of site works.</p> <p>10. No indigenous vegetation and trees shall be destroyed or cleared except, with the prior consent in writing of the Council where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of the firebreak, dwelling, outbuilding, fence and/or house driveways.</p> <p>11. The developer of the estate shall within the Tree Planting Area depicted on the Subdivision Guide Plan, plant indigenous and native trees and shrubs of a species and at a density and distribution to be determined by the Council. Tree planting shall occur and be undertaken to the satisfaction of the Council prior to the endorsement by the Western Australian Planning Commission of Diagrams of Survey to create the lots depicted on the Subdivision Guide Plan.</p> <p>12. The developer of the estate shall maintain the trees and shrubs planted within the Tree Planting Area and vegetation to be retained on each lot to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.</p> <p>13. The developer shall notify in writing any prospective purchaser of the requirement for the continued maintenance of strategic revegetation areas within the estate.</p> <p>14. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by the Agriculture Western Australia for the applicable pasture types.</p> <p>Council may approve the grazing of animals provided that Council is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval Council may require the animals to be stabled or corralled.</p> <p>Where in the opinion of the Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.</p> <p>15. At the time of building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting, vegetation and maintenance.</p> <p>16. The developer of the estate, the Council and property owners shall be mindful of and comply with the provisions of the Environmental Protection (Swan Coastal Plain lakes) Policy 1992 and Statement of Planning Policy No. 2 - The Peel-Harvey coastal Plain Catchment. The developer shall notify in writing any prospective purchaser of this provision.</p> <p>17. All development is to be setback 30m from all subdivisional roads and 10m from all other boundaries, except that a 50m landscaped buffer is required along the Kwinana Freeway Reservation.</p>



**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>AMENDMENT NO: 272 AREA - PORTIONS OF PRECINCT 10 IN THE RURAL LAND STRATEGY 1996</b></p> <p>Lot 914 Telephone Lane, corner of Haines Road, Baldivis</p> <p>Lot 471 Mundijong Road, Baldivis</p> <p>Lot 913 Haines Road, Baldivis</p> <p>Lots 5, 501, Pt 585, Pt 586 and Pt 587 Doghill Road and Lots 589 and 590 Haines Road, Baldivis (Cont'd)</p>	<p>18. Minimum building levels are to be 0.5m above the 1:100 year flood level and sand pads shall be graded and landscaped to Council Specifications.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment No. 285 Area</b></p> <p>Western Moiety of Lot 332 Mandurah Road, Baldivis</p> <p><i>AMD 285 GG 19/12/97</i></p>	<p>The following provisions shall apply specifically to the Special Rural Zone area referred to in Column (a):-</p> <ol style="list-style-type: none"> <li>1. The subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the areas as described in column (a) and shall form part of the Scheme.</li> <li>2. Council will not recommend lot sizes less than 1.0ha.</li> <li>3. <ol style="list-style-type: none"> <li>a) The following uses are permitted "P" within the Special Rural Zone as described in column (a) <ul style="list-style-type: none"> <li>• Residential - Single House/Dwelling</li> </ul> </li> <li>b) The following uses are not permitted within the Special Rural Zone, as described in column (a) unless approval is granted by the Council under the "AA" provisions of the Scheme. <ul style="list-style-type: none"> <li>• Home Occupation</li> <li>• Stables</li> </ul> </li> </ol> </li> <li>4. The symbols used in paragraph 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.</li> <li>5. In addition to a Building Licence, Council's prior approval to commence development shall be required and such application shall be made on a Metropolitan Region Scheme Form 1 application for Approval to Commence Development.</li> <li>6. Any residence and all other outbuildings shall only be constructed within designated building envelopes which shall be identified on each lot at the time of subdivision. The location and area of the building envelopes shall be to the satisfaction of Council and may be varied at the discretion of Council.</li> <li>7. At the time of applying for planning approval, a plan of the site shall be submitted by the applicant, to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and those to be retained and proposals for tree planting and maintenance.</li> <li>8. All bores for the purpose of groundwater extraction shall require the prior approval of the Water and Rivers Commission.</li> <li>9. No indigenous vegetation and trees shall be destroyed and cleared except, with the prior consent in writing of the Council where such vegetation and trees are dead, diseased, or where the clearing is required for the purpose of a fire break, dwelling, outbuildings, fence and/or house driveway(s).</li> <li>10. Council has the discretion to approve the relocation of building envelopes upon the request of landowners.</li> <li>11. Only one residential dwelling is permitted per allotment.</li> <li>12. A height limit on residential buildings of 8.0 metres is to be applied.</li> <li>13. All buildings and out buildings are to utilise non-reflective materials in their construction and where possible are to use earth tones and colours such that the buildings are sympathetic to, and integrated with, the surrounding environment.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment No. 285 Area</b></p> <p>Western Moiety of Lot 332 Mandurah Road, Baldivis (Cont'd)</p>	<p>14. On-site effluent disposal systems servicing development on the lots shall be to the satisfaction of the Local Authority. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that:-</p> <ul style="list-style-type: none"> <li>a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;</li> <li>b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and</li> <li>c) has been approved in writing by Council.</li> </ul> <p>15. All allotments are to be connected to a reticulated water supply.</p> <p>16. Stormwater drainage is to be contained on-site.</p> <p>17. Boundary fencing shall only be of a post and wire strand construction to a maximum height of 1.2m.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment No. 293</b></p> <p>Lot 11 (No. 153) Mandurah Road Baldivis</p> <p>AMD 293 GG 9/4/48</p>	<ol style="list-style-type: none"> <li>1. Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the areas as described in Column (a) Locality, and shall form part of the scheme.</li> <li>2. <ol style="list-style-type: none"> <li>a) The following uses are permitted "P" within the "Special Rural" Zone as described in column (a): "Dwelling" (maximum of one per lot only).</li> <li>b) The following uses are not permitted within the Special Rural Zone as described in column (a), unless approval is granted by Council: "AA" - "Home Occupation", "Stables", "Rural Industry".</li> </ol> <p>The symbols used in paragraph 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.</p> </li> <li>3. The Council will not recommend lot sizes less than (2) hectares, where reticulated water is not available, or one (1) hectare where reticulated water is available.</li> <li>4. Where lots are not connected to a reticulated water supply, no roof or roofs forming an effective catchment area shall be less than 90m<sup>2</sup> in area.</li> <li>5. All development, including the clearing of land shall be setback a minimum of forty (40) metres from Mandurah Road, thirty (30) metres from other subdivisional roads, and ten (10) metres from all other boundaries, unless otherwise specified in the City of Rockingham Rural Land Strategy.</li> <li>6. Development is to comply with the Landscape Management Guidelines for the Zone B, as specified in the City of Rockingham Rural Land Strategy.</li> <li>7. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any intensive agricultural pursuit. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residences of the area when considering the application and may, should approval be granted, impose any conditions or vary such conditions to take account of seasonal variations and changes.</li> <li>8. The method of on-site effluent disposal servicing development shall be determined by the Local Authority and be to its specifications and satisfaction. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that has: <ol style="list-style-type: none"> <li>a) a vertical separation of two (2) or more metres between the base of the leach drain or soak well and the highest recorded groundwater level;</li> <li>b) at least a 100m separation to existing drains, water courses and water bodies; and</li> <li>c) been approved in writing by Council.</li> </ol> </li> <li>9. Stormwater drainage shall be contained on-site to the satisfaction of the Department of Environment, the Water and Rivers Commission and Council. The developer of the estate shall obtain the approval of the Water Corporation and the Council for drainage proposals prior to commencement of site works.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment No. 293</b></p> <p>Lot 11 (No. 153) Mandurah Road Baldivis (Cont'd)</p>	<ol style="list-style-type: none"> <li>10. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the developer of the estate obtaining the prior consent in writing of the Council where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence and/or driveway(s).</li> <li>11. The developer of the estate shall within the Strategic Revegetation Area depicted on the Subdivision Guide Plan, plant trees and shrubs of a species and density and distribution to be determined by the Council. Tree planting shall occur and be undertaken to the satisfaction of the Council prior to clearance of the Diagram of Survey.</li> <li>12. The developer of the estate shall maintain the trees and shrubs planted within the Strategic Revegetation Area and vegetation to be retained on each lot to the satisfaction of the Council until the land as a whole or in lots is sold.  Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.</li> <li>13. The developer shall notify in writing any prospective purchaser of the requirement for the continued maintenance of strategic revegetation areas within the estate.</li> <li>14. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by the Agriculture Department of Western Australia for the applicable pasture types.  Council may approve the grazing of animals provided the Council is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval Council may require the animals to be stabled or corralled.  Where in the opinion of Council the continued presence of animals is likely to contribute or is contributing to dust pollution and soil erosion, notice may be served on the owner of the land, requiring immediate removal of the animals specified in the notice for a period specified in the notice.</li> <li>15. At the time of building application for each allotment, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</li> <li>16. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fire Board of Western Australia and the Council.</li> <li>17. The subdivider shall make arrangements satisfactory to Council to ensure that prospective purchasers of lots created will be advised of those provisions of the Local Authority District Zoning Scheme and Statements of Planning Policy which relate to the use and management of the land.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>Amendment No. 293</b></p> <p>Lot 11 (No. 153) Mandurah Road Baldivis (Cont'd)</p>	<p>18. No development, clearing, filling, excavating, fertilising, tilling of land, grazing or any other use is permitted in the area designated on the Subdivision Guide Plan "Opwin Swamp" or the 50m no development buffer without specific approval of Council.</p> <p>19. For the purposes of maintaining "Opwin Swamp", the following Management Provisions shall apply.</p> <ul style="list-style-type: none"> <li>i) No new dams, artificial retention of water, pumping, diversion of water or modification of Opwin Swamp's natural form shall be undertaken without the prior approval of the City of Rockingham.</li> <li>ii) The activities of stock on the land immediately surrounding Opwin Swamp shall be controlled such that problems of erosion, pollution and vegetation degradation do not occur.</li> <li>iii) A no spray (pesticide/herbicide), noncultivation and non nitrogenous fertiliser application buffer of 50m from the Opwin Swamp shall apply. The no spray requirement will not preclude carrying out of noxious weed of noxious weed control in accordance with Agricultural Protection Board Requirements or Pest Control as authorised by the Council.</li> </ul>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 5 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Peel Estate Lot 891 Fletcher Road, Karnup Lot 500 Paganoni Road, Baldavis</p> <p><i>AMD 282 GG 8/5/98</i> <i>AMD 330 GG 4/2/03</i></p>	<ol style="list-style-type: none"> <li>1. Subdivision shall be generally in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer and shall form part of Town Planning Scheme No. 1.</li> <li>2. The Council will not recommend lot sizes less than 2 ha.</li> <li>3. <ol style="list-style-type: none"> <li>a) The following uses are permitted "P" within the Special Rural Zone as described in Column (a):-  Single House/Dwelling (maximum of one per lot only)</li> <li>b) The following uses are not permitted within the Special Rural Zone, as described in Column (a), unless approval is granted by the Council "AA":- <ul style="list-style-type: none"> <li>- Agriculture</li> <li>- Home Occupation</li> <li>- Industry Rural</li> <li>- Stables</li> <li>- Veterinary Hospital</li> <li>- Landscape Supply Yard and Wildlife Park (to be permitted only within that land identified on the Subdivision Guide Plan).</li> </ul> </li> </ol> </li> <li>4. The Symbols used in provision 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.</li> <li>5. All development, including the clearing of land shall be generally setback 30 metres from subdivisional roads (primary setback) and 10 metres from all other boundaries, except where the Subdivision Guide Plan specifies alternative setbacks. The existing shed on Lot 2 Fletcher Road is exempt from this requirement.</li> <li>6. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any agricultural pursuit. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.</li> <li>7. The method of on-site effluent disposal servicing the development shall be determined by the Local Authority, and be to its specifications and satisfaction. In the event that a nutrient fixing effluent disposal system is not required, the septic leach drain system shall have: <ol style="list-style-type: none"> <li>a) at least a 100 metre horizontal separation between the disposal system and the existing drains, water courses and water bodies; and</li> <li>b) has a vertical separation of 2 or more metres between the base of the effluent disposal system and the highest recorded groundwater level; and</li> <li>c) been approved in writing by Council.</li> </ol> </li> <li>8. Stormwater drainage shall be contained on-site to the satisfaction of the Water Corporation and Council. The developer of the estate shall obtain the approval of the Water Corporation and the Council for drainage proposals prior to commencement of site works.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

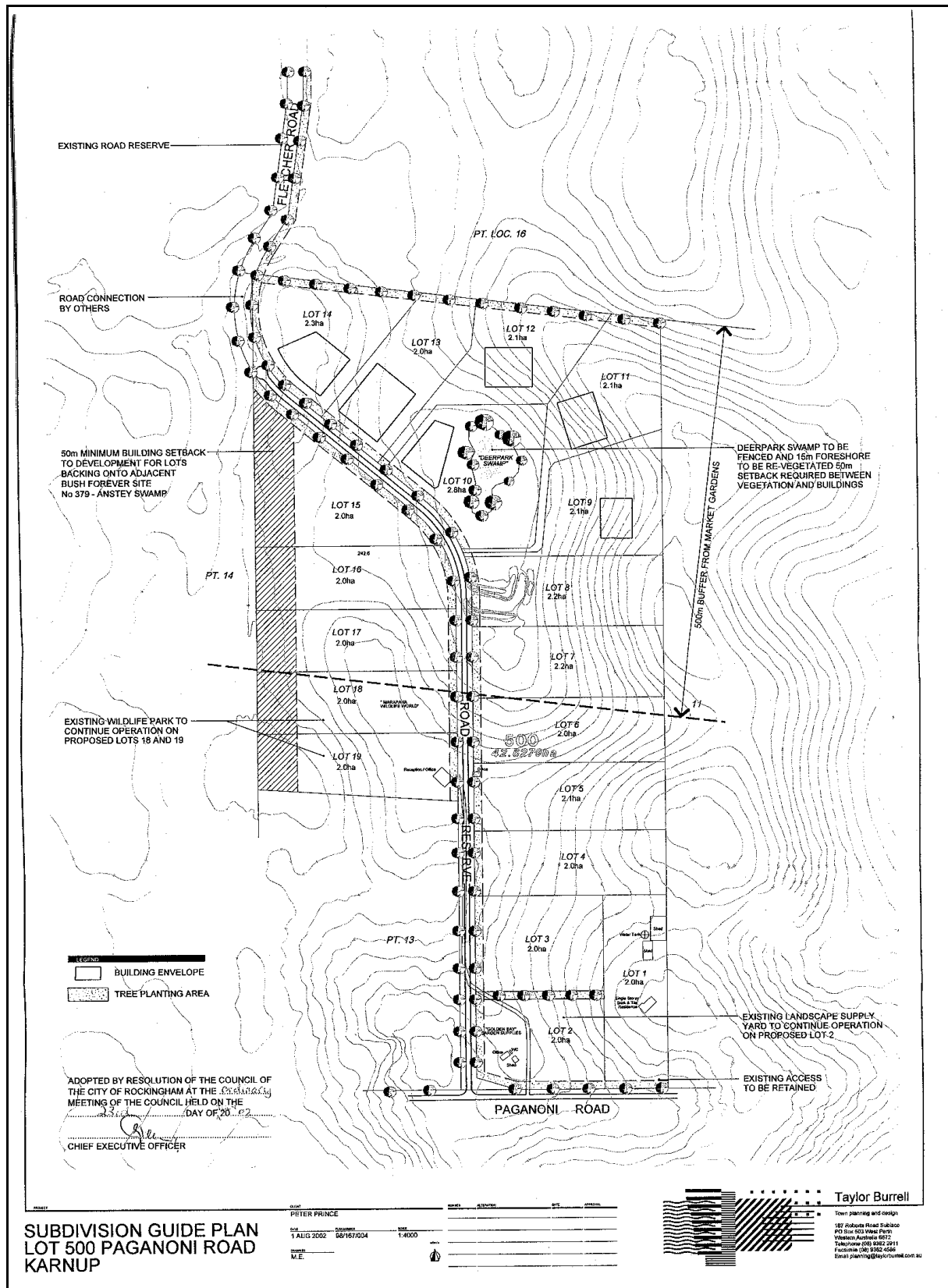
(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 5 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Peel Estate Lot 891 Fletcher Road, Karnup Lot 500 Paganoni Road, Baldivis</p> <p><i>AMD 282 GG 8/5/98</i> <i>AMD 330 GG 4/2/03</i></p>	<p>9. No indigenous vegetation and trees shall be destroyed or cleared except with the prior consent in writing of the Council where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence and/or house driveways.</p> <p>10. The developer of the estate shall, within the Tree Planting Area depicted on the Subdivision Guide Plan, plant indigenous and native trees and shrubs of a species and at a density and distribution to be determined by the Council. Tree planting shall occur and be undertaken to the satisfaction of the Council prior to the endorsement by the Western Australian Planning Commission of Diagrams of Survey to create the lots depicted on the Subdivision Guide Plan.</p> <p>11. The developer of the estate shall maintain the trees and shrubs planted within the Strategic Revegetation Area and vegetation to be retained on each lot to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of Council.</p> <p>12. The developer shall notify in writing any prospective purchasers of the requirement for the continued maintenance of Strategic Revegetation Areas within the estate.</p> <p>13. The keeping of horses, sheep and goats and other grazing animals shall be subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.</p> <p>Council may approve the grazing of animals provided that Council is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval Council may require the animals to be stabled or corralled.</p> <p>Where in the opinion of the Council the continued presence of animals or any portion of land in the estate is likely to contribute, or is contributing to dust pollution, soil erosion or vegetation degradation, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.</p> <p>14. At the time of building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposal for tree planting and maintenance.</p> <p>15. All bores for the purposes of groundwater extraction shall require the prior approval of the Water Corporation of Western Australia.</p> <p>16. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australian and the Council.</p> <p>17. The subdivider shall make arrangements satisfactory to Council to ensure that prospective purchasers of lots created will be advised of those provisions of the local government Town Planning Scheme which relate to the use and management of the land.</p> <p>Further, that prospective purchasers of those lots located within 500 metres of the market garden on Lot 3 Fletcher Road, be made aware of the existence of the market garden.</p>



**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 5 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Peel Estate Lot 891 Fletcher Road, Karnup Lot 500 Paganoni Road, Baldivis (Cont'd)</p> <p><i>AMD 282 GG 8/5/98</i> <i>AMD 330 GG 4/2/03</i></p>	<p>18. The developer of the Estate, the Council and property owners shall be mindful of and comply with the provisions of the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 and Statement of Planning Policy No. 2 (Peel-Harvey Coastal Plain Catchment). The developer shall notify in writing any prospective purchasers of this provision.</p> <p>19. Any residence and all outbuildings shall only be constructed within the building envelope, where identified on the Subdivision Guide Plan, which is identified on the lot at the time of subdivision. The location and area of building envelopes shall be to the satisfaction of the local government and may be varied at the discretion of the local government.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**



**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 11 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Lots 13, 100 and 101 Saint Albans Road, Baldivis</p> <p>Lots 503 and 504 Doghill Road, Baldivis</p> <p>Lot 926 Young Road, Baldivis</p> <p>Lot 1 Doghill Road, Baldivis</p> <p>Lot 12 Doghill Road, Baldivis</p> <p>Lot 300 St Albans Road, Baldivis</p> <p>Lot 21 Doghill Road, Baldivis</p> <p>AMD 313 GG 27/10/00 AMD 333 GG 26/6/01 AMD 356 GG 7/10/03 AMD 359 GG 20/7/04 AMD 362 GG 10/8/04 AMD 361 GG 10/9/04</p>	<p>The following provisions shall apply specifically to the Special Rural Zone Area referred to in Column (a).</p> <ol style="list-style-type: none"> <li>Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the areas as described in Column (a) Locality, and shall form part of the Scheme.</li> <li>The Council shall not recommend a lot size less than two hectares.</li> <li> <ol style="list-style-type: none"> <li>The following uses are permitted "P" within the Special Rural Zone as described in Column (a): <ul style="list-style-type: none"> <li>Single/House/Dwelling</li> </ul> </li> <li>The following uses are not permitted within the special Rural Zone as described in Column (a) unless approval is granted by the Council "AA": <ul style="list-style-type: none"> <li>Agriculture</li> <li>Home Occupation</li> <li>Industry Rural</li> <li>Stables</li> <li>Veterinary Hospital</li> </ul> </li> <li>All other uses are not permitted.</li> </ol> </li> <li>The symbols used in subclause a) and b) above shall have the same meaning as those set out in Clause 3.5 of the Scheme Text.</li> <li>Within the estate land uses other than as single residence, that are permitted or may be permitted by Council pursuant to the Scheme shall only be permitted when the Council is satisfied, following consultation with the Department of Environmental Protection, that the land use does not involve excessive nutrient application or the clearing of the land.</li> <li>With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the locality, the approval of the Council is required for any intensive agricultural pursuit. The Council will have regard to limits on stocking, the vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.</li> <li>On-site effluent disposal systems servicing development on the lots shall be to the specifications of the Local Government. In the event that a nutrient fixing disposal system is not required, every dwelling shall have connected an effluent disposal system that: <ol style="list-style-type: none"> <li>has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;</li> <li>has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and</li> <li>has been approved in writing by Council.</li> </ol> <p>Notwithstanding the above, proposed Lot 1 Young Road (formerly western portion of Lot 926 Young Road), as identified on the Subdivision Guide Plan shall be serviced with a nutrient fixing effluent disposal system to the satisfaction of the local government.</p> </li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 11 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Lots 13, 100 and 101 Saint Albans Road, Baldivis</p> <p>Lots 503 and 504 Doghill Road, Baldivis</p> <p>Lot 926 Young Road, Baldivis</p> <p>Lot 1 Doghill Road, Baldivis</p> <p>Lot 12 Doghill Road, Baldivis</p> <p>Lot 300 St Albans Road, Baldivis</p> <p>Lot 21 Doghill Road, Baldivis</p> <p><i>AMD 313 GG 27/10/00</i>  <i>AMD 333 GG 26/6/01</i>  <i>AMD 356 GG 7/10/03</i>  <i>AMD 359 GG 20/7/04</i>  <i>AMD 362 GG 10/8/04</i>  <i>AMD 361 GG 10/9/04</i></p>	<p>Notwithstanding the above, all residential development (including any extension to the existing dwelling) at Lot 12 Doghill Road shall be serviced with a nutrient fixing effluent disposal system to the satisfaction of the City of Rockingham.</p> <p>8. The land is situated within the Stakehill Groundwater Area and a well license for a bore must be obtained from the Waters and Rivers Commission.</p> <p>The siting of bores shall be to the requirements of the Commission having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.</p> <p>9. Stormwater drainage shall be contained on-site to the satisfaction of the Water Corporation and Council. The developer of the estate shall obtain the approval of the Water Corporation and the Council for drainage proposals prior to commencement of site works.</p> <p>10. No indigenous vegetation and trees shall be destroyed or cleared unless the developer of the estate or landowner obtains the prior consent in writing of the Council, where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of a firebreak dwelling, outbuilding, fence and/or driveway(s).</p> <p>11. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by the Agriculture Department of Western Australia for the applicable pasture types.</p> <p>Council may approve the grazing of animals provided that Council is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval Council may require the animals to be stabled or corralled.</p> <p>Where in the opinion of Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said land, requiring the immediate removal of the animals specified in the notice for a period specified in the notice.</p> <p>Stocking Rates for Lot 12 Doghill Road shall be in accordance with the requirements of the approved Sustainable Property Management Plan.</p> <p>12. All development including the clearing of land, shall be setback 30 metres from Saint Albans Road, 30 metres from other subdivisional roads and 10 metres from other boundaries, unless otherwise specified in the City of Rockingham Rural Land Strategy.</p> <p>13. The developer of the Estate shall maintain the trees and shrubs planted within the Strategic Revegetation Area depicted on the relevant Subdivision Guide Plan, and vegetation to be retained on each lot to the satisfaction of Council until the land as a whole or in lots is sold.</p> <p>Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (where necessary) of those plants and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of Council.</p> <p>14. The developer of the Estate shall notify any prospective purchaser of the requirement for the continued maintenance of the Strategic Revegetation Area and Tree Planting Areas.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 11 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Lots 13, 100 and 101 Saint Albans Road, Baldivis</p> <p>Lots 503 and 504 Doghill Road, Baldivis</p> <p>Lot 926 Young Road, Baldivis</p> <p>Lot 1 Doghill Road, Baldivis</p> <p>Lot 12 Doghill Road, Baldivis</p> <p>Lot 300 St Albans Road, Baldivis</p> <p>Lot 21 Doghill Road, Baldivis</p> <p><i>AMD 313 GG 27/10/00</i>  <i>AMD 333 GG 26/6/01</i>  <i>AMD 356 GG 7/10/03</i>  <i>AMD 359 GG 20/7/04</i>  <i>AMD 362 GG 10/8/04</i>  <i>AMD 361 GG 10/9/04</i></p>	<p>15. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australia and the Council.</p> <p>16. The subdivider shall make arrangements satisfactory to Council to ensure that prospective purchasers of lots created will be advised of those provisions of the Local Government's Town Planning Scheme which relate to the use, development and management of the land and the provisions of the Statement of Planning Policy No. 2 - The Peel Harvey Coastal Catchment.</p> <p>17. Only one dwelling shall be constructed on any lot.</p> <p>18. All fencing shall be in accordance with Council's fencing bylaws.</p> <p>19. The developer of the estate shall, within the Strategic Revegetation Area depicted on the Subdivision Guide Plan, plant indigenous and native trees and shrubs of species and density and distribution to be determined by Council following consultation with the Department of Environmental Protection.</p> <p>Tree planting shall occur and be undertaken to the satisfaction of Council prior to endorsement by the Western Australian Planning Commission of the Diagrams of Survey to create the lots depicted on the Subdivision Guide Plan.</p> <p>20. At the time of building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and a proposal for tree planting and maintenance.</p> <p>21. Any residence and all outbuildings shall only be constructed within designated building envelopes, where applicable, which shall be identified on individual lots at the time of subdivision. The location and area of the building envelopes shall be to the satisfaction of Council and may be varied at the discretion of Council.</p> <p>22. Where lots have been identified as containing vegetation that is of regional conservation value (such as being included within Perth's Bush Forever as Site No. 369) the following requirements shall apply:</p> <ul style="list-style-type: none"> <li>a) the boundaries for the vegetation to be designated on the subdivision guide plan;</li> <li>b) a conservation covenant to be placed on the title of each lot to protect the vegetation in perpetuity and to be designated accordingly on the subdivision guide plan.</li> <li>c) no clearing or development shall be approved outside the designated building envelopes;</li> <li>d) no uses other than single dwelling, associated outbuildings and home occupation to be approved; and</li> <li>e) management of the vegetation to comply with the approved environmental Management Plan prepared by the City of Rockingham to ensure its long term protection and includes strategic firebreaks and boundary fencing to avoid unnecessary fragmentation, clearing and degradation of the vegetation.</li> </ul> <p>Should any of the above requirements conflict with other provisions in the Scheme that relate to the Special Rural Zone, the above requirements shall prevail.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 11 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Lots 13, 100 and 101 Saint Albans Road, Baldivis</p> <p>Lots 503 and 504 Doghill Road, Baldivis</p> <p>Lot 926 Young Road, Baldivis</p> <p>Lot 1 Doghill Road, Baldivis</p> <p>Lot 12 Doghill Road, Baldivis</p> <p>Lot 300 St Albans Road, Baldivis</p> <p>Lot 21 Doghill Road, Baldivis</p> <p><i>AMD 313 GG 27/10/00</i>  <i>AMD 333 GG 26/6/01</i>  <i>AMD 356 GG 7/10/03</i>  <i>AMD 359 GG 20/7/04</i>  <i>AMD 362 GG 10/8/04</i>  <i>AMD 361 GG 10/9/04</i></p>	<p>23. Clearing of any natural vegetation outside the building Envelope is prohibited except:-</p> <p>(a) For the purposes of complying with the Bush Fires Act 1954; and</p> <p>(b) To construct a vehicle accessway in a location indicated in the endorsed Subdivision Guide Plan.</p> <p>24. The vegetation at Lot 12 Doghill Road being managed in accordance with the approved Sustainable Property Management Plan to ensure its long term protection and to avoid unnecessary fragmentation, clearing and/or degradation.</p> <p>25. The finished floor levels of all new dwellings shall be a minimum of 500mm above the 100 year flood level for the subject area.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p>AMENDMENT 287 AREA</p> <p>Peel Estate Lots 1111 and 1112 being Lot 106 on Certificate of Title Volume 1930 Folio 854 Plan 18439 Cnr Powell &amp; Doghill Roads, Baldivis.</p> <p><i>AMD 287 GG 3/11/98</i></p>	<ol style="list-style-type: none"> <li>1. Subdivision shall generally be in accordance with Subdivision Guide Plan certified by the Chief Executive Officer relating to the area as described in Column (a) and shall form part of the Scheme.</li> <li>2. That Council shall not recommend lot sizes less than 5ha (average 8 hectares).</li> <li>3. <ol style="list-style-type: none"> <li>a) The following uses are permitted "P" within the Special Rural Zone as described in Column (a). Single House/Dwelling (maximum of one per lot only).</li> <li>b) The following uses are not permitted within the Special Rural Zone, as described in Column (a) unless approval is granted by the Council "AA"; Agriculture, Home Occupation, Industry Rural, Stables and Veterinary Hospital.</li> <li>c) All other uses are not permitted.</li> </ol> </li> <li>4. The symbols used in subclause 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.</li> <li>5. All development, including the clearing of land, shall be set back 30m from the primary street and 10m from all other boundaries unless otherwise specified in the City of Rockingham Rural Land Strategy.</li> <li>6. Within the estate land uses other than a single residence, that are permitted or may be permitted by the Council pursuant to the Scheme shall only be permitted when the Council is satisfied following consultation with the Department of Environmental Protection that the landuse does not involve excessive nutrient application or the clearing of the land.</li> <li>7. With the intention of preserving the existing natural vegetation and mature trees and preventing land uses practices detrimental to the amenity of the locality, the approval of the Council is required for any intensive agricultural pursuit. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.</li> <li>8. On-site effluent disposal systems servicing development on the lots shall be to the specifications of the local government. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected an effluent disposal system that: <ol style="list-style-type: none"> <li>a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;</li> <li>b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and</li> <li>c) has been approved in writing by the Council.</li> </ol> </li> <li>9. The land is situated within the Stakehill Groundwater Area and a well licence for a bore must be obtained from the Water and Rivers Commission. The siting of bores shall be to the requirements of the Commission having regard to the location of any effluent disposal systems, water bodies, drains and neighbouring bores.</li> <li>10. Stormwater drainage shall be contained on-site to the satisfaction of the Water Corporation and Council. The Developer of the estate shall obtain the approval of the Council for drainage proposals prior to commencement of site works.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p>AMENDMENT 287 AREA (Cont'd)</p> <p>Peel Estate Lots 1111 and 1112 being Lot 106 on Certificate of Title Volume 1930 Folio 854 Plan 18439 Cnr Powell &amp; Doghill Roads, Baldivis.</p>	<ol style="list-style-type: none"> <li>11. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the owner of the lot(s) obtaining the prior consent in writing of the Council, where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of the firebreak, dwelling, outbuilding, fence and/or house driveways.</li> <li>12. The Developer of the estate shall, within the Strategic Revegetation Area depicted on the Subdivision Guide Plan, plant indigenous native trees and shrubs of a species and at a density and distribution to be determined by the Council following consultation with the Department of Environmental Protection. Tree planting shall occur prior to the endorsement by the Western Australian Planning Commission of Diagrams of Survey to create the lots depicted on the Subdivision Guide Plan.</li> <li>13. The developer of the estate shall maintain the trees and shrubs planted within the Strategic Vegetation Area and vegetation to be retained on each lot to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of Council.</li> <li>14. The developer shall notify in writing any prospective purchasers of the requirement for the continued maintenance of strategic revegetation areas within the estate.15. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by the Agricultural Department of Western Australia for the applicable pasture types.  Council may approve the grazing of animals provided that Council is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval, Council may require the animals to be stabled or corralled.  Where in the opinion of Council the continued presence of animals or any portion of land in the estate is likely to contribute, or is contributing to dust pollution, soil erosion or vegetation degradation, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.</li> <li>16. At the time of building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposal for tree planting and maintenance.</li> <li>17. The establishment of sand pads and the like to ensure a minimum building level 0.5m above 1:100 year floor area, with such to be graded and landscaped to Council's satisfaction.</li> <li>18. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australia and the Council.</li> <li>19. Drainage reserves shall be fenced to the satisfaction of Council to prevent stock access and to promote revegetation.</li> <li>20. The subdivider shall make arrangements satisfactory to Council to ensure that prospective purchasers of lots created will be advised of those provisions of the local government Town Planning Scheme which relate to the use and management of the land and the provisions of the Statement of Planning Policy No. 2 - The Peel Harvey Coastal Catchment.</li> </ol>



**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO  
SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p>Peel Estate Lots 1109 and 1110 and being Lot 51 on Diagram 79753 Doghill Road, Baldivis.</p> <p><i>AMD 345 GG 24/5/02</i></p>	<p>20. In the event that Council deems that Building Envelopes are required, such shall be generally depicted on the Subdivision Guide Plan. Any residence and all other outbuildings shall only be constructed within the building envelopes. The location and area of the building envelopes shall be identified at the time of subdivision to the satisfaction of Council and may be varied at the discretion of Council.</p> <p>21. The developer shall prepare and implement a Wetland Management Plan for the portions of Conservation Category Wetlands 44-VI, 44 - V10, 44-V13 and 44-V19 that fall within Lot 51 Doghill Road, Baldivis, in consultation with, and to the satisfaction of, the Department of Environmental Protection, Water and Rivers Commission and Council.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p>Lot 9 of Peel Estate, Lots 129, 856, 857 &amp; 858 on Diagram 33686 Stakehill Road Baldivis, Lots 15, 25 and 33 Churcher Road, Baldivis Lot 25 Churcher Road, Baldivis</p> <p>AMD 298 GG 28/8/98 AMD 269 GG 22/6/99 AMD 341 GG 29/1/02 AMD 364 GG 7/9/04</p>	<p>The following provisions shall apply specifically to the Special Rural Zone Area referred to in column (a)</p> <ol style="list-style-type: none"> <li>Subdivision to be generally in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the areas as described in Column (A) and shall form part of the Scheme.</li> <li>The Council will not recommend lot sizes less than 2 ha.</li> <li> <ol style="list-style-type: none"> <li>The following uses are permitted "P" within the Special Rural Zone as described in Column (a). Single House/Dwelling. Only one dwelling shall be constructed on any lot.</li> <li>The following uses are not permitted within the Special Rural zone, as described in Column (a) unless approval is granted by the Council "AA"; Agriculture, Home Occupation, Industry Rural, Stables, Veterinary Hospital.</li> </ol> </li> <li>The symbols used in paragraph 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.</li> <li>Within the estate land uses other than a single residence, that are permitted or may be permitted by the Council pursuant to the Scheme shall only be permitted when the Council is satisfied that the land use does not involve excessive nutrient application or the clearing of the land.</li> <li>With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any intensive agricultural pursuit. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.</li> <li>Onsite effluent disposal systems servicing development on the lots shall be to the specifications of the local government. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected to it an effluent disposal system that:- <ol style="list-style-type: none"> <li>has a vertical separation of 2 metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;</li> <li>has at least a 100 metre horizontal separation between the effluent disposal system &amp; the existing drains, water courses and water bodies;</li> <li>has been approved in writing by Council.</li> </ol> </li> <li>The land is situated within the Stakehill Groundwater Area and a well license for a bore must be obtained from the Water &amp; Rivers Commission. The siting of bores shall be to the requirements of the Commission having regard to the location of any effluent disposal systems, water bodies, drains and neighbouring bores.</li> <li>Stormwater drainage shall be contained onsite to the satisfaction and specifications of the Water Corporation and the Council. The developer of the estate shall obtain the approval of the Water Corporation and the Council for drainage proposals prior to commencement of site works.</li> </ol>

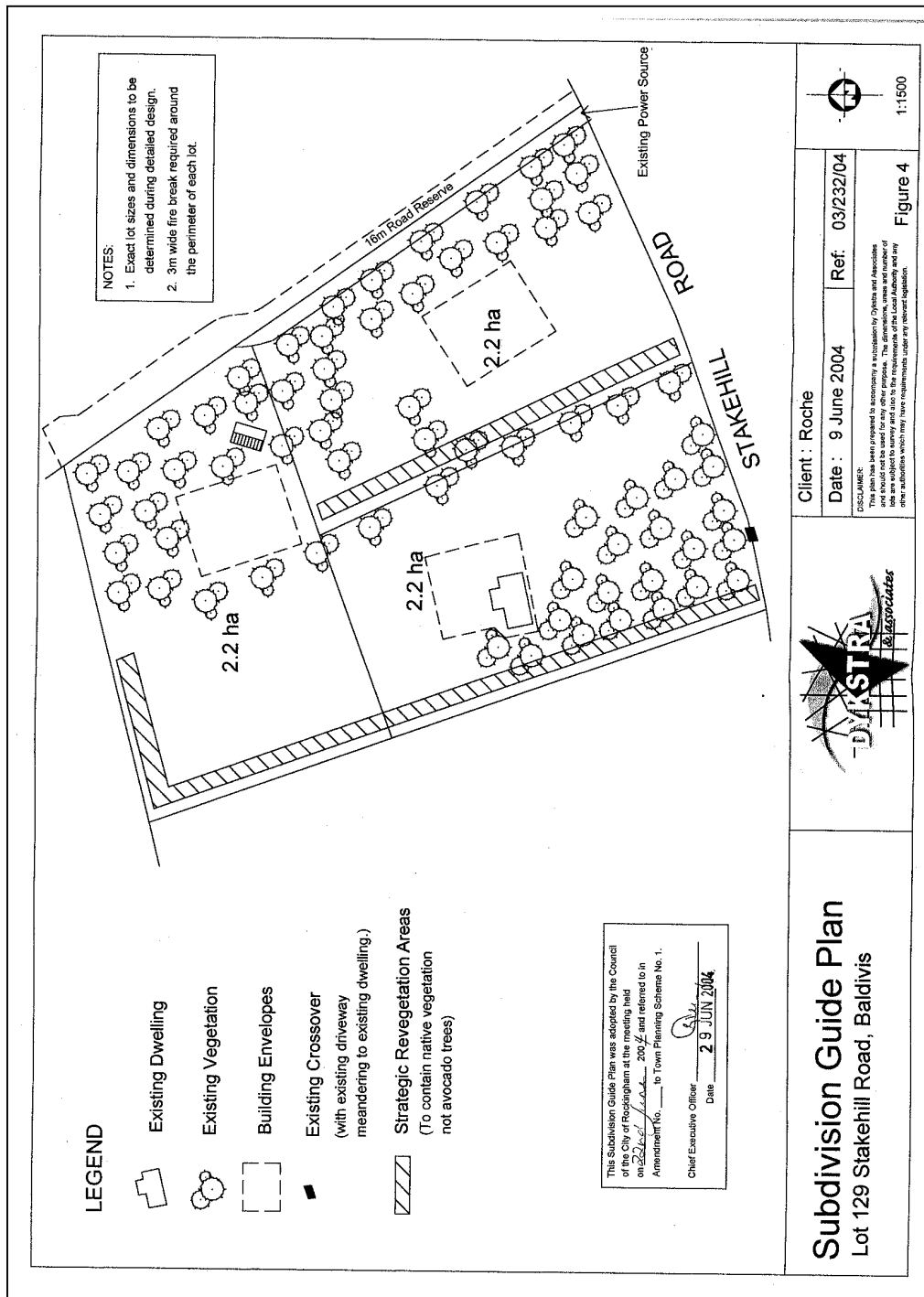
**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p>Lot 9 of Peel Estate, Lots 129, 856, 857 &amp; 858 on Diagram 33686 Stakehill Road Baldivis, Lots 15,25 and 33 Churcher Road, Baldivis Lot 25 Churcher Road, Baldivis</p> <p>(Cont'd)</p> <p><i>AMD 298 GG 28/8/98</i> <i>AMD 269 GG 22/6/99</i> <i>AMD 341 GG 29/1/02</i> <i>AMD 364 GG 7/9/04</i></p>	<ol style="list-style-type: none"> <li>10. No indigenous vegetation and trees shall be destroyed or cleared except, but subject to the owner of the lot(s) obtaining the prior consent in writing of the Council where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of the firebreak, dwelling, outbuildings, fence and/or house driveways.</li> <li>11. The developer of the estate shall within the Strategic Revegetation Area depicted on the Subdivision Guide Plan, plant indigenous and native trees and shrubs of a species and at a density and distribution to be determined by the Council. Tree planting shall occur and be undertaken to the satisfaction of the Council prior to clearance of the Diagram of Survey.</li> <li>12. The developer of the estate shall maintain the trees and shrubs planted within the Strategic Revegetation Area and vegetation to be retained on each lot to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.</li> <li>13. The developer shall notify in writing any prospective purchases of the requirement for the continued maintenance of strategic revegetation areas within the estate.</li> <li>14. Any residence and all other outbuildings shall only be constructed within buildings envelopes which shall be identified on each lot at the time of subdivision. The location and area of building envelopes shall be to the satisfaction of Council and may be varied at the discretion of Council.</li> <li>15. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.  Council may approve the grazing of animals provided that Council is satisfied that nutrient input to the land can be controlled and that such will not result in the removal of damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval, Council may require the animals to be stabled or corralled.  Where in the opinion of the Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to dust pollution, soil erosion or vegetation degradation, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.</li> <li>16. At the time of building application for each lot a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposal for tree planting and maintenance.</li> <li>17. All fencing shall be constructed in accordance with Council's Fencing Local Law.</li> <li>18. For the purpose of maintaining the environmental quality of Churchers Swamp and associated 50 metre buffer: <ol style="list-style-type: none"> <li>a) There shall be no: <ol style="list-style-type: none"> <li>i. Clearing, filling, excavating, grazing or artificial retention, pumping or diversion of water within Churchers Swamp and associated 50 metre buffer.</li> </ol> </li> </ol> </li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p>Lot 9 of Peel Estate, Lots 129, 856, 857 &amp; 858 on Diagram 33686 Stakehill Road Baldivis, Lots 15,25 and 33 Churcher Road, Baldivis Lot 25 Churcher Road, Baldivis</p> <p>(Cont'd)</p> <p><i>AMD 298 GG 28/8/98</i> <i>AMD 269 GG 22/6/99</i> <i>AMD 341 GG 29/1/02</i> <i>AMD 364 GG 7/9/04</i></p>	<p>ii. Spraying (pesticide/herbicide), cultivation, fertilising or tilling of land within Churchers Swamp and associated 50 metre buffer. The no spray requirement will not preclude the carrying out of noxious weed control in accordance with agricultural Protection Board requirements or pest control as authorised by Council.</p> <p>b) The developer of the estate shall prepare and implement a Wetland Management Plan in consultation with and to the satisfaction of the Department of Environmental Protection, Waters and Rivers Commission and Council.</p> <p>19. Firebreaks shall be constructed and maintained to the satisfaction of the Bushfires Board of Western Australia and the Council.</p> <p>20. The subdivider shall make arrangements satisfactory to Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Government's Town Planning Scheme which relate to the use and management of the land.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**



**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 5 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Lots 15 and 33 Churcher Road, Baldivis,</p> <p>Lot 20 Churcher Road, Baldivis</p> <p><i>AND 315 GG 29/6/99</i></p>	<p>The following provisions shall apply specifically to the Special Rural Zone Area referred to in Column (a).</p> <ol style="list-style-type: none"> <li>Subdivision to be generally in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the areas as described in Column (a) and shall form part of the Scheme.</li> <li>The Council will not generally recommend lot sizes less than 2 hectares.</li> <li> <ol style="list-style-type: none"> <li>The following uses are permitted "P" within the Special Rural Zone as described in Column (a): <ul style="list-style-type: none"> <li>Single House/Dwelling</li> <li>Only one dwelling shall be constructed on any lot.</li> </ul> </li> <li>The following uses are not permitted within the Special Rural Zone, as described in Column (a) unless approval is granted by the Council "AA", <ul style="list-style-type: none"> <li>Agriculture</li> <li>Home Occupation</li> <li>Industry Rural</li> <li>Stables</li> <li>Veterinary Hospital</li> </ul> </li> </ol> </li> <li>The symbols used in paragraph 3 above have the same meaning as those set out in Clause 3.4 of the Scheme Text.</li> <li>Within the estate, land uses other than a single residence, that are permitted by the Council pursuant to the Scheme shall only be permitted when the Council is satisfied that the land use does not involve excessive nutrient application or the clearing of the land.</li> <li>With the intention of preserving the existing natural vegetation and mature trees and preventing landuse practices detrimental to the amenity of the locality, the approval of the Council is required for any intensive agricultural pursuit. <p>The Council will have regard to limits on stocking, the limited ground water resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of the seasonal changes.</p> </li> <li>On-site effluent disposal systems servicing development on the lots shall be to the satisfaction of the Local Government. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected to it an effluent disposal system that: <ol style="list-style-type: none"> <li>has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area and the highest recorded groundwater level; and</li> <li>has at least a 100 metre horizontal separation between the effluent disposal system and existing drains, water courses and water bodies; and</li> <li>has been approved in writing by Council.</li> </ol> </li> <li>The land is situated within the Stakehill Groundwater Area and a Well Licence for a bore must be obtained from the Water &amp; Rivers Commission. The siting of bores shall be to the requirements of the Commission having regard to the location of any effluent disposal systems, water bodies, drains and neighbouring bores.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 5 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Lots 15 and 33 Churcher Road, Baldivis,</p> <p>Lot 20 Churcher Road, Baldivis (Cont'd)</p>	<p>9. Stormwater drainage shall be contained on-site to the satisfaction and specification of the Water Corporation and the Council. The developer of the estate shall obtain the approval of the Water Corporation and the Council for drainage proposals prior to commencement of site works.</p> <p>10. No indigenous vegetation and trees shall be destroyed or cleared except, subject to the owner of the lot(s) obtaining the prior consent in writing of the Council, where such vegetation and trees are dead, diseased or where the clearing is required for the purpose of a firebreak, dwelling, outbuilding, fence and/or house driveways.</p> <p>11. The developer of the estate shall within the Strategic Revegetation Area depicted on the Subdivision Guide Plan, plant indigenous and native trees and shrubs of a species and at a density and distribution to be determined by the Council. Tree planting shall occur and be to the satisfaction of the Council prior to clearance of the Diagram of Survey.</p> <p>12. The developer of the estate shall maintain the trees and shrubs planted within the Strategic Revegetation Area and vegetation to be retained on each lot to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowners shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.</p> <p>13. The developer shall notify in writing any prospective purchasers of the requirement of the continued maintenance of strategic revegetation area within the estate.</p> <p>14. Any residence and all other outbuildings shall only be constructed within building envelopes which shall be identified on each lot at the time of subdivision.</p> <p>The location and area of building envelopes shall be to the satisfaction of Council and may be varied at the discretion of Council.</p> <p>15. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.</p> <p>Council may approve the grazing of animals provided that Council is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval, Council may require the animals to be stabled or corralled.</p> <p>Where in the opinion of Council the continued presence of animals on any portion of land in the estate is likely to contribute, or is contributing to dust pollution, soil erosion or vegetation degradation, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.</p> <p>16. At the time of building application for each lot, a plan of the site shall be submitted by the applicant to the satisfaction and specifications of the Council which shall show site contours, existing trees and stands of vegetation to be removed and retained and proposals for tree planting and maintenance.</p> <p>17. All fencing shall be constructed in accordance with Council's Fencing By-Law.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<b>PORTIONS OF PRECINCT 5 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b>  Lots 15 and 33 Churcher Road, Baldivis,  Lot 20 Churcher Road, Baldivis (Cont'd)	18. Firebreaks shall be constructed and maintained to the satisfaction of the Bushfires Board of Western Australia and the Council.  19. The subdivider shall make arrangements satisfactory to Council to ensure that prospective purchasers of the lots created will be advised of those provisions of the Local Governments Town Planning Scheme relating to the use and management of the land.



**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 8 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Lot 448 Baldivis Road, Baldivis</p> <p>Pt Lot 449 cnr Baldivis Road and St Albans Road</p> <p><i>AMD 310 GG 30/11/99</i></p> <p><i>AMD 311 GG 30/7/99</i></p>	<p>In addition to all relevant provisions of the Scheme, the following Special Provisions shall apply to the land described in Column (a) Locality:-</p> <ol style="list-style-type: none"> <li>Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the areas as described in Column (a) Locality, and shall form part of the Scheme.</li> <li>The Council will generally not recommend lot sizes less than eight (8) hectares average and less than five (5) hectares minimum.</li> <li> <ol style="list-style-type: none"> <li>The following uses are permitted "P" within the Special Rural Zone as described in Column (a) Locality: <ul style="list-style-type: none"> <li>Single house (maximum of one (1) per lot only)</li> </ul> </li> <li>The following uses are not permitted within the Special Rural Zone, as described in Column (a) Locality, unless approval is granted by the Council 'AA':- <ul style="list-style-type: none"> <li>Agriculture</li> <li>Aquaculture</li> <li>Home Occupation</li> <li>Industry – Cottage</li> <li>Industry – Rural</li> <li>Residential Building</li> <li>Rural Pursuit</li> <li>Stables</li> <li>Veterinary Clinic</li> <li>Veterinary Hospital</li> </ul> </li> <li>All other uses are not permitted.</li> </ol> </li> <li>The symbols used in provision 3 above have the same meaning as those set out in Clause 3.2.2.</li> <li>In addition to a building licence, the Council's prior approval to commence development shall be required and such application be made on the form prescribed by the Council.</li> <li>At the time of applying for planning approval, a plan of the site shall be submitted by the applicant to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</li> <li>All development, including the clearing of land, except for firebreaks, shall be generally set back fifty (50) metres from the Kwinana Freeway reservation, thirty (30) metres from other subdivisional roads (primary setbacks) and ten (10) metres from all other boundaries unless otherwise specified in the Rural Land Strategy.</li> <li>Where lots are not connected to a reticulated water supply, no roof or roofs forming an effective catchment area shall be less than 90m<sup>2</sup> in area.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 8 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Lot 448 Baldivis Road, Baldivis</p> <p>Pt Lot 449 cnr Baldivis Road and St Albans Road (Cont'd)</p>	<p>9. All bores for the purposes of groundwater extraction shall require the prior approval of the Water &amp; Rivers Commission, having regard to the location of any effluent disposal systems, water bodies, drains and neighbouring bores.</p> <p>10. On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected to it an effluent disposal system that:-</p> <p>(a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;</p> <p>(b) has at least a 100 metre horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and</p> <p>(c) has been approved in writing by the Council.</p> <p>11. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Water &amp; Rivers Commission and the Council. The developer of the estate shall obtain the approval of the Water &amp; Rivers Commission and the Council for drainage proposals prior to commencement of siteworks.</p> <p>12. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any rural pursuit. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.</p> <p>13. The keeping of horses, sheep, goats and other grazing animals may be permitted subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture type.</p> <p>The Council may approve the grazing of animals provided that it is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval the Council may require animals to be stabled or corralled.</p> <p>Where, in the opinion of the Council, the continued presence of animals on any portion of land is likely to continue, or is contributing to dust pollution, soil erosion or vegetation degradation, notice may be served on the owner of the said land, requiring the immediate removal of those animals specified in the notice for a period specified in the notice.</p> <p>14. No indigenous trees or substantial vegetation shall be removed without the prior approval of the Council, except where;</p> <ul style="list-style-type: none"> <li>• the trees are dead, diseased or dangerous;</li> <li>• the establishment of a fire access track is required under regulation or local law;</li> <li>• access to an approved development site is required;</li> <li>• subdivision works require the removal of vegetation.</li> </ul>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 8 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Lot 448 Baldivis Road, Baldivis</p> <p>Pt Lot 449 cnr Baldivis Road and St Albans Road (Cont'd)</p>	<p>15. Firebreaks shall be constructed and maintained to the satisfaction of the Bushfires Board of Western Australia and the Council.</p> <p>16. The developer shall, within the Strategic Revegetation Areas depicted on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to clearance of diagrams of survey.</p> <p>The developer of the estate shall maintain the trees and shrubs planted within the Strategic Revegetation Area, and vegetation retained on each lot, to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the replacement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.</p> <p>The developer shall notify in writing any prospective purchasers of the requirement of the continued maintenance of Strategic Revegetation Areas.</p> <p>17. All fencing shall be in accordance with the Council's fencing local laws.</p> <p>18. Development affecting wetlands shall comply with the provisions of Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 and development within Peel-Harvey Catchment Area to comply with Statement of Planning Policy No. 2 (The Peel Harvey Coastal Plain Catchment).</p> <p>19. New development shall be setback from incompatible landuses, including clay extraction activities on land identified as 'priority resource areas' in the Ministry's 1982 'Basic Raw Materials Policy', to the satisfaction of Council.</p> <p>20. The developer shall make arrangements satisfactory to the Council to ensure that prospective purchasers of lots created will be advised of those provisions of the Scheme and Policies which relate to the use and management of the land.</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 3 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b></p> <p>Portions of Lots 532-538 and 540 Baldivis Road, Baldivis</p> <p><i>AMD 338 GG 1/4/03</i></p> <p>Lot 1006 Baldivis Road, Baldivis</p> <p><i>AMD 360 GG 10/8/04</i></p>	<p>In addition to all relevant provisions of the Scheme, the following Special Provisions shall apply to the land described in 'Location':</p> <ol style="list-style-type: none"> <li>Subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the areas as described above in 'Location', and shall form part of the Scheme.</li> <li>The Council will generally not recommend approval to lot sizes less than two (2) hectares.</li> <li> <ol style="list-style-type: none"> <li>The following use is permitted 'P': <ul style="list-style-type: none"> <li>Residential - Single house (maximum of one (1) per lot only)</li> </ul> </li> <li>The following uses are not permitted, unless approval is granted by the Council 'AA':- <ul style="list-style-type: none"> <li>Home Occupation</li> <li>Residential Building</li> <li>Stables</li> <li>Veterinary Surgery</li> <li>Veterinary Hospital</li> </ul> </li> <li>All other uses are not permitted.</li> </ol> </li> <li>The symbols used in Provision 3 above have the same meaning as those set out in clause 3.4 of the Scheme.</li> <li>In addition to a building licence, the Council's prior approval to commence development shall be required and such application shall be made on the form prescribed by the Council.</li> <li>At the time of applying for planning approval, a plan of the site shall be submitted by the applicant, to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</li> <li>Any residence and all other outbuildings and effluent disposal systems shall only be constructed within designated building envelopes, where applicable, which shall be identified on each lot at the time of subdivision. Building envelopes shall be to the satisfaction of the Council and may be varied at the discretion of the Council.</li> <li>Where no building envelopes are identified, all development, including the clearing of land, except for firebreaks, shall be generally setback fifty (50) metres from the Kwinana Freeway reservation, thirty (30) metres from other subdivisional roads (primary setback) and ten (10) metres from all other boundaries, unless otherwise specified in the Rural Land Strategy.</li> <li>Development should comply with the Landscape Management Guidelines for Zone B as specified in the Rural Land Strategy.</li> <li>Where lots are not connected to a reticulated water supply, no roof or roofs forming an effective catchment shall be less than 90m<sup>2</sup> in area.</li> <li>All bores for the purpose of groundwater extraction shall require the prior approval of the Water &amp; Rivers Commission, having regard to the location of any effluent disposal system, water bodies, drains and neighbouring bores.</li> </ol>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 3 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b> (Cont'd)</p> <p>Portions of Lots 532-538 and 540 Baldivis Road, Baldivis</p> <p><i>AMD 338 GG 1/4/03</i></p> <p>Lot 1006 Baldivis Road, Baldivis</p> <p><i>AMD 360 GG 10/8/04</i></p>	<p>12. On-site effluent disposal servicing development on the lots shall be to the satisfaction of the Council. In the event that a nutrient fixing effluent disposal system is not required, every dwelling shall have connected to it an effluent disposal system that:-</p> <ul style="list-style-type: none"> <li>(a) has a vertical separation of 2 or more metres between the base of the effluent disposal system or the irrigation area, and the highest recorded groundwater level;</li> <li>(b) has at least a 100 metres horizontal separation between the effluent disposal system and the existing drains, water courses and water bodies; and</li> <li>(c) has been approved in writing by the Council.</li> </ul> <p>13. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Water &amp; Rivers Commission and the Council. The developer shall obtain the approval of the Water &amp; Rivers Commission and the Council for drainage proposals prior to commencement of site works.</p> <p>14. With the intention of preserving the existing natural vegetation and mature trees and preventing land use practices detrimental to the amenity of the locality, the approval of the Council is required for any the use or development of land. The Council will have regard to limits on stocking, the limited groundwater resources, tree and vegetation preservation and the effects on the environment of the locality and residents of the estate when considering the application and may, should approval be granted, impose any conditions as practical and may modify or vary such conditions to take account of seasonal changes.</p> <p>15. The keeping of horses, sheep, goats and other grazing animals shall be subject to the prior approval of the Council. Approval to keep animals shall not exceed the stocking rates recommended by Agriculture Western Australia for the applicable pasture types.</p> <p>The Council may approve the grazing of animals provided that it is satisfied that nutrient input to the land can be controlled and that such will not result in the removal or damage of the vegetation and trees or result in soil erosion and dust pollution. As a condition of approval the Council may require the animals to be stabled or corralled.</p> <p>Where, in the opinion of the Council, the continued presence of animals or any portion of land is likely to contribute, or is contributing to dust pollution or soil erosion, notice may be served on the owner of the said land, requiring the immediate removal of the animals specified in the notice for a period specified in the notice.</p> <p>16. No indigenous trees or substantial vegetation shall be removed without the prior approval of the Council, except where:-</p> <ul style="list-style-type: none"> <li>▪ The trees are dead, diseased or dangerous;</li> <li>▪ The establishment of a fire access track is required under regulation or local law;</li> <li>▪ Access to an approved development site is required;</li> <li>▪ Subdivisional works require the removal of vegetation.</li> </ul> <p>17. Firebreaks shall be constructed and maintained to the satisfaction of the Bush Fires Board of Western Australia and the Council. In order to preserve the amenity of the area, Council may, at its discretion, vary the position of any required firebreak to avoid destruction of vegetation or to address the physical features of the land.</p> <p>18. The developer shall, within the Strategic Revegetation Areas depicted on the Subdivision Guide Plan, plant trees and shrubs of a species, density and distribution to be determined by the Council. Tree planting shall be undertaken to the satisfaction of the Council prior to the clearance of the diagrams of survey.</p>

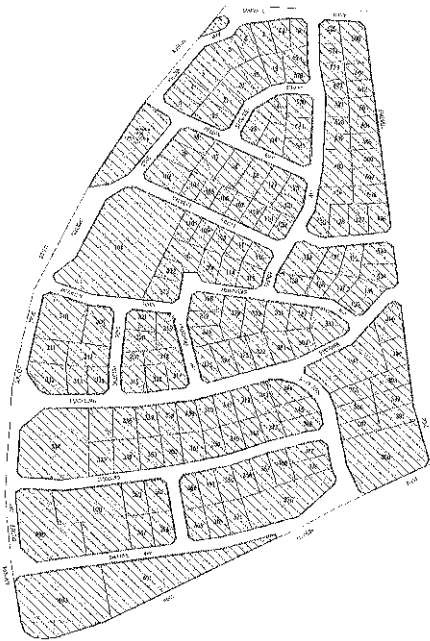
**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 3 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b> (Cont'd)</p> <p>Portions of Lots 532-538 and 540 Baldivis Road, Baldivis</p> <p><i>AMD 338 GG 1/4/03</i></p> <p>Lot 1006 Baldivis Road, Baldivis</p> <p><i>AMD 360 GG 10/8/04</i></p>	<p>The developer shall maintain the trees and shrubs planted, and vegetation retained on each lot, to the satisfaction of the Council until the land as a whole or in lots is sold. Thereafter the new landowner(s) shall be responsible for the maintenance and the placement (if and where necessary) of those trees and shrubs planted by the developer and vegetation retained on each lot to the satisfaction of the Council.</p> <p>The developer shall notify in writing any prospective purchasers of the requirement for the continued maintenance of Strategic Revegetation Areas.</p> <p>19. Boundary fencing shall only be of a post and wire strand construction, to a maximum height of 1.2 metres.</p> <p>20. Development affecting wetlands shall comply with the provisions of the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 and development within the Peel-Harvey Catchment shall comply with Statement of Planning Policy No. 2 (The Peel-Harvey Coastal Plain Catchment), or their latest updates.</p> <p>21. New development shall observe the buffer requirements from incompatible land uses where applicable.</p> <p>22. To ensure adequate flood protection for dwellings, a minimum building floor level 0.5 metres above the 1:100 year flood level, in areas of inundation is required, as determined by the Council.</p> <p>23. The developer shall make arrangements satisfactory to the Council to ensure that prospective purchasers of lots created will be advised of those provisions of the Scheme and Policies which relate to the use and management of the land.</p> <p>24. In respect of Lot 1006 Baldivis Road, Baldivis the following provisions shall apply:</p> <p>1    <u>Pipeline Protection Plan</u></p> <p>1.1 Prior to commencement of site works for subdivision or development on any land within or abutting the high pressure natural gas pipeline easement, the subdivider/developer shall prepare a Pipeline Protection Plan to the requirements of the Local Government with the concurrence of the Department of Environmental Protection and the high pressure natural gas pipeline operator</p> <p>1.2 The plan referred to in condition 1.1 of this table shall detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with the Petroleum Pipelines Act 1969-1970, the Australian Pipeline Code AS 2885-1997, SAA HB105 and the Environmental Protection Authority's guidance statement for achieving its risk criteria for development in proximity to existing and proposed high pressure gas transmission pipelines, or the most recent equivalent recognised by the Environmental Protection Authority.</p> <p>2.    <u>High Pressure Natural Gas Pipeline</u></p> <p>2.1 The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement:</p> <p>1.    Ground disturbing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2.2 of this table;</p> <p>2.    Temporary residence (including caravans, camping and similar);</p>

**TABLE IV - SPECIAL RURAL ZONES - PROVISIONS RELATING TO SPECIFIED AREAS (CONT'D)**

(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><b>PORTIONS OF PRECINCT 3 OF THE RURAL LAND STRATEGY (JANUARY 1996)</b> (Cont'd)</p> <p>Portions of Lots 532-538 and 540 Baldivis Road, Baldivis</p> <p><i>AMD 338 GG 1/4/03</i></p> <p>Lot 1006 Baldivis Road, Baldivis</p> <p><i>AMD 360 GG 10/8/04</i></p>	<ol style="list-style-type: none"> <li>3. Storage of materials and equipment;</li> <li>4. Fires and barbecues;</li> <li>5. Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil);</li> <li>6. Refuse disposal and landfill;</li> <li>7. Service stations, fuel lines and storage of fuel;</li> <li>8. Vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn); and</li> <li>9. Large obstructions to line of site along the easement.</li> </ol> <p>2.2 The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the Local Government on advice of the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in condition 1.1 of this Table:</p> <ol style="list-style-type: none"> <li>1. Cycleways and footpaths;</li> <li>2. Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres);</li> <li>3. Public Open Space;</li> <li>4. Signage and other facilities that are necessary to comply with the pipeline Protection Plan referred to in condition 1.1 of this Table;</li> <li>5. Carparking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres).</li> </ol> <p>2.3 Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be:</p> <ol style="list-style-type: none"> <li>1. 96 metres in the case of sensitive development as determined by the Local Government on advice of the Department of Environmental Protection and the pipeline operator, and including aged persons accommodation, child care centres, schools and hospitals;</li> <li>2. 32 metres to the boundary of each residential lot; in the case of residential development; and</li> <li>3. At the Local Government's discretion, following consultation with the Department of Environmental Protection and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.</li> </ol>

**TABLE V - PORT KENNEDY BUSINESS ENTERPRISE ZONE -  
SPECIFIC PROVISIONS THEREIN**

COLUMN (a) LOCALITY	COLUMN (b) PROVISIONS
<p>Land comprising the following:</p> <p>Part of Peel Estate Lots 603 and 604 Warnbro Sound Avenue, Port Kennedy.</p> <p>AMD 326 GG 26/2/02</p> 	<ol style="list-style-type: none"> <li>The subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the area as described in Column (a).</li> <li>In considering an application for town planning approval in the area described in Column (a), the Council, in addition to any other aim or objective of the Scheme and to any other matter it is required or permitted to consider, shall have regard to the following objectives:- <ol style="list-style-type: none"> <li>promotion of a high standard of building development, landscaping and working environment;</li> <li>protection of the amenities of the adjacent residential areas;</li> <li>management of drainage systems and landuse to promote groundwater conservation;</li> <li>safe movement of vehicular and pedestrian traffic in the area;</li> <li>to promote service commercial and office land uses within the area to service the demands of the locality and to provide local employment opportunities;</li> <li>in recognition of Council's regional responsibility to provide light industrial land within the region, encourage the development of light industrial land uses in an orderly and proper manner, having regard to objectives (2(a) and (b).</li> </ol> </li> <li>The following general provisions apply to the Port Kennedy Business Enterprise zone. <ol style="list-style-type: none"> <li><b>3.1 Facades</b> <p>The facades of all buildings visible from a road or open space reserve shall be constructed in brick, stone or concrete in respect of ground floor level. The second floor level, or its equivalent, may be constructed of other material in accordance with the Building Code of Australia and to the satisfaction of Council.</p> </li> <li><b>3.2 Fencing</b> <p>No fence visible from a road shall be constructed of materials/colours which in the opinion of Council are unsightly or detract from the amenity of the locality. Any industrial (eg. "Cyclone") fencing forward of the street building setback line shall be landscaped to the satisfaction of Council.</p> </li> <li><b>3.3 Building and Setback Areas</b> <ol style="list-style-type: none"> <li><b>Front Setback</b> <p>All buildings within the Port Kennedy Business zone shall be setback no less than 9m from the primary street. A lesser setback, as determined by the Council will be permitted to the secondary street.</p> </li> </ol> </li> </ol> </li> </ol>



**TABLE V - PORT KENNEDY BUSINESS ENTERPRISE ZONE -  
SPECIFIC PROVISIONS THEREIN (Cont'd)**

COLUMN (a) LOCALITY	COLUMN (b) PROVISIONS
<p>Land comprising the following:</p> <p>Part of Peel Estate Lots 603 and 604 Warnbro Sound Avenue, Port Kennedy.</p> <p>AMD 326 GG 26/2/02</p>	<p>(b) Side Setback</p> <p>Parapet masonry walls may be built to one of the side boundaries, provided the other side boundary setback is equal to the height of the adjoining wall. In all other cases, distance from the building to the boundary must be equal or greater than the height of the wall, unless otherwise determined by the Council.</p> <p>(c) General</p> <p>No use of the area between the street alignment and building setback lines shall be permitted other than for planting or for pedestrian and vehicular circulation and parking, except not more than 20% of the setback area may be used for trade display purposes approved by Council.</p> <p>3.4 Parking</p> <p>Shall generally be provided in accordance with Table 3 of this Scheme with the exception of a Showroom, which shall be required to provide one (1) space to every 46m<sup>2</sup> of gross floor area or part thereof.</p> <p>3.5 Landscaping</p> <p>Minimum area equivalent to 10% of the site, comprising a minimum 5m wide planting strip adjacent to the street boundary, plus the street verge to be landscaped and maintained to the satisfaction of the Council.</p> <p>3.6 Site Coverage</p> <p>The maximum site coverage shall be 0.70 (70% of the site).</p> <p>3.7 Plot Ratio</p> <p>The maximum plot ratio for development shall be 1.0.</p> <p>3.8 Lot Size</p> <p>The minimum lot size for any block shall be 1,500m<sup>2</sup>, however under special circumstances, Council may agree to the creation of lots having a lesser area.</p> <p>4. Notwithstanding Appendix "A" - Zoning Table : Table I of the Scheme, the following specific provisions shall apply to any lot with frontage to Warnbro Sound Avenue, Port Kennedy Drive, Ennis Avenue or any adjacent parallel service road, as shown hatched on the Subdivision Guide Plan certified by the Chief Executive Officer,</p> <p>4.1 "Boat Building", "Boat Launching", "Fuel Depot", "Industry Rural", "Milk Depot" and "Transport Depot" shall be "X" uses within the above described portion of the zone.</p> <p>4.2 "Industry Light", "Service Industry", "Motor Repair Station" and "Public Utility" shall be "AA" uses within the above described portion of the zone.</p>

**TABLE V - PORT KENNEDY BUSINESS ENTERPRISE ZONE -  
SPECIFIC PROVISIONS THEREIN (Cont'd)**

COLUMN (a) LOCALITY	COLUMN (b) PROVISIONS
<p>Land comprising the following:</p> <p>Part of Peel Estate Lots 603 and 604 Warnbro Sound Avenue, Port Kennedy.</p> <p>AMD 326 GG 26/2/02</p>	<p>4.3 In considering any development applications within this portion of the zone, Council may:</p> <p>(a) Only approve a use that is not considered to have a detrimental affect on the visual amenity of the estate as viewed from the perimeter roads and in this regard, may impose specific requirements relating to both landscaping and use of building materials to achieve this objective.</p> <p>(b) Only consider uses which do not emit any light, noise, dust or odours considered detrimental to the existing or future amenity of landowners in the vicinity.</p> <p>5. Notwithstanding Appendix "A" Zoning Table : Table I of the Scheme, the following specific provisions shall apply to any Lot within 50m of the northern boundary of the zone, as defined by the broken black line on the Subdivision Guide Plan certified by the Chief Executive Officer.</p> <p>5.1 "Boat Building", "Boat Launching", "Fuel Depot", "Industry Light", "Industry Rural", "Industry Service", "Marine Filling Station", "Milk Depot", "Motor Repair Station", "Public Utility", "Service Station" and "Transport Depot" shall be "X" uses within the above described portion of the zone.</p> <p>5.2 Lots directly abutting the northern boundary of the zone will be required to provide and maintain a vegetation buffer to the satisfaction of Council.</p> <p>5.3 Development on Lots directly abutting the northern boundary shall be setback a distance no less than 1.0 times the maximum height of the proposed structure.</p> <p>5.4 Residential dwellings within this portion of the zone shall be located between the predominant use on the site and the northern boundary.</p> <p>5.5 Council may impose special conditions in relation to landscaping and use of building materials if deemed appropriate.</p> <p>5.6 No use will be permitted if it is deemed by Council to have a detrimental affect on the existing or future amenity of the residential land to the north.</p>

## TABLE VI - EAST ROCKINGHAM INDUSTRIAL PARK (IP 14)

Specific Provisions Relating to Service Commercial Zones Therein

COLUMN (a) LOCALITY	COLUMN (b) PROVISIONS
<p>Land Comprising the following-</p> <p>Part of Crown Grant 1490, Patterson Road, East Rockingham</p> <p>AMD 241 GG 1/12/95</p>	<ol style="list-style-type: none"> <li>1. The subdivision for the area described in Column (a) shall generally be in accordance with the Subdivision Guide Plan (92/05/12) as signed by the town Clerk.</li> <li>2. In considering an application for town planning approval in the Service Commercial area described in Service Commercial area described in Column (a), the Council, in addition to any other aim or objective of the Scheme and to any other matter it is required or permitted to consider, shall have regard to the following objectives- <ol style="list-style-type: none"> <li>(a) the promotion of a high standard of building development, landscaping and working environment;</li> <li>(b) the protection of the amenity of nearby residential areas.</li> </ol> </li> <li>3. In the instance where there is an inconsistency between the following specific provisions and provisions relating to Service Commercial Zones listed elsewhere in the Scheme Text, the following shall prevail. <ol style="list-style-type: none"> <li>3.1 <b>Carparking</b> Showroom: One car by to every 46 square metres of gross floor area or part thereof.</li> <li>3.2 <b>Building and Setback Area</b> No use of the area between the street alignment and building setback lines shall be permitted, other than for planting or for pedestrian and vehicular circulation and parking, except that not more than 20 per cent of the setback area may be used for trade display purposes approved by Council.</li> <li>3.3 <b>Landscaping</b> Minimum area equivalent to 10 per cent of the site, comprising a minimum 5 metre wide plating strip adjacent to the street boundary, plus the street verge to be landscaped and maintained to the satisfaction of Council.</li> </ol> </li> </ol>

## TABLE VI - EXEMPTED ADVERTISEMENTS

LANDUSE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Dwellings	One professional name-plate as appropriate.	0.2sq.m.
Home Occupation	One advertisement describing the nature of the home occupation.	0.2sq.m.
Places of Worship, Meeting Halls and Places of Public Assembly	One advertisement detailing the function and/or the activities of the institution concerned.	0.2 sq.m.
Cinemas, Theatres and Drive-In Theatres	Two signs (illuminated or non-illuminated detailing the entertainment being presented from time to time at the venue upon which the signs are displayed.	Each advertisement sign not to exceed 5sq.m.
Shops, Showrooms and other uses appropriate to a Shopping Area	All advertisements affixed to the building below the top of the awning or, in the absence of an awning, below a line measured at 5 metres from the ground floor level of the building subject to compliance with the requirements of the Signs, Hoarding and Bill Posting By-Laws.  A maximum of one free-standing composite advertising sign appurtenant to the lot boundary adjacent to the primary street frontage as determined by Council.	As per Signs, Hoarding and Bill Posting By-Laws.
Industrial and Warehouse Premises	A maximum of 4 advertisements applied to or affixed to the walls of the building but not including signs which project above the eaves or the ridge of the roof of the building, and excluding signs projecting from the building whether or not those signs are connected to a pole, wall or other building.  A maximum of two free-standing advertisement signs not exceeding 5 metres in height above ground level.	Total area of any such advertisements shall not exceed 15 square metres.  Maximum permissible total area shall not exceed 10 square metres and individual advertisement signs shall not exceed 6 square metres.
Showroom, race course, major racing tracks, sports stadia, major sporting grounds and complexes.	All signs provided that, in each case the advertisement is not visible from outside the complex or facility concerned either from other private land or from public places and streets.	N/A
Public Places and Reserves	(a) Advertisement signs (illuminated and non-illuminated) relating to the functions of government, a public authority or council of a municipality excluding those of a promotional nature constructed or exhibited by, or on behalf of any such body;  (b) Advertisement signs (illuminated and non-illuminated) required for the management or control of traffic on any public road, carpark, cycleway, railway or waterway where such advertisement has been constructed or exhibited by or at the direction of a Government department, public authority or the council of a municipality; and  (c) Advertisement signs illuminated and non-illuminated required to be exhibited by or pursuant to any statute or regulation or the like made pursuant to powers contained within a Statute provided that any such advertisement is constructed and/or exhibited strictly in accordance with the requirements specified therein.	N/A  N/A  N/A

# TABLE VI - EXEMPTED ADVERTISEMENTS (Cont'd)

LANDUSE AND/OR DEVELOPMENT REQUIRING ADVERTISEMENT	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Railway Property and Reserves	Advertisement signs exhibited on such land provided that each such advertisement is directed only at persons at or upon a railway station.	No sign shall exceed 2 square metres in area.
Advertisements within Buildings	All advertisements placed or displayed within buildings which cannot ordinarily be seen by a person outside of those buildings.	N/A
All classes of buildings other than single family dwellings.	One advertisement sign containing the name, number and address of the building, the purpose for which the building is used for the managing agent thereof.	0.2sq.m.
TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Building Construction Sites - advertisement signs displayed only for the duration of the construction as follows:		
1. Dwelling	One advertisement per street frontage containing details of the project and professional consultants and the contractors undertaking the construction work.	2sq.m.
2. Multiple Dwellings, Shops, Commercial and Industrial projects.	One sign as for (1) above.	5sq.m.
3. Large Development or redevelopment projects involving shopping centres, office or other buildings exceeding 3 storeys in height.	One sign as for (1) above.  One additional sign showing the name of the project builder.	10sq.m.  5sq.m.
Sales of Goods or Livestock	One sign per lot displayed for a period not exceeding 3 months advertising the sale of goods or livestock upon any land or within any building upon which the sign is exhibited provided that the land is not normally used for that purpose.	2sq.m.
Property Transactions  Advertisement signs displayed for the duration of the period over which property transactions are offered and negotiated as follows:		
(a) Dwellings	One sign per street frontage for each property relating to the sale, leasing or impending auction of the property at or upon which the sign is or the signs are displayed.	Each sign shall not exceed an area of 2sq.m.
(b) Multiple Dwellings Commercial and Industrial Properties	One sign as for (a) above.	Each sign shall not exceed an area of 5sq.m.
(c) Large properties comprised of shopping centres, buildings in excess of four storeys and rural properties in excess of 5ha.	One sign as for (a) above.	Each sign shall not exceed an area of 10sq.m.

**TABLE VI - EXEMPTED ADVERTISEMENTS (Cont'd)**

TEMPORARY SIGNS	EXEMPTED SIGN TYPE AND NUMBER (All non-illuminated unless otherwise stated)	MAXIMUM AREA OF EXEMPTED SIGN
Display Homes  Advertisement signs displayed for the period over which homes are on display for public inspection.	(1) One sign for each dwelling on display.  (2) In addition to (1) above one sign for each group of dwellings displayed by a single project building of the range of dwellings on display.	2sq.m.  5sq.m.

## TABLE VII - SECRET HARBOUR SPECIAL RESIDENTIAL PRECINCT

<p>Portion of Lot 52 Mandurah Road on Certificate of Title Volume 1669/Folio 392 and Lot Part 901 Mandurah Road on Certificate of Title Volume 1434/Folio 811</p> <p><i>AMD 214 GG 19/6/92</i></p>	<p>The following provisions shall apply only to land within the Development Zone of Secret Harbour proposed to be used for the purposes of Special Residential:</p> <ol style="list-style-type: none"> <li>1. The Minimum lot size shall be 2000 square metres.</li> <li>2. No further subdivision of the lots shall be permitted other than in accordance with the Development Zone Comprehensive Plan.</li> <li>3. In addition to a Building Licence, Council's prior approval to commence development shall be required and such application shall be made on an MRS Form 1 Application for Approval to Commence Development.</li> <li>4. Notwithstanding the provisions of the Australian Building Codes, all buildings shall be constructed within the area shown on the subdivision plan as the "Building Envelope".</li> <li>5. The location of Building Envelopes may be altered by the Council, where the Council is satisfied that such modification is warranted.</li> <li>6. Clearing of trees and other vegetation is prohibited except in areas denoted as Building Envelopes on the subdivision plan and: <ol style="list-style-type: none"> <li>(a) for the purposes of complying with the Bush Fires Act;</li> <li>(b) to construct a vehicle accessway; and</li> <li>(c) to remove those trees which are in the opinion of Council dangerous or diseased.</li> </ol> </li> <li>7. The keeping of horses and other stock is not permitted.</li> <li>8. All fencing shall be in accordance with Schedule 2, Rural Zone of the Council's Fencing By-laws of 2 April, 1968 and in any event shall exclude asbestos, pickets, sheet iron and any other material which in the opinion of the Council would detract from the amenity of the area.</li> </ol>
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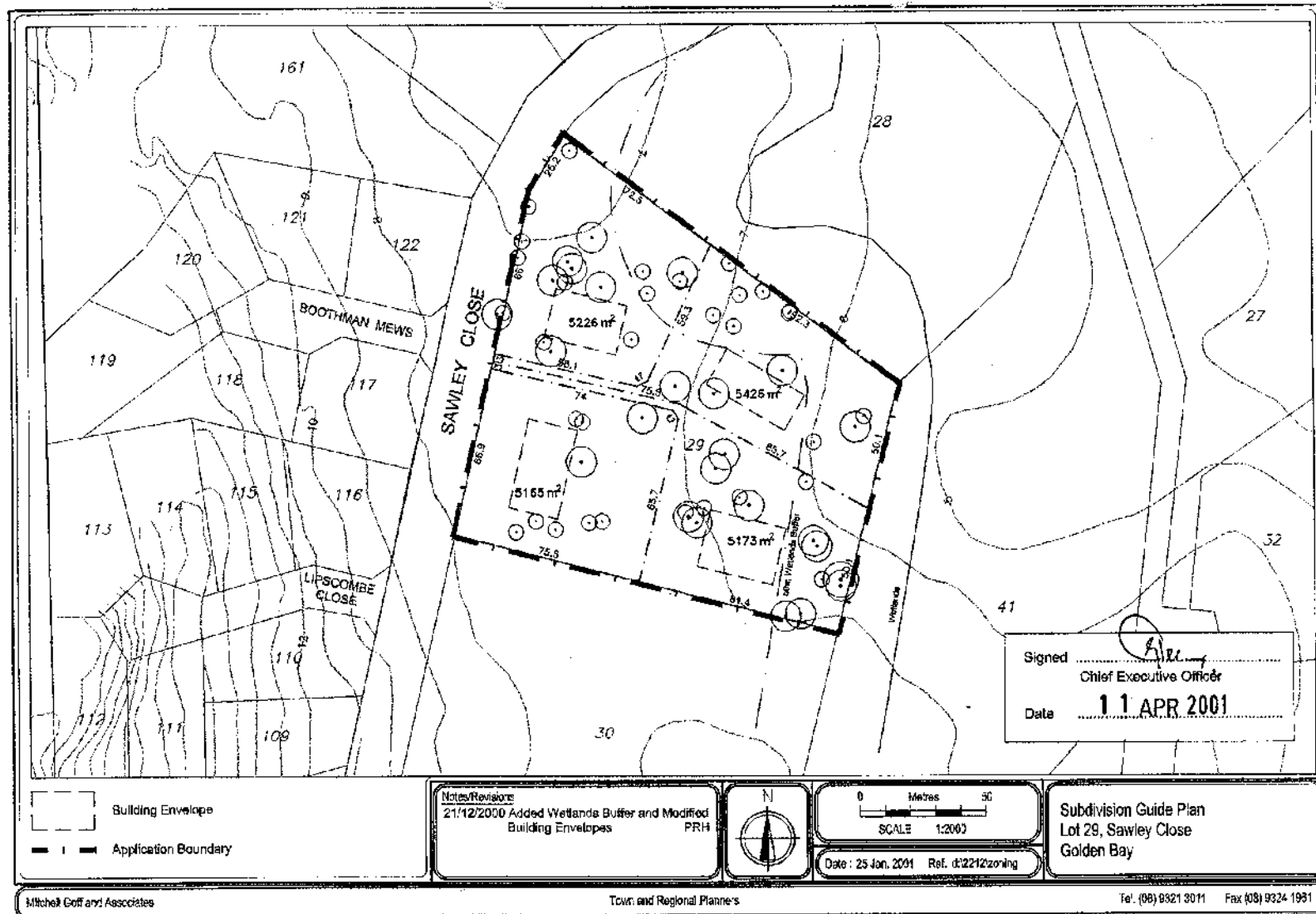
**TABLE VIII - SPECIAL RESIDENTIAL ZONES - PROVISIONS  
RELATING TO SPECIFIED AREAS** AMD 256 GG 1/11/96

NO.	(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
SRES2	<p>No. 2 Golden Bay - AMENDMENT 256 AREA</p> <p>Land comprising the following:</p> <p>Portion of Cockburn Sound Location 16 and being Lots 1 - 26 inclusive, 29, 30 and 31 Sawley Close; Lots 14 and 17 and portions of Lot 15 and 16, Dampier Drive; Lots 2 and 3 Crystaluna Drive; Part Lot 10 Ayrton Court, Part Lots 4 and 13 and Lots 5 - 12 and 37 Peelfold Glen, Golden Bay.</p> <p>AMD 318 GG 12/10/99 AMD 340 GG 1/6/01 AMD 346 GG 24/5/02</p>	<p>(i) The subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Town clerk as the subdivision plan relating to the area (as described in column (a) and shall form part of the Scheme.</p> <p>(ii) Buildings shall only be constructed within those parts of the lots designated as "Building envelope" which shall be identified on each lot at the time of subdivision.</p> <p>(iii) Only one dwelling and one outbuilding shall be constructed on any lot.</p> <p>(iv) Council may modify the location of the "Building Envelopes" if it is of the opinion site conditions are such that a variation is warranted however such variation shall not be permitted to impinge on those areas of the Plan of Subdivision No. 1 designated as Landscape Protection Area and Landscape Buffer.</p> <p>(v) Where lots contain "Building Envelopes", clearing of flora shall only take place within those "Building Envelopes" with the following exceptions:</p> <p>(a) To remove trees which are dead, diseased or dangerous.</p> <p>(b) For the purpose of a fire break required by a regulation or by-law except that in order to preserve the amenity of the area Council may, at its discretion, vary the position of any required fire break to avoid destruction of vegetation or due to the physical features of the subject land.</p> <p>(c) For the purpose of an access driveway for a residential dwelling as approved by Council.</p> <p>Where lots do not contain "Building Envelopes", vegetation shall only be removed with the permission of Council.</p> <p>(vi) Within areas designated "Landscape Protection Area" and "Landscape Buffer" on the Plan of Subdivision, no trees or other flora shall be removed. The removal of trees or other flora to comply with the Bushfires Act 1954 (as amended) will be permitted.</p> <p>(vii) The land with particular reference to the "Landscape Protection Area" and "Landscape Buffer" is to be managed in such a manner as to avoid being laid bare of vegetation resulting in loose, wind erodible conditions.</p> <p>(viii) Land within "Landscape Protection Area" and "Landscape Buffer" shall not be used for any purpose which in the opinion of Council would adversely affect the purpose of landscape protection, nor without the written consent of Council.</p> <p>(ix) All public roads and public accessways within the "Special Rural" zone shall be constructed to Council's specification and satisfaction.</p> <p>(x) Buildings shall be constructed in materials and colours to the satisfaction of Council.</p> <p>(xi) Council may refuse any building application that it considers is detrimental to the amenity of the location.</p> <p>(xii) the following use is permitted "P" within the "Golden Bay Special Residential" zone - "Dwelling". "Homes Occupations" shall be considered an "AA" Use. No other use shall be permitted.</p>



**TABLE VIII - SPECIAL RESIDENTIAL ZONES - PROVISIONS  
RELATING TO SPECIFIED AREAS (CONT'D)**

NO.	(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
SRES2	<p>No. 2 Golden Bay - AMD 256 AREA</p> <p>Land comprising the following:</p> <p>Portion of Cockburn Sound Location 16 and being Lots 1 - 26 inclusive, 29, 30 and 31 Sawley Close; Lots 14 and 17 and portions of Lot 15 and 16, Dampier Drive; Lots 2 and 3 Crystaluna Drive; Part Lot 10 Ayrton Court, Part Lots 4 and 13 and Lots 5 - 12 and 37 Peelfold Glen, Golden Bay. (Cont'd)</p> <p><i>AMD 318 GG 12/10/99</i> <i>AMD 346 GG 24/5/02</i></p>	<p>(xiii) The keeping of horses or livestock is not permitted.</p> <p>(xiv) All bores for the purpose of groundwater extraction shall require the prior approval of the Water Authority of Western Australia.</p> <p>(xiv) Any development on those lots marked with an "S" on the Subdivision Guide Plan are subject to special housing design requirements as specified in Council's Statement of Planning Policy No. 2.14 - Development Guidelines for the Peelhurst Special Residential Estate. These requirements are necessary in order to minimise the amount of site earthworks to protect the landscape character of each lot.</p> <p>(xv) The developer is to erect signs in prominent positions around the site which set out clearly permitted uses, clearing restrictions, groundwater draw requirements, management of land and the need to seek Council's approval prior to the commencement of any development.</p> <p>(xvi) All fencing shall be in accordance with the Council's Fencing by-Laws.</p> <p>(xvii) On-site effluent disposal systems servicing development on the lots shall be in the form of alternative wastewater treatment systems having approved phosphorous retention capability, in accordance with the specifications and to the satisfaction of Council.</p> <p>(xviii) A reticulated water supply from the Western Australian Water Corporation network shall be provided to each newly created lot.</p> <p>(xix) Boundary fencing shall only be of post and wire strand construction to a maximum height of 1.2 metres.</p> <p>A minimum dryland buffer of 50 metres or 1 metre AHD higher than the furthest extent of the wetland dependent vegetation, which ever is largest, is required around a wetland. No development, building envelopes or clearing of land is permitted within this buffer area.</p>



**TABLE VIII - SPECIAL RESIDENTIAL ZONES - PROVISIONS  
RELATING TO SPECIFIED AREAS (CONT'D)**

NO.	(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><i>SRES3</i></p> <p><i>SRES4</i></p>	<p><b>Amendment No. 284</b></p> <p>Lots 11 and 12 &amp; Lots 326 and 330 Eighty Road, Baldivis</p> <p>Eastern Moiety of Lot 332 Mandurah Road, Baldivis</p> <p><i>AMD 284 GG 21/11/97</i>  <i>AMD 285 GG 19/12/97</i>  <i>AMD 307 GG 22/12/98</i></p>	<ol style="list-style-type: none"> <li>The subdivision shall generally be in accordance with the Subdivision Guide Plan certified by the Chief Executive Officer as the subdivision plan relating to the areas as described in Column (a) and shall form part of the Scheme.</li> <li>Council will not recommend lot sizes less than 2,000m<sup>2</sup>.</li> <li>A Single House shall be considered a "Permitted" (P) use and Home Occupation shall be considered as an "AA" use - no other uses shall be permitted. Only one dwelling and one outbuilding shall be constructed on any lot.</li> <li>In addition to a Building License, Council's prior approval to commence development shall be required and such application shall be made on a MRS Form 1 Application for Approval to Commence Development.</li> <li>Any residence and all other outbuildings shall only be constructed within designated building envelopes which shall be identified on each lot at the time of subdivision. The location and area of the building envelopes shall be to the satisfaction of Council and may be varied at the discretion of Council.</li> <li>At the time of applying for planning approval, a plan of the site shall be submitted by the applicant, to the satisfaction and specification of the Council, which shall show site contours, existing trees and stands of vegetation, those trees and vegetation to be removed and retained and proposals for tree planting and maintenance.</li> <li>All bores for the purpose of groundwater extraction shall require the prior approval of the Water &amp; Rivers Commission.</li> <li>For the purpose of maintaining Baldivis Swamp and Hollow Swamp the following Wetland Management Provisions shall apply: <ol style="list-style-type: none"> <li>No new dams, artificial retention of water, pumping, diversion of water or modification to the natural form of the wetland shall be undertaken without the prior approval of the City of Rockingham;</li> <li>A no spray (pesticide/herbicide), non cultivation and non nitrogenous fertiliser application buffer of 50 metres from the foreshore of the wetland shall apply. The no spray requirement will not preclude carrying out of noxious weed control in accordance with Agricultural Protection Board Requirement or Pest Control as authorised by Council.</li> <li>The developer shall prepare and implement a Wetland Management Plan to the satisfaction and specification of the Department of Environmental Protection and Council at the time of subdivision.</li> </ol> </li> <li>The developer of the estate, the Council and property owners shall be mindful of and comply with the provisions of the Environmental protection (Swan Coastal Plain Lakes) Policy 1992 and Statement of Planning Policy No. 2 - The Peel Harvey Coastal Plain Catchment. The developer shall notify in writing any prospective purchaser of this provision.</li> <li>The keeping of horses or livestock is not permitted.</li> </ol>

**TABLE VIII - SPECIAL RESIDENTIAL ZONES - PROVISIONS  
RELATING TO SPECIFIED AREAS (CONT'D)**

NO.	(A) SPECIFIED AREA OF LOCALITY	(B) PROVISIONS RELATING TO SPECIFIED AREA
<p><i>SRES3</i></p> <p><i>SRES4</i></p>	<p><b>Amendment No. 284</b></p> <p>Lots 11 and 12 &amp; Lots 326 and 330 Eighty Road, Baldivis</p> <p>Eastern Moiety of Lot 332 Mandurah Road, Baldivis</p>	<ol style="list-style-type: none"> <li>11. Perimeter fencing shall be limited to open rural type fencing of post and wire or post and rail nature, with fencing around dwellings to be to the satisfaction of Council.</li> <li>12. No indigenous trees or substantial vegetation shall be removed without the prior approval of Council, except where; <ul style="list-style-type: none"> <li>• the trees are dead, diseased or dangerous;</li> <li>• the establishment of a fire access track is required under regulation or bylaw;</li> <li>• access to an approved development site is required;</li> <li>• subdivision works required the removal of vegetation.</li> </ul> </li> <li>13. Within areas designated "Landscape Buffer/Planting" on the Subdivision Guide Plan, no trees or other flora shall be removed. Only the removal of trees or other vegetation to comply with the bush Fires Act 1954 (as amended) will be permitted.</li> <li>14. All public roads and public accessways within the special residential Zone shall be constructed to the specification and satisfaction of Council.</li> <li>15. All lots within the estate shall be serviced with reticulated water and sewer to the satisfaction and specification of Council and the Water Corporation.</li> <li>16. Stormwater drainage shall be contained on-site to the satisfaction and specifications of the Water Corporation and the Council. The developer of the estate shall obtain the approval of the Water Corporation and the Council for drainage proposals prior to commencement of site works.</li> <li>17. The developer of the estate shall, within the Landscape Buffer/Planting Areas depicted on the subdivision guide Plan, plant indigenous and native trees and shrubs of a species to be determined by the Council. Tree planting shall occur and be undertaken to the satisfaction of the Council prior to the clearance of the Diagrams of Survey consistent with the staging of the estate.</li> <li>18. The developer shall notify in writing any prospective purchasers of the requirement for the continued maintenance of the Landscape Buffer/Planting areas within the estate.</li> </ol>

# TABLE X - WARNBRO DUNES SPECIAL RESIDENTIAL PRECINCT

COLUMN (a) LOCALITY	COLUMN (b) PROVISIONS
<p>Lots 1-128 of Part Lot 7 of Cockburn Sound Location 16, Fendam Street &amp; Herlihy Way, Warnbro</p> <p>AMD 263 GG 20/5/97</p>	<p>The following provisions shall apply to the land referred to in Column (a):-</p> <ol style="list-style-type: none"> <li>1. Council will generally not recommend approval to further subdivision of the land.</li> <li>2. In addition to a Building Licence, Council's prior approval to commence development shall be made on a MRS Form 1 Application for Approval to Commence Development.</li> <li>3. <ol style="list-style-type: none"> <li>(a) Only a single dwelling may be erected on the lot with its usual conveniences. A caretakers residence may be constructed within the single dwelling where it can be demonstrated that there is a requirement for such a facility.</li> <li>(b) No building on the lot is to be used for any purposes other than that of a single dwelling.</li> </ol> </li> <li>4. Notwithstanding the provisions of the Australian Building Codes, all buildings shall be constructed within the area shown on the comprehensive plan of development and subdivision plan as the "Building Envelope".</li> <li>5. The location of Building Envelopes may be altered by the Council if:- <ol style="list-style-type: none"> <li>(a) it receives advice from a qualified environmental consultant that the variation will result in an environmental benefit; and</li> <li>(b) only after consultation with the owners of affected or adjoining properties.</li> </ol> </li> <li>6. Fencing shall only be erected on the boundary of the Building Envelope, not the property boundary.</li> <li>7. Earthworks shall not take place outside the Building Envelope unless to comply with clause 8 or for the purpose referred to in clause 9(b) of this Table.</li> <li>8. Firebreaks shall be maintained in accordance with the By-Laws of the Council and the Bush Fires Act 1954.</li> <li>9. Clearing of any natural vegetation outside the Building Envelope is prohibited except:- <ol style="list-style-type: none"> <li>(a) for the purposes of complying with the Bush Fires Act 1954;</li> <li>(b) to construct a vehicle accessway which has received the prior written approval of the Council; and</li> <li>(c) if required to provide a 3 metre wide planting strip of fire retardant vegetation.</li> </ol> </li> <li>10. No person shall drive a vehicle on that part of the lot outside the Building Envelope in such a way as to cause or be likely to cause damage to vegetation or soil erosion.</li> <li>11. The grazing of animals is prohibited.</li> <li>12. Every dwelling shall have connected to it a nutrient-fixing effluent disposal system that:- <ol style="list-style-type: none"> <li>(a) has a vertical separation of 2 or more metres between the base of the leach drain or soak well and the highest recorded groundwater level; and</li> <li>(b) has been approved in writing by the Council.</li> </ol> </li> <li>13. Any garage, carport or outbuilding constructed on the lot shall be of the same materials as the dwelling building except if the garage, carport or outbuilding is screened from the view of all roads, public accessways or designated areas of public open space.</li> <li>14. No natural vegetation within the Building Envelope shall be cleared unless all reasonable measures are immediately taken to prevent soil erosion.</li> </ol>

## TABLE X - WARNBRO DUNES SPECIAL RESIDENTIAL PRECINCT

COLUMN (a) LOCALITY	COLUMN (b) PROVISIONS
<p>Lots 1-128 of Part Lot 7 of Cockburn Sound Location 16, Fendam Street &amp; Herlihy Way, Warnbro (Cont'd)</p>	<p>15. No flammable material, including flammable vegetation, shall be permitted to remain within a distance of 3 metres from the external wall of any habitable building on the lot.</p> <p>16. Considering applications for the construction of a building on a lot, Council shall have regard to the following objectives:</p> <ul style="list-style-type: none"> <li>(b) the need to prevent the importation of an excessive amount of fill that would raise a building envelope to an artificially high level; and</li> <li>(c) the need to seek a balance between cutting and filling in attaining the proposed finished levels of the property.</li> </ul> <p>17. (1) If, in the opinion of the Council:</p> <ul style="list-style-type: none"> <li>(a) a condition of planning approval is not being, or has not been, complied with; or</li> <li>(b) development is being or has been carried out in contravention of the Scheme or other than in accordance with the approved plans,</li> </ul> <p>then the Council shall give to the owner and occupier of the relevant land or building a notice in writing requiring the owner and occupier, or both, to comply with the condition, the Scheme or the approved plans, as the case may be, within a specified period as determined by the Council.</p> <p>(2) If the notice under subclause (1) is not complied with, an officer of the Council, authorised by the Council for that purpose, may lawfully enter the land to carry out any works necessary to comply with the notice.</p> <p>(3) The Council may recover any expenses incurred under subclause (2) in any manner in which it is from time to time entitled to recover rates levied by it under the Local Government Act 1995.</p>

## TABLE XI - ENVIRONMENTAL CONDITIONS

	Amt. No.	Location of Land	Environmental conditions Associated with the Area Identified in "Location of Land"
EC1	295	Baldivis Town Centre - Lots 6, 13, and Part Lots 10 and 26 corner Nairn Road and Safety Bay Road, Baldivis	<p><b>1 Environmental Management Plans</b></p> <p>1-1 The following Environmental Management Plans shall be prepared in accordance with the specifications set out in Attachment 1 of the Minister for the Environment's "Statement that a Scheme may be Implemented No. (5-2-7) published on (13/12/99)":</p> <ul style="list-style-type: none"> <li>• Drainage and Nutrient Management Plan;</li> <li>• Soil and Groundwater Contamination and Remediation Plan; and</li> <li>• Pipeline Protection Plan.</li> </ul> <p>1-2 The above Environmental Management Plans shall be implemented in accordance with the provisions of the Plans, to the requirements of the local government.</p> <p><b>2 High Pressure Natural Gas Pipeline</b></p> <p>2-1 The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement:</p> <ol style="list-style-type: none"> <li>1. Ground-distributing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2-2 of this table;</li> <li>2. Temporary residence (including caravans, camping and similar);</li> <li>3. Storage of materials and equipment;</li> <li>4. Fires and barbecues;</li> <li>5. Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil);</li> <li>6. Refuse disposal and landfill;</li> <li>7. Service station, fuel lines and storage of fuel;</li> <li>8. Vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn); and</li> <li>9. Large obstructions to line of site along the easement.</li> </ol> <p>2-2 The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the local government on advice of the pipeline operator, subject to compliance with the Pipeline Plan referred to in condition 1-1 of this Table:</p> <ol style="list-style-type: none"> <li>1. Cycleways and footpaths;</li> <li>2. Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres);</li> <li>3. Public open space;</li> <li>4. Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in condition 1-1 of this Table;</li> <li>5. Carparking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres).</li> </ol>

**TABLE XI - ENVIRONMENTAL CONDITIONS (Cont'd)**

	Amt. No.	Location of Land	Environmental conditions Associated with the Area Identified in "Location of Land"
			<p><b>2-3</b> Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be:</p> <ol style="list-style-type: none"> <li>1. 96 metres in the case of sensitive development as determined by the local government on advice of the Department of Environmental Protection and the pipeline operator, and including aged persons accommodation, child care centres, schools and hospitals;</li> <li>2. 32 metres to the boundary of each residential lot; in the case of residential development; and</li> <li>3. At the local government's discretion, following consultation with the Department of Environmental Protection and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.</li> </ol>



**TABLE XI - ENVIRONMENTAL CONDITIONS (Cont'd)**

	Amt. No.	Location of Land	Environmental conditions Associated with the Area Identified in "Location of Land"
EC2	343	Lots 19-21 Baldivis Road and Clyde Avenue, Baldivis	<p><b>1 Pipeline Protection Plan</b></p> <p><b>1-1</b> Prior to commencement of site works for subdivision or development on any land within or abutting the high pressure natural gas pipeline easement, the subdivider/developer shall prepare a Pipeline Protection Plan to the requirements of the local government with the concurrence of the Department of Minerals and Energy on advice from the Department of Environmental Protection and the high pressure natural gas pipeline operator.</p> <p><b>1-2</b> The plan referred to in condition 1-1 of this table shall detail measures to ensure public safety and protection of the high pressure natural gas pipeline in accordance with the Petroleum Pipelines Act 1969-70, the Australian Pipeline Code AS 2885-1997, SAA HB105 and the Environmental Protection Authority's guidance statement for achieving its risk criteria for development in proximity to existing and proposed high pressure gas transmission pipelines, or the most recent equivalents recognised by the Environmental Protection Authority.</p> <p><b>2 High Pressure Natural Gas Pipeline</b></p> <p><b>2-1</b> The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement:</p> <ol style="list-style-type: none"> <li>1. Ground-disturbing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2-2 of this Table;</li> <li>2. Temporary residence (including caravans, camping and similar);</li> <li>3. Storage of materials and equipment;</li> <li>4. Fires and barbeques;</li> <li>5. Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil);</li> <li>6. Refuse disposal and landfill;</li> <li>7. Service stations, fuel lines and storage of fuel oil;</li> <li>8. Vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn); and</li> <li>9. Large obstructions to line of site along the easement.</li> </ol> <p><b>2-2</b> The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the local government on advice on the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in condition 1-1 of this Table:</p> <ol style="list-style-type: none"> <li>1. Cycleways and footpaths;</li> <li>2. Road crossing and services (with minimum depth of cover over the pipeline of 1.2 metres);</li> <li>3. Public open space;</li> <li>4. Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in condition 1-1 of this Table;</li> <li>5. Carparking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres)</li> </ol>

**TABLE XI - ENVIRONMENTAL CONDITIONS (Cont'd)**

	Amt. No.	Location of Land	Environmental conditions Associated with the Area Identified in "Location of Land"
			<p><b>2-3</b> Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be:</p> <ol style="list-style-type: none"> <li>1. 96 metres in the case of sensitive development as determined by the local government on advice of the Department of Environmental Protection and the pipeline operator, and including aged persons accommodation, child care centres, schools and hospitals;</li> <li>2. 32 metres to the boundary of each residential lot; in the case of residential development; and</li> <li>3. At the local government's discretion, following consultation with the Department of Environmental protection and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.</li> </ol>

**TABLE XI - ENVIRONMENTAL CONDITIONS (Cont'd)**

	Amt. No.	Location of Land	Environmental conditions Associated with the Area Identified in "Location of Land"
EC3	300	<p>Pt Lot 306, part Lot 16, Lots 774 and 313 Fifty Road Baldivis</p> <p>AMD 300 GG 13/2/02</p>	<p><b>1 Environmental Management Plans</b></p> <p>1-1 The following Environmental Management Plans shall be prepared in accordance with the specifications set out in Attachment 1 in the Minister for the Environmental and Heritage's "Statement that a Scheme may be Implemented" No. 000580 published on 19 December 2001, and shall be subsequently implemented in accordance with the provisions of the Plans:</p> <ul style="list-style-type: none"> <li>▪ Drainage and Nutrient Management Plan;</li> <li>▪ Soil and Groundwater Contamination Investigation and Remediation Plan;</li> <li>▪ Pipeline Protection Plan;</li> <li>▪ Spray Drift Investigation and Management Plan; and</li> <li>▪ Vegetation Management Plan.</li> </ul> <p><b>2 High Pressure Gas Pipeline</b></p> <p>2-1 The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement:</p> <ul style="list-style-type: none"> <li>▪ Ground-disturbing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2-2 below;</li> <li>▪ Temporary residence (including caravans, camping and similar);</li> <li>▪ Storage of materials and equipment;</li> <li>▪ Fires and barbecues;</li> <li>▪ Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil);</li> <li>▪ Refuse disposal and landfill;</li> <li>▪ Service stations, fuel lines and storage of fuel;</li> <li>▪ Vegetation with an expected growth exceeding one metre in height, and plantings within one metre of the centre of the pipeline (with the exception of lawn); and</li> <li>▪ Large obstructions to the line of sight along the easement.</li> </ul> <p><b>Note:</b> For the high pressure natural gas pipeline easement, the relevant Australian Standard is AS 2885.3.</p> <p>2-2 The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the local government on advice of the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in condition 1-1 above.</p> <ul style="list-style-type: none"> <li>▪ Cycleways and footpaths;</li> <li>▪ Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres);</li> <li>▪ Public open space;</li> <li>▪ Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in condition 1-1 above; and</li> <li>▪ Car parking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres).</li> </ul> <p>2-3 Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be:</p> <ul style="list-style-type: none"> <li>▪ 96 metres, in the case of sensitive development as determined by the local government on advice of the Department of Environmental Protection and the pipeline operator, and including aged persons' accommodation, child car centres, schools and hospitals;</li> <li>▪ 32 metres to the boundary of each residential lot, in the case of residential development; and</li> </ul>

**TABLE XI - ENVIRONMENTAL CONDITIONS (Cont'd)**

	Amt. No.	Location of Land	Environmental conditions Associated with the Area Identified in "Location of Land"
	EC3 300	Pt Lot 306, part Lot 16, Lots 774 and 313 Fifty Road Baldivis (Cont'd)  <i>AMD 300 GG 13/2/02</i>	<ul style="list-style-type: none"> <li>▪ at the local government's discretion, following consultation with the Department of Environmental Protection and the pipeline operator, in the case of all other land uses and developments which facilitate the gathering of people, within 96 metres of the centre of the pipeline.</li> </ul> <p><b>3      Development in Proximity to Market Gardens</b></p> <p><b>3-1</b>    If the market gardens adjacent to Pt Lots 306 and 16 are continuing to operate at the time of subdivision, noise attenuation measures shall be designed and implemented so that noise impacts on the amendment area are in accordance with the <i>Environmental Protection (Noise) Regulations 1997</i>.</p>

**TABLE XI - ENVIRONMENTAL CONDITIONS (Cont'd)**

	Amt. No.	Location of Land	Environmental conditions Associated with the Area Identified in "Location of Land"
EC4	347	Pt Lot 26 Safety Bay Road, Baldivis  AMD 347 GG 4/7/03	<p><b>1 Pipeline Protection Plan</b></p> <p>1-1 Prior to commencement of site works for subdivision or development on any land within or abutting the high pressure development on any land within or abutting the high pressure natural gas pipeline easement, the subdivider/developer shall prepare a Pipeline Protection Plan to the requirements of the local government with the concurrence of the Department of Minerals and Energy on advice from the Department of Environmental protection and the high pressure natural gas pipeline operator.</p> <p>1-2 The plan referred to in condition 1-1 of this table shall detail measures to ensure public safety and protection of the high pressure natural gas pipeline during construction and operation in accordance with the Petroleum Pipelines Act 1969-70, the Australian pipeline Code AS 2885-1997, SAA HB105 and the Environmental Protection Authority's Guidance Statement No. 50 for achieving its risk criteria for development in proximity to existing and proposed high pressure gas transmission pipelines, or the most recent equivalents recognized by the Environmental Protection Authority.</p> <p><b>2 High Pressure Natural Gas Pipeline</b></p> <p>2-1 The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement:</p> <ol style="list-style-type: none"> <li>1. Ground-distributing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2-2 of this table;</li> <li>2. Temporary residence (including caravans, camping and similar);</li> <li>3. Storage of materials and equipment;</li> <li>4. Fires and barbecues;</li> <li>5. Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil);</li> <li>6. Refuse disposal and landfill;</li> <li>7. Service stations, fuel lines and storage of fuel;</li> <li>8. Vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn); and</li> <li>9. Large obstructions to line of site along the easement.</li> </ol> <p>2-2 The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the local government on advice of the pipeline operator, subject to compliance with the pipeline Protection Plan referred to in condition 1-1 of this Table:</p> <ol style="list-style-type: none"> <li>1. Cycleways and footpaths;</li> <li>2. Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres);</li> <li>3. Public open space;</li> <li>4. Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in condition 1-1 of this Table;</li> <li>5. Carparking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres).</li> </ol>

**TABLE XI - ENVIRONMENTAL CONDITIONS (Cont'd)**

	Amt. No.	Location of Land	Environmental conditions Associated with the Area Identified in "Location of Land"
			<p>2-3 Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be:</p> <ol style="list-style-type: none"> <li>1. 96 metres in the case of sensitive development as determined by the local government on advice of the Department of Environmental Protection and the pipeline operator, and including aged persons accommodation, child care centres, schools and hospitals.</li> <li>2. 32 metres to the boundary of each residential lot; in the case of residential development; and</li> <li>3. At the local government's discretion, following consultation with the Department of Environmental Protection and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.</li> </ol>

**TABLE XI - ENVIRONMENTAL CONDITIONS (Cont'd)**

	Amt. No.	Location of Land	Environmental conditions Associated with the Area Identified in "Location of Land"
EC5	350	<p>Portion of Lot 323 Eighty Road, Baldivis</p> <p><i>AMD 350 GG 3/2/04</i></p>	<p><b>High Pressure Natural Gas Pipeline</b></p> <p>Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be:</p> <ol style="list-style-type: none"> <li>1 96 metres in the case of sensitive development as determined by the Local Government on advice of the Department of Environmental Protection and the pipeline operator, and including aged persons accommodation, child care centres, schools and hospitals;</li> <li>2 32 metres to the boundary of each residential lot; in case of residential development; and</li> <li>3 At the Local Government's discretion, following consultation with the Department of Environmental Protection and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.</li> </ol>

**TABLE XI - ENVIRONMENTAL CONDITIONS (Cont'd)**

	Amt. No.	Location of Land	Environmental conditions Associated with the Area Identified in "Location of Land"
EC6	367	Lot 11 Clyde Ave, Baldivis  <i>AMD 367 GG 23/7/04</i>	<p><b>1 Pipeline Protection Plan</b></p> <p>1-1 Prior to commencement of site works for subdivision or development on any land within or abutting the high pressure natural gas pipeline easement, the subdivider/developer shall prepare a Pipeline Protection Plan to the requirements of the local government with the concurrence of the Department of Minerals and Energy on advice from the Department of Environment and the high pressure natural gas pipeline operator.</p> <p>1-2 The plan referred to in condition 1-1 of this table shall detail measures to ensure public safety and protection of the high pressure natural gas pipeline during construction and operation in accordance with the Petroleum Pipelines Act 1969-70, the Australian pipeline Code AS 2885-1997, SAA HB105 and the Environmental Protection Authority's Guidance Statement No. 50 for achieving its risk criteria for development in proximity to existing and proposed high pressure gas transmission pipelines, or the most recent equivalents recognized by the Environmental Protection Authority.</p> <p><b>2 High Pressure Natural Gas Pipeline</b></p> <p>2-1 The following activities, land uses and developments are prohibited within the high pressure natural gas pipeline easement:</p> <ul style="list-style-type: none"> <li>• Ground-distributing activities, other than for the purposes for which the easement was created, and for uses and developments that comply with condition 2-2 of this table;</li> <li>• Temporary residence (including caravans, camping and similar);</li> <li>• Storage of materials and equipment;</li> <li>• Fires and barbecues;</li> <li>• Explosives, inflammables and corrosives (including storage of liquefied petroleum gas and fuel oil);</li> <li>• Refuse disposal and landfill;</li> <li>• Service stations, fuel lines and storage of fuel;</li> <li>• Vegetation with an expected growth exceeding one metre in height and plantings within one metre of the centre of the pipeline (with the exception of lawn); and</li> <li>• Large obstructions to line of site along the easement.</li> </ul> <p>2-2 The following land uses and developments may be permitted within the high pressure natural gas pipeline easement, with the written approval of the local government on advice of the pipeline operator, subject to compliance with the Pipeline Protection Plan referred to in condition 1-1 of this Table:</p> <ol style="list-style-type: none"> <li>1. Cycleways and footpaths;</li> <li>2. Road crossings and services (with minimum depth of cover over the pipeline of 1.2 metres);</li> <li>3. Public open space;</li> <li>4. Signage and other facilities that are necessary to comply with the Pipeline Protection Plan referred to in condition 1-1 of this Table;</li> <li>5. Carparking during the time that the adjoining land is being developed (with minimum depth of cover over the pipeline of 1.2 metres).</li> </ol>



**TABLE XI - ENVIRONMENTAL CONDITIONS (Cont'd)**

	Amt. No.	Location of Land	Environmental conditions Associated with the Area Identified in "Location of Land"
EC6	367	<p>Lot 11 Clyde Ave, Baldivis (Cont'd)</p> <p><i>AMD 367 GG 23/7/04</i></p>	<p>2-3 Minimum setbacks for land uses and developments from the centre of the high pressure natural gas pipeline shall be:</p> <ol style="list-style-type: none"> <li>1. 96 metres in the case of sensitive development as determined by the local government on advice of the Department of Environmental Protection and the pipeline operator, and including aged persons accommodation, child care centres, schools and hospitals;</li> <li>2. 32 metres to the boundary of each residential lot; in the case of residential development; and</li> <li>3. At the local government's discretion, following consultation with the Department of Environmental Protection and the pipeline operator, in the case of all other uses and developments which facilitate the gathering of people within 96 metres of the centre of the pipeline.</li> </ol>

**TABLE XII - PEELDALE**

LOCALITY	PROVISIONS
<p>Lot 4, Lot 5, Lot 50, Pt Lot 51 Baldivis Road, Baldivis</p> <p>AMD 354 GG 7/2/03; AMD 363 GG 31/8/04</p>	<ol style="list-style-type: none"> <li>1. The subdivision and development of the land shall generally be in accordance with the Development Zone Comprehensive Plan.</li> <li>2. Prior to the submission of an application for subdivision approval and/or development, Council shall require the developer to prepare an Environmental Management Plan for the amendment area to meet the following objectives: <ul style="list-style-type: none"> <li>▪ To maintain and, where possible, enhance the integrity, functions and environmental values of the wetland;</li> <li>▪ To maintain or enhance the quality of surface water so that existing and potential uses, including ecosystem maintenance, are protected;</li> <li>▪ To ensure the provisions of the Statement of Planning Policy No 2.1 The Peel-Harvey Coastal Plain Catchment and the Environmental Protection (Peel Inlet-Harvey Estuary) Policy 1992 are met.</li> </ul> <p>The Environmental Management Plan shall be prepared to the requirements of the City of Rockingham in consultation with the Department of Environment.</p> <p>The Plan shall include:</p> <ul style="list-style-type: none"> <li>▪ Management objectives for the development as described above;</li> <li>▪ A description of the wetland, its current functions and habitat assessment;</li> <li>▪ Management actions to ensure the management objectives are achieved, including: <ul style="list-style-type: none"> <li>- a drainage and catchment management plan incorporating Water Sensitive Urban Design Principles and Best Management Practices;</li> <li>- details of revegetation, provision of fauna habitats and weed control;</li> </ul> </li> </ul> </li> </ol>

LOCALITY	PROVISIONS
<p>Lot 4, Lot 5, Lot 50, Pt Lot 51 Baldivis Road, Baldivis</p> <p><i>AMD 354 GG 7/2/03; AMD 363 GG 31/8/04</i></p>	<ul style="list-style-type: none"> <li>- appropriate design of constructed wetlands to reduce potential mosquito populations;</li> <li>- management of human pressures and public access within the Public Open Space areas;</li> <li>▪ A monitoring program, including definition of performance criteria and analysis procedures, to demonstrate whether the management objectives are being met;</li> <li>- Contingency plans to be implemented in the event that performance criteria are not met;</li> <li>- Details on how the proposed management measures will be or are incorporated into the Comprehensive Development Plan for the land; and</li> <li>- Identification of responsibilities for Implementation of the Plan.</li> </ul> <p>The plan shall be implemented to the satisfaction of the City of Rockingham.</p>

## APPENDIX B - CONTROL OF ADVERTISEMENTS

### ADDITIONAL INFORMATION SHEET FOR ADVERTISEMENT APPROVAL

(to be completed in addition to Application for  
Approval to Commence Development Form 1)

1. Name of Advertiser (if different from owner):

\_\_\_\_\_

2. Address in Full: \_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_

4. Details of Proposed Sign:

Height: \_\_\_\_\_ Width: \_\_\_\_\_ Depth: \_\_\_\_\_

Colours to be used: \_\_\_\_\_

Height above ground level (to top of Advertisement): \_\_\_\_\_

(to Underside): \_\_\_\_\_

Materials to be used: \_\_\_\_\_

Illuminated: YES/NO

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

\_\_\_\_\_

If yes, state intensity of light source: \_\_\_\_\_

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

\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Signature of Advertiser(s) \_\_\_\_\_  
(if different from landowners)

Date: \_\_\_\_\_

## ADOPTION

Adopted by resolution of the Council of the Shire of Rockingham at the ordinary Meeting or the Council held on the 25th Day of March 1975, and the seal of the Municipality was pursuant to that resolution, hereunto affixed in the presence of:

(LS)

**A POWELL**  
PRESIDENT

**G G HOLLAND**  
ACTING SHIRE CLERK

This Scheme Text is to be read in conjunction with the approved maps of the Scheme described in Clause 1.3 of this Scheme and to which formal approval was given by the Hon Minister for Town Planning on the 19th day of May 1975.

Recommended:

**DAVID CARR**  
Chairman of the Town  
Planning Board  
DATE: 19th May 1975

Approved:

**E C RUSHTON**  
Minister for Town Planning  
DATE: 19th May 1975

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(PUBLISHED IN THE GOVERNMENT GAZETTE ON 24TH JULY 1975)