



DRAFT

Local Planning Scheme No. 22

ORIGINAL LOCAL PLANNING SCHEME GAZETTAL DATE:

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Please advise the Department of Planning of any errors or omissions in this document.

CITY OF BUSSELTON LOCAL PLANNING SCHEME NO. 22 – AMENDMENTS

AMD NO.	GAZETTAL DATE	UPDATED		DETAILS
		WHEN	BY	

CITY OF BUSSELTON

LOCAL PLANNING SCHEME NO. 22

The City of Busselton under the powers conferred by the *Planning and Development Act 2005* makes the following Local Planning Scheme.

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City of Busselton

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Part 1 – Preliminary

1. Citation

This local planning Scheme is the [City of Busselton Scheme No. 22](#).

2. Commencement

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

3. Scheme revoked

The following local planning scheme is revoked —

Name: [City of Busselton Local Planning Scheme No. 21](#) Gazettal Date: [15 October 2014](#)

4. Notes do not form part of Scheme

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

Note:

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

5. Responsibility for Scheme

The [City of Busselton](#) is the local government responsible for the enforcement and implementation of this Scheme and the execution of any works required to be executed under this Scheme.

6. Scheme area

This Scheme applies to the area [which includes the entire local government district of the City of Busselton](#), as shown on the Scheme Map.

7. Contents of Scheme

- (1) In addition to the provisions set out in this document (the ***scheme text***), this Scheme includes the following —
 - (a) the Deemed Provisions (set out in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2); and
 - (b) the Scheme Map;
- (2) This Scheme is to be read in conjunction with any local planning strategy for the Scheme area.

8. Purposes of Scheme

The purposes of this Scheme are to —

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

9. Aims of Scheme

The aims of this Scheme are —

- (a) To implement the intentions and desired outcomes of the Local Planning Strategy;
- (b) To coordinate and integrate planning at the local level with planning at regional and state levels;
- (c) To facilitate the effective implementation of the Local and State Planning Framework, including the Leeuwin Naturaliste Ridge Sub Regional Strategy and Leeuwin Naturaliste Ridge State Planning Policy No. 6.1;
- (d) To recognize, protect and enhance the environmental values present in the City;
- (e) To facilitate sustainable community growth that responds to the physical and social needs of the community;
- (f) To provide for the preservation and protection of areas, places and objects of heritage significance;
- (g) To deliver infrastructure that encourages sustainable and active transport;
- (h) To facilitate broad based economic development and opportunities; and
- (i) To manage the process and effects of land use and development in a manner that applies the precautionary principle and principle of intergenerational equity.

10. Relationship with local laws

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

11. Relationship with other local planning schemes

There are no other local planning schemes of the [City of Busselton](#) which apply to the Scheme area.

12. Relationship with region planning scheme

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

Part 2 – Reserves

13. Regional Reserves

There are no regional reserves in the Scheme area.

14. Local Reserves

(1) In this clause —

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

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

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

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

Table 1 – Reserve objectives

Reserve name	Objectives
Public Open Space	<ul style="list-style-type: none">• To set aside areas for public open space, particularly those established under the <i>Planning and Development Act 2005</i> s. 152.• To provide for a range of active and passive recreation uses such as recreation buildings, and courts and associated car parking and drainage.
Foreshore	<ul style="list-style-type: none">• To set aside areas for foreshore reserve abutting a body of water or water course.• To provide for the protection of natural values and processes, including a planned or managed coastal retreat.• To accommodate a range of active and passive recreational uses and low impact commercial activity that would be capable of relocation or rehabilitation.
Environmental Conservation	<ul style="list-style-type: none">• To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.• To identify and protect areas of biodiversity conservation significance within National Parks and State and other conservation reserves.
State Forest	<ul style="list-style-type: none">• To identify areas of State Forest
Civic and Community	<ul style="list-style-type: none">• To provide for a range of community facilities which are compatible with surrounding land use and development.

	<ul style="list-style-type: none"> • To provide for public facilities and other services by organisations involved in activities for community benefit.
Public Purposes	<ul style="list-style-type: none"> • To provide for a range of essential public services and facilities.
Infrastructure Services	<ul style="list-style-type: none"> • To provide for a range of essential infrastructure services.
Cemetery	<ul style="list-style-type: none"> • To set aside land required for a cemetery.
Car Park	<ul style="list-style-type: none"> • To set aside land required for a car park.
Drainage/Waterway	<ul style="list-style-type: none"> • To set aside land required for significant waterways and drainage.
Railway	<ul style="list-style-type: none"> • To set aside land required for passenger rail and rail freight services.
Primary Distributor Road	<ul style="list-style-type: none"> • To set aside land required for a primary distributor road being a road classified as a Regional Distributor or Primary Distributor under the Western Australian Road Hierarchy.
District Distributor Road	<ul style="list-style-type: none"> • To set aside land required for a district distributor road being a road classified as a Distributor A or Distributor B under the Western Australian Road Hierarchy.
Local Road	<ul style="list-style-type: none"> • To set aside land required for a local road being a road classified as an Access Road under the Western Australian Road Hierarchy.
Strategic infrastructure	<ul style="list-style-type: none"> • To set aside land required for port or airport facilities.
Special Purpose	<ul style="list-style-type: none"> • To set aside land for a special purpose. • Purposes that do not comfortably fit in any other reserve classification.

(4) [Except as otherwise provided for in Schedule A, a person must not —](#)

(a) [use a reserve; or](#)

(b) [commence or carry out development or removal of vegetation on a reserve](#)

[without first having obtained development approval in accordance with Part 8 and 9 of the Deemed Provisions.](#)

15. Additional uses for local reserves

(1) The Table sets out —

(a) classes of use for specified land located in local reserves that are additional to classes of use determined in accordance with the objectives of the reserve; and

- (b) the conditions that apply to that additional use.

Table 2 – Specified additional uses for land in local reserve in the Scheme area

No.	Description of Land	Additional Use	Conditions
1.	Lot 400 Marine Terrace; Lot 600 (No. 4) Jetty Way; Lot 418 Queen Street; and Lots 432 (No. 15), 501 (No. 12), 555 (No. 1), 561 (No. 11), 565, 601 and 602 Foreshore Parade, Busselton	<p>Cinema/Theatre</p> <p>Community Purpose</p> <p>Exhibition Centre</p> <p>Hotel</p> <p>Kiosk</p> <p>Office</p> <p>Reception Centre</p> <p>Recreation - Private</p> <p>Restaurant/Café</p> <p>Shop - Large</p> <p>Shop - Small</p> <p>Small Bar</p> <p>Tavern</p> <p>Tourist or Visitor Accommodation</p> <p>Note:</p> <p>Kiosk means a small structure of no more than one storey and up to approximately 90m² floor area predominantly wherein food and drinks are offered for sale and consumption.</p>	<p>1. The use classes specified shall be 'D' uses for the purpose of the Scheme.</p> <p>2. Development of the land shall be in accordance with a plan adopted pursuant to Part 6 of the Deemed Provisions.</p>

- (2) Despite anything contained in clause 14, land that is specified in the Table to subclause (1) may be used for the additional use class of use set out in respect of that land subject to the conditions that apply to that use.

Part 3 – Zones and use of land

16. Zones

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

Table 3 – Zone objectives

Zone name	Objectives
Residential	<ul style="list-style-type: none"> ▪ To provide for a range of residential densities and a choice of housing to meet the needs of the community. ▪ To facilitate and encourage high quality design, built form and streetscapes throughout residential areas. ▪ To provide for a range of non-residential uses, which are compatible with and complementary to residential development.
Urban Development	<ul style="list-style-type: none"> ▪ To provide an intention of future land use and a basis for more detailed structure planning in accordance with provisions of this Scheme. ▪ To provide for a range of residential densities to encourage a variety of residential accommodation. ▪ To provide for the progressive and planned development of future urban areas for residential purposes and for commercial and other uses normally associated with residential development. ▪ To provide for the protection of natural areas and habitats within urban areas.
Rural	<ul style="list-style-type: none"> ▪ To provide for the maintenance or enhancement of specific local rural amenity and landscape character. ▪ To protect broad acre agricultural activities such as cropping and grazing and intensive uses such as viticulture and horticulture as primary uses, with other rural pursuits and rural industries as secondary uses in circumstances where they demonstrate compatibility with the primary use. ▪ To maintain and enhance the environmental qualities of the landscape, vegetation, soils and water bodies, to protect sensitive areas especially the natural valley and watercourse systems from damage. ▪ To provide for the operation and development of existing, future and potential rural land uses by limiting the introduction of sensitive land uses in the Rural zone.

	<ul style="list-style-type: none"> ▪ To provide for a range of non-rural land uses where they have demonstrated benefit and are compatible with surrounding rural uses.
Rural Residential	<ul style="list-style-type: none"> ▪ To provide for lot sizes in the range of 1 ha to 4 ha. ▪ To provide opportunities for a range of limited rural and related ancillary pursuits on rural-residential lots where those activities will be consistent with the amenity of the locality and the conservation and landscape attributes of the land. ▪ To set aside areas for the retention of vegetation and landform or other features which distinguish the land.
Environmental Conservation	<ul style="list-style-type: none"> ▪ To identify land set aside for environmental conservation purposes. ▪ To provide for the preservation, maintenance, restoration or sustainable use of the natural environment.
Light Industry	<ul style="list-style-type: none"> ▪ To provide for a range of industrial uses and service industries generally compatible with urban areas, that cannot be located in commercial zones. ▪ To ensure that where any development adjoins zoned or developed residential properties, the development is suitably set back, screened or otherwise treated so as not to detract from the residential amenity.
General Industry	<ul style="list-style-type: none"> ▪ To provide for a broad range of industrial, service and storage activities which, by the nature of their operations, should be isolated from residential and other sensitive land uses. ▪ To accommodate industry that would not otherwise comply with the performance standards of light industry. ▪ Seek to manage impacts such as noise, dust and odour within the zone.
Industrial Development	<ul style="list-style-type: none"> ▪ To designate land for future industrial development. ▪ To provide a basis for future detailed planning in accordance with the structure planning provisions of this Scheme.
Service Commercial	<ul style="list-style-type: none"> ▪ To accommodate commercial activities which, because of the nature of the business, require good vehicular access and/or large sites. ▪ To provide for a range of wholesale sales, showrooms, trade and services which, by reason of their scale, character, operational or land requirements, are not generally appropriate in, or cannot conveniently or economically be accommodated in the Centre zones.

Mixed Use	<ul style="list-style-type: none"> ▪ To provide for a wide variety of active uses on street level which are compatible with residential and other non-active uses on upper levels where applicable. ▪ To allow for the development of a mix of varied but compatible land uses which do not generate nuisances detrimental to the amenity of the district or to the health, welfare and safety of its residents. ▪ To prioritise walking, cycling and public transport access to and within the zone.
Regional Centre	<ul style="list-style-type: none"> ▪ To provide a genuine centre of community life, socially, culturally and economically. ▪ To ensure a mix of commercial and residential development which provides for activity and accessibility at the street level and supports the provision of public transport and pedestrian links. ▪ To provide for a wide range of different types of residential accommodation, including medium to high density residential to meet the diverse needs of the community. ▪ To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community.
District Centre	<ul style="list-style-type: none"> ▪ To provide a community focal point for people, services, employment and leisure that are highly accessible and do not adversely impact on adjoining residential areas. ▪ To ensure a mix of commercial and residential development which provides for activity and accessibility at the street level and supports the provision of public transport and pedestrian links. ▪ To provide for a wide range of different types of residential accommodation, including medium to high density residential, to meet the diverse needs of the community. ▪ To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of place and community.
Local Centre	<ul style="list-style-type: none"> ▪ To provide for development at a scale sufficient to serve the Centre's catchment, but not detract from the commercial primacy of the Regional and District Centre zones. ▪ To ensure development is of a scale compatible with surrounding development and does not adversely impact on adjoining residential areas. ▪ To ensure the design and landscaping of development provides a high standard of safety, convenience and amenity and contributes towards a sense of community and place.

	<ul style="list-style-type: none"> ▪ To provide a pedestrian dominant streetscape where the primary focus of activity is on the street, the public realm and public open spaces. ▪ To prioritise walking, cycling and public transport access to and within the centre. ▪ To provide for medium density housing delivered as part of a mixed use development.
Tourism	<ul style="list-style-type: none"> ▪ To promote and provide for tourism opportunities. ▪ To provide for a variety of holiday accommodation styles and associated uses, including retail and service facilities where those facilities are provided in support of the tourist accommodation and are of an appropriate scale where they will not impact detrimentally on the surrounding or wider area. ▪ To allow limited residential uses where appropriate. ▪ To encourage the location of tourist facilities so that they may benefit from existing road services, physical service infrastructure, other tourist attractions, natural features and urban facilities.
Cultural and Natural Resource Use	<ul style="list-style-type: none"> ▪ Ensure the preservation of Aboriginal heritage and culturally significant areas. ▪ Provide for the conservation of significant landscape and environmental areas and values. ▪ Allow for low impact tourism development including limited tourist accommodation and camping areas. ▪ Allow land uses associated with Aboriginal heritage, traditional law and culture.
Private Community Purposes	<ul style="list-style-type: none"> ▪ To provide sites for privately owned and operated recreation, institutions and places of worship. ▪ To integrate private recreation areas with public recreation areas wherever possible. ▪ To separate potentially noisy engine sports from incompatible uses. ▪ To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provision of those facilities, which are compatible with surrounding development. ▪ To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.
Special Use	<ul style="list-style-type: none"> ▪ To facilitate special categories of land uses, which do not sit comfortably within any other zone.

	<ul style="list-style-type: none"> ▪ To enable the local government to impose specific conditions associated with the special use.
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17. Zoning table

The zoning table for this Scheme is as follows —

Table 4 – Zoning Table

Zone / Use Class	Residential	Regional Centre	District Centre	Local Centre	Mixed Use	Service Commercial	Tourism	Light Industry	General Industry	Rural	Rural Residential	Environmental Conservation	Cultural and Natural Resource Use	Private Community Purposes	Special Use	Urban Development	Industrial Development
Abattoir	X	X	X	X	X	X	X	X	D	A	X	X	X	X	Refer to clause 21	Refer to clause 18 (7)	Refer to clause 18 (7)
Agriculture – Extensive	X	X	X	X	X	X	X	X	X	P	A	D	X	X			
Agriculture – Intensive	X	X	X	X	X	X	X	X	X	P	X	X	X	X			
Aircraft landing area	X	X	X	X	X	X	A	X	X	A	X	X	X	X			
Ancillary Dwelling	P	D	D	X	P	X	X	X	X	P	P	P	X	X			
Animal Establishment	X	X	X	X	X	X	X	X	X	D	A	X	A	X			
Animal Husbandry – Intensive	X	X	X	X	X	X	X	X	X	D	X	X	X	X			
Aquaculture	X	X	X	X	X	X	X	D	D	D	A	A	A	X			
Betting Agency	X	P	P	X	X	X	X	X	X	X	X	X	X	X			
Beverage Production Facility	X	A	A	A	X	A	A	D	D	A	X	X	X	X			
Bulky Goods Showroom	X	P	P	P	X	P	X	X	X	X	X	X	X	X			
Camping Ground	A	X	X	X	X	X	D	X	X	A	X	A	X	X			
Caravan Park	A	X	X	X	X	X	D	X	X	A	X	X	X	X			
Caretaker's Dwelling	X	X	X	X	X	X	X	A	X	X	X	X	X	X			
Car Park	X	D	D	D	D	D	X	D	D	X	X	X	X	X			
Child Care Premises	A	D	D	D	A	D	X	X	X	D	A	X	X	D			
Cinema/Theatre	X	P	P	D	X	X	X	X	X	X	X	X	X	X			
Civic Use	D	P	P	D	D	P	D	P	P	D	D	D	D	P			
Club Premises	X	D	D	D	D	D	D	X	X	A	X	X	X	X			
Community Purpose	A	P	P	P	D	D	D	D	D	D	A	X	A	P			
Consulting Rooms	A	P	P	P	D	D	X	X	X	X	X	X	X	X			
Convenience Store	X	P	P	P	X	X	D	X	X	X	X	X	X	X			
Display Home	D	D	D	D	D	X	X	X	X	X	D	X	X	X			
Educational Establishment	A	P	P	P	D	D	X	D	D	D	D	X	X	X			
Exhibition Centre	X	D	D	D	D	X	A	X	X	A	X	X	A	X			
Family Day Care	D	D	D	D	D	X	X	X	X	X	D	D	X	X			
Food Outlet	X	D	D	D	A	D	D	D	D	X	X	X	X	X			
Food Outlet With Drive Through Facility	X	X	X	X	X	X	X	X	X	X	X	X	X	X			
Fuel Depot	X	X	X	X	X	X	X	D	D	X	X	X	X	X			

Funeral Parlour	X	D	D	D	A	D	X	D	X	X	X	X	X	X			
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Zone / Use Class	Residential	Regional Centre	District Centre	Local Centre	Mixed Use	Service Commercial	Tourism	Light Industry	General Industry	Rural	Rural Residential	Environmental Conservation	Cultural and Natural Resource Use	Private Community Purposes	Special Use	Urban Development	Industrial Development
Garden Centre	X	X	X	X	X	D	X	D	X	D	X	X	X	X	Refer to clause 21	Refer to clause 18 (7)	Refer to clause 18 (7)
Grouped Dwelling	D	D	D	X	D	X	X	X	X	X	X	X	X	X			
Home Business	D	P	P	P	P	X	X	X	X	D	D	A	X	X			
Home Occupation	P	P	P	P	P	X	X	X	X	P	P	P	X	X			
Home Office	P	P	P	P	P	X	P	X	X	P	P	P	X	X			
Home Store	A	D	D	X	A	X	X	X	X	D	A	X	X	X			
Hospital	A	D	D	D	A	X	X	X	X	A	X	X	X	D			
Hosted Short-Term Rental Accommodation	P	P	P	P	P	X	P	X	X	P	P	P	X	X			
Hotel	X	D	A	A	X	X	D	X	X	X	X	X	X	X			
Independent Living Complex	D	D	D	D	D	X	X	X	X	X	X	X	X	D			
Industry	X	X	X	X	X	X	X	X	D	X	X	X	X	X			
Industry – Extractive	X	X	X	X	X	X	X	A	A	A	X	X	X	X			
Industry – Light	X	X	X	X	X	D	X	P	P	X	X	X	X	X			
Industry – Rural	X	X	X	X	X	X	X	D	D	D	X	X	D	X			
Liquor Store – Large	X	D	D	D	X	X	X	X	X	X	X	X	X	X			
Liquor Store – Small	X	P	P	D	A	X	X	X	X	X	X	X	X	X			
Marina	X	X	X	D	X	X	D	D	D	X	X	X	X	X			
Marine Filling Station	X	X	X	X	X	X	D	D	D	X	X	X	X	X			
Market	X	D	D	D	X	X	A	X	X	X	X	X	X	X			
Medical Centre	A	P	P	P	D	D	X	X	X	X	X	X	X	X			
Mining Operations	X	X	X	X	X	X	X	A	A	A	X	X	X	X			
Motor Vehicle, Boat or Caravan Sales	X	X	X	X	X	D	X	D	D	X	X	X	X	X			
Motor Vehicle Repair	X	X	X	X	X	D	X	D	P	X	X	X	X	X			
Motor Vehicle Wash	X	X	X	X	X	D	X	D	P	X	X	X	X	X			
Multiple Dwelling	D	D	D	D	D	X	X	X	X	X	X	X	X	X			
Nightclub	X	D	A	X	X	X	A	X	X	X	X	X	X	X			
Office	X	P	P	P	D	D	X	X	X	X	X	X	X	X			
Park Home Park	A	X	X	X	X	X	D	X	X	X	X	X	X	X			
Place of Worship	A	D	D	D	A	D	X	D	X	A	A	X	X	P			
Reception Centre	X	D	D	D	X	X	D	X	X	A	A	X	X	X			

Zone / Use Class	Residential	Regional Centre	District Centre	Local Centre	Mixed Use	Service Commercial	Tourism	Light Industry	General Industry	Rural	Rural Residential	Environmental Conservation	Cultural and Natural Resource Use	Private Community Purposes	Special Use	Urban Development	Industrial Development
Recreation – Private	X	D	D	D	A	D	D	D	X	D	A	A	X	X	Refer to clause 21	Refer to clause 18 (7)	Refer to clause 18 (7)
Renewable Energy Facility	X	X	X	X	X	X	X	D	D	A	X	X	A	X			
Repurposed Dwelling	D	X	X	X	D	X	X	X	X	D	D	D	X	X			
Residential Building	A	D	D	X	A	X	D	X	X	A	X	X	X	A			
Residential Care Facility	D	A	A	X	D	X	X	X	X	X	X	X	X	D			
Resource Recovery Centre	X	X	X	X	X	X	X	X	D	X	X	X	X	X			
Restaurant/Café	X	P	P	P	D	X	D	X	X	D	A	X	A	X			
Restricted Premises	X	D	D	D	D	X	X	X	X	X	X	X	X	X			
Rural Home Business	X	X	X	X	X	X	X	X	X	D	A	A	A	X			
Rural Pursuit/Hobby Farm	X	X	X	X	X	X	X	X	X	P	A	X	A	X			
Second-hand Dwelling	D	X	X	X	D	X	X	X	X	D	D	D	X	X			
Service Station	X	X	X	X	X	D	X	D	D	X	X	X	X	X			
Shop - Large	X	P	P	D	X	X	X	X	X	X	X	X	X	X			
Shop - Small	X	P	P	P	D	X	X	X	X	X	X	X	X	X			
Single House	P	X	X	X	P	X	X	X	X	P	P	D	X	X			
Small Bar	X	P	D	A	A	X	D	X	X	A	X	X	X	X			
Tavern	X	D	D	A	X	X	A	X	X	A	X	X	X	X			
Telecommunications Infrastructure	A	A	A	A	A	D	A	D	D	A	A	X	A	A			
Tourist and Visitor Accommodation	X	D	D	D	X	X	D	X	X	A	X	A	X	X			
Trade Supplies	X	D	D	X	X	P	X	P	P	X	X	X	X	X			
Transport Depot	X	X	X	X	X	D	X	D	P	X	X	X	X	X			
Tree Farm	X	X	X	X	X	X	X	X	X	D	X	X	D	X			
Unhosted Short-Term Rental Accommodation	D	D	D	D	D	X	X	X	X	D	D	D	X	X			
Veterinary Centre	X	D	D	D	X	D	X	D	X	A	X	X	X	X			
Warehouse/Storage	X	X	X	X	X	P	X	P	P	X	X	X	X	X			
Waste Disposal Facility	X	X	X	X	X	X	X	X	D	X	X	X	X	X			
Waste Storage Facility	X	X	X	X	X	X	X	X	D	X	X	X	X	X			
Workforce Accommodation	X	X	X	X	X	X	X	X	X	D	X	X	A	X			

18. Interpreting zoning table

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

(2) The symbols used in the zoning table have the following meanings —

- P means that the use is permitted if it complies with any relevant development standards and requirements of this Scheme;
- D means that the use is not permitted unless the local government has exercised its discretion by granting development approval;
- A means that the use is not permitted unless the local government has exercised its discretion by granting development approval after advertising the application in accordance with clause 64 of the Deemed Provisions;
- X means that the use is not permitted by this Scheme.

Notes for this clause:

- 1. The development approval of the local government may be required to carry out works on land in addition to any approval granted for the use of land. In normal circumstances [one \(1\)](#) application is made for both the carrying out of works on, and the use of, land.
 - 2. Under clause 61 of the Deemed Provisions, certain works and uses are exempt from the requirement for development approval.
 - 3. Clause 67 of the Deemed Provisions deals with the consideration of applications for development approval by the local government. Under that clause, development approval cannot be granted for development that is a class X use in relation to the zone in which the development is located, except in certain circumstances where land is being used for a non-conforming use.
- (3) [An incidental use is permitted if it is consequent on, or naturally attaching, appertaining or relating to the predominant use of the land and it complies with any relevant development standards and requirements of this Scheme.](#)
- (4) A specific use class referred to in the zoning table is excluded from any other use class described in more general terms.
- (5) The local government may, in respect of a use that is not specifically referred to in the zoning table and that cannot reasonably be determined as falling within a use class referred to in the zoning table —
- (a) determine that the use is consistent with the objectives of a particular zone and is therefore a use that may be permitted in the zone subject to conditions imposed by the local government; or
 - (b) determine that the use may be consistent with the objectives of a particular zone and advertise under clause 64 of the Deemed Provisions before considering an application for development approval for the use of the land; or

- (c) determine that the use is not consistent with the objectives of a particular zone and is therefore not permitted in the zone.
- (6) If a use of land is identified in a zone as being a [class P use](#), the local government may not refuse an application for development approval for that use in that zone but may require works that are to be undertaken in connection with that use to have development approval.
- (7) If the zoning table does not identify any permissible uses for land in a zone the local government may, in considering an application for development approval for land within the zone, have due regard to any of the following plans that apply to the land —
 - (a) a structure plan;
 - (b) a local development plan.

19. Additional uses

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

20. Restricted uses

- (1) [Schedule C](#) sets out —
 - (a) restricted classes of use for specified land that apply instead of the classes of use that are permissible in the zone in which the land is located; and
 - (b) the conditions that apply to that restricted use.
- (2) Despite anything contained in the zoning table, land that is specified in [Schedule C](#) may be used only for the restricted class of use set out in respect of that land subject to the conditions that apply to that use.
- (3) [The permissibility of a restricted class of use shall be in accordance with the zoning table.](#)

21. Special use zones

- (1) [Schedule D](#) sets out —
 - (a) special use zones for specified land that are in addition to the zones in the zoning table; and
 - (b) the classes of special use that are permissible in that zone; and

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

Note:

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

22. Non-conforming uses

- (1) Unless specifically provided, this Scheme does not prevent —
 - (a) the continued use of any land, or any structure or building on land, for the purpose for which it was being lawfully used immediately before the commencement of this Scheme [or an amendment to this Scheme \(as the case may be\)](#); or
 - (b) the carrying out of development on land if —
 - (i) before the commencement of this Scheme [or an amendment to this Scheme \(as the case may be\)](#), the development was lawfully approved; and
 - (ii) the approval has not expired or been cancelled.
- (2) Subclause (1) does not apply if —
 - (a) the non-conforming use of the land is discontinued; and
 - (b) a period of [12](#) months, or a longer period approved by the local government, has elapsed since the discontinuance of the non-conforming use.
- (3) Subclause (1) does not apply in respect of a non-conforming use of land if, under Part 11 of the Act, the local government —
 - (a) purchases the land; or
 - (b) pays compensation to the owner of the land in relation to the non-conforming use.

23. Changes to a non-conforming use

- (1) A person must not, without development approval —
 - (a) alter or extend a non-conforming use of land; or
 - (b) erect, alter or extend a building used for, or in conjunction with, a non-conforming use; or
 - (c) repair, rebuild, alter or extend a building used for a non-conforming use that is destroyed to the extent of 75% or more of its value; or

- (d) change the use of land from a non-conforming use to another use that is not permitted by the Scheme.
- (2) An application for development approval for the purposes of this clause must be advertised in accordance with clause 64 of the Deemed Provisions.
- (3) A local government may only grant development approval for a change of use of land referred to in subclause (1)(d) if, in the opinion of the local government, the proposed use —
 - (a) is less detrimental to the amenity of the locality than the existing non-conforming use; and
 - (b) is closer to the intended purpose of the zone in which the land is situated.

24. Register of non-conforming uses

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

Part 4 – General development requirements

25. R-Codes

- (1) The R-Codes, modified as set out in clause 26, are to be read as part of this Scheme.
- (2) The local government must ensure that the R-Codes are published in accordance with clause 87 of the Deemed Provisions.
- (3) Subclause (2) is an ongoing publication requirement for the purposes of clause 87(5)(a) of the Deemed Provisions.
- (4) The coding of land for the purposes of the R-Codes is shown by the coding number superimposed on a particular area contained within the boundaries of the area shown on the Scheme Map.
- (5) The R-Codes apply to an area if —
 - (a) the area has a coding number superimposed on it in accordance with subclause (4); or
 - (b) a provision of this Scheme provides that the R-Codes apply to the area.

26. Modification of R-Codes

- (1) The following variations to the deemed-to-comply or acceptable outcome requirements of the R-Codes shall apply —
 - (a) Any variations set out in Schedules E, F or G that apply to land in the Scheme area.
 - (b) Vehicle access from a primary street, where a secondary street exists, is deemed-to-comply if —
 - (i) the primary street is not a Primary Distributor Road or District Distributor Road as depicted on the Scheme map; and
 - (ii) the proposed access complies with all other vehicle access deemed-to-comply requirements.
 - (c) An outbuilding that does not exceed a wall height of 2.7 metres and ridge height of 4.5 metres is deemed-to-comply with outbuilding wall and ridge height requirements.
- (2) The following site area variations to the deemed-to-comply requirements of the R-Codes shall apply —
 - (a) For the purposes of urban consolidation, the local government may grant development approval for the construction of grouped dwellings at a density of R40 on any lot greater than 1500m² within any area coded R20 or R30 on the Scheme map, excluding standard residential lots with direct canal frontage.

- (b) Any development seeking approval pursuant to clause 2(a), shall be assessed at R40 standards.
- (3) The following building height variations to the deemed-to-comply or acceptable outcome requirements of the R-Codes shall apply —
 - (a) maximum building height requirements are required to comply with the provisions of clauses 32 or 33 of this Scheme; or
 - (b) as otherwise required by a plan adopted pursuant to Part 4 or Part 6 of the Deemed Provisions.
- 27. State Planning Policy 3.6 to be read as part of Scheme**
[deleted]
- 28. Modification of State Planning Policy 3.6**
[deleted]
- 29. Other planning codes to be read as part of Scheme**

There are no other planning codes that are to be read as part of the Scheme.
- 30. Modification of planning codes**

There are no modifications to a planning code that, under clause 29, is to be read as part of the Scheme.
- 31. Environmental conditions**

There are no environmental conditions imposed under the *Environmental Protection Act 1986* that apply to this Scheme.
- 32. Additional site and development requirements**
 - (1) [Schedule E](#) sets out requirements relating to development that are additional to those set out in the R-Codes or other planning code listed under clause 29, precinct structure plans, local development plans or State or local planning policies.
 - (2) To the extent that a requirement referred to in subclause (1) is inconsistent with a requirement in the R-Codes or other planning codes listed under clause 29, a precinct structure plan, a local development plan or a State or local planning policy, the requirement referred to in subclause (1) prevails.
- 33. Additional site and development requirements for areas covered by structure plan or local development plan**

Schedule F sets out requirements relating to development that are included in precinct structure plans, structure plans approved before 19 October 2015 and local development plans that apply in the Scheme area.

34. Variations to site and development requirements

(1) In this clause —

additional site and development requirements means requirements set out in clauses 32 and 33.

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

35. Restrictive covenants

- (1) A restrictive covenant affecting land in the Scheme area that would have the effect of limiting the number of residential dwellings which may be constructed on the land is extinguished or varied to the extent that the number of residential dwellings that may be constructed is less than the number that could be constructed on the land under this Scheme.
- (2) If subclause (1) operates to extinguish or vary a restrictive covenant —
 - (a) development approval is required to construct a residential dwelling that would result in the number of residential dwellings on the land exceeding the number that would have been allowed under the restrictive covenant; and

- (b) the local government must not grant development approval for the construction of the residential dwelling unless it advertises the application for development approval in accordance with clause 64 of the Deemed Provisions.

Part 5 – Special control areas

36. Special control areas

- (1) Special control areas are marked on the Scheme Map according to the legend on the Scheme Map —

SCA1	Landscape Value Area
SCA2	Wetland Area
SCA3	Coastal Management Area
SCA4	Airport Protection Area
SCA5	Waste Water Exclusion and Waste Water Buffer Area
SCA6	Floodway Area
SCA7	Building Height Area
SCA8	Extractive Industry Prohibition Area
SCA9	Cape to Cape Track Visual Protection Area
SCA10	Old Dunsborough Special Character Area
SCA11	Quindalup Special Character Area
SCA12	Yallingup Special Character Area
SCA13	Eagle Bay Special Character Area
DCA1	Development Contribution Area 1 – Community Infrastructure
DCA2	Development Contribution Area 2 – Yalyalup
DCA3	Development Contribution Area 3 – Old Broadwater Farm
DCA4	Development Contribution Area 4 – Vasse
DCA5	Development Contribution Area 5 – Dunsborough Lakes

- (2) The purpose, objectives and additional provisions that apply to each special control area is set out in the table in [Schedule G](#).
- (3) The additional provisions applying to the special control area apply in addition to the provisions set out in Schedules E and F.

Part 6 – Terms referred to in Scheme

Division 1 – General definitions used in Scheme

37. Terms used

- (1) If a word or expression used in this Scheme is listed in this clause, its meaning is as follows —

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

canal frontage means a boundary line between the canal and adjacent lots and shall be defined by a surveyed line on the approved plan of subdivision;

cabin means a building that —

- (a) is an individual unit other than a chalet; and
 - (b) forms part of —
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park;
- and
- (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12 month period;

chalet means a building that —

- (a) is a self-contained unit that includes cooking facilities, bathroom facilities and separate living and sleeping areas; and
 - (b) forms part of —
 - (i) tourist and visitor accommodation; or
 - (ii) a caravan park
- and
- (c) if the unit forms part of a caravan park — is used to provide accommodation for persons, on a commercial basis, with no individual person accommodated for a period or periods exceeding a total of 3 months in any 12 month period

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

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

dam means any man-made structure or excavation constructed to intercept and/or contain water that would normally flow across, through or under any land, including gully wall dams, turkey nest dams and soaks;

entry statement means a structure placed at and denoting the entry point to a defined area or location and includes associated landscaping and structures;

floodway means the channel of a river or stream and those portions of the flood plain adjoining the channel which are required to carry and discharge floodwaters, and includes land determined in consultation between the local government and the Department of Water to be a floodway;

floor area has the meaning given in the Building Code;

gross floor area means the total enclosed floor area within the building measured from the outside face of external walls (including any common or party walls forming part of the building) but does not include parking facilities sited within the building;

mean high water mark means the demarcation line shown on the Scheme map as provided by Landgate on the day of 22 June 2015, that identifies the interface of the ocean and land, and shall exclude any demarcation of natural inland water systems or man-made harbours/canals;

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

mooring envelope means an area designated on a mooring jetty and envelope plan approved by the Department of Transport, and set aside for the construction of a jetty/mooring facility and may be located within a canal or a lot with water frontage or adjacent to a lot with water frontage;

net lettable area (NLA) means the area of all floors within the internal finished surfaces of permanent walls but excludes the following areas —

- (b) all stairs, toilets, cleaner's cupboards, lift shafts and motor rooms, escalators, tea rooms, plant rooms and other service areas;
- (c) lobbies between lifts facing other lifts serving the same floor;
- (d) areas set aside as public space or thoroughfares and not for the exclusive use of occupiers of the floor or building;
- (e) areas set aside for the provision of facilities or services to the floor or building where such facilities are not for the exclusive use of occupiers of the floor or building;

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

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

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

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

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

stabilised canal edge means a structural or other measure which separates a canal from dry land, excluding a separately constructed jetty but which may include a retaining wall, whether vertical or sloping; beaches; reinforced reeded slopes; or other structure indicated on local government approved engineering or landscape drawings and specifications;

vegetation means any tree, shrub or plant regardless of condition or age;

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

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

- (1) A word or expression that is not defined in this Scheme —
- (a) has the meaning it has in the *Planning and Development Act 2005*; or
 - (b) if it is not defined in that Act — has the same meaning as it has in the R-Codes

Division 2 – Land use terms used in Scheme

38. Land use terms used

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

abattoir means premises used commercially for the slaughtering of animals for the purposes of consumption as food products;

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

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

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

aircraft landing area means premises used for purposes relating to aircraft landing, take-off and incidental maintenance and does not include drone aircraft, personal use aircraft or a private airstrip incidental to farming operation;

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

animal husbandry — intensive means premises used for keeping, rearing or fattening of pigs, poultry (for either egg or meat production), rabbits (for either meat or fur production) or other animals in feedlots, sheds or rotational pens;

aquaculture means any fish farming operation for which an aquaculture licence issued pursuant to the provisions of the *Fish Resources Management Act 1994* is required;

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

beverage production facility means premises used for the production of beverages for human consumption including manufacture of beer, wine, soft drinks, spirits or other drinks;

bulky goods showroom means premises —

- (a) used to sell by retail any of the goods and accessories of the following types that are principally used for domestic purposes —
 - (i) automotive parts and accessories;
 - (ii) camping, outdoor and recreation goods;

- (iii) electric light fittings;
- (iv) animal supplies including equestrian and pet goods;
- (v) floor and window coverings;
- (vi) furniture, bedding, furnishings, fabrics, manchester and homewares;
- (vii) household appliances, electrical goods and home entertainment goods;
- (viii) party supplies;
- (ix) office equipment and supplies;
- (x) babies' and children's goods, including play equipment and accessories;
- (xi) sporting, cycling, leisure, fitness goods and accessories;
- (xii) swimming pools;

or

- (b) used to sell by retail goods and accessories by retail if —
 - (i) a large area is required for the handling, display or storage of the goods; or
 - (ii) vehicular access is required to the premises for the purpose of collection of purchased goods;

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

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

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

car park means premises used primarily for parking vehicles whether open to the public or not but does not include —

- (a) any part of a public road used for parking or for a taxi rank; or
- (b) any premises in which cars are displayed for sale;

child care premises means premises where —

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

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

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

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

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

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

convenience store means premises —

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

display home means a dwelling, open for public viewing and intended to market and sell dwellings of a similar type;

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

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

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

food outlet means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation on and/or off the premises;

food outlet with a drive through facility means any land or buildings used for the preparation, sale and serving of food to customers in a form ready to be eaten without further preparation on and/or off the premises and includes the provision of a drive through facility;

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

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

funeral parlour means premises used —

- (a) to prepare and store bodies for burial or cremation;
- (b) to conduct funeral services;

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

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

- (a) does not involve employing more than 2 people not members of the occupier's household; and
- (b) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (c) does not occupy an area greater than 50 m²; and
- (d) does not involve the retail sale, display or hire of goods of any nature except where those goods are manufactured or produced at the residence; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the use of an essential service that is greater than the use normally required in the zone in which the dwelling is located;

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

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

home office means a dwelling used by an occupier of the dwelling to carry out a home occupation if the carrying out of the occupation —

- (a) is solely within the dwelling; and
- (b) does not entail clients or customers travelling to and from the dwelling; and

- (c) does not involve the display of a sign on the premises; and
- (d) does not require any change to the external appearance of the dwelling;

home store means a shop attached to a dwelling that —

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

hospital means premises that are a hospital within the meaning given in the *Health Services Act 2016* section 8(4);

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

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

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

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

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

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

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

industry — rural means premises used—

- (a) to carry out a primary production business; or
- (b) for a workshop servicing plant or equipment used in primary production businesses;

liquor store — large means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of more than 300 m²;

liquor store — small means premises the subject of a liquor store licence granted under the *Liquor Control Act 1988* with a net lettable area of not more than 300 m²;

marina means —

- (a) premises used for providing mooring, fuelling, servicing, repairing, storage and other facilities for boats, including the associated sale of any boating gear or equipment; and
- (b) all jetties, piers, embankments, quays, moorings, offices and storerooms used in connection with the provision of those services;

marine filling station means premises used for the storage and supply of liquid fuels and lubricants for marine craft;

market means premises divided into small individual tenancies and used for the display and sale of goods from stalls by independent vendors;

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

mining operations means premises where mining operations, as that term is defined in the *Mining Act 1978* section 8(1) is carried out;

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

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

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

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

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

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

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

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

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

recreation — private means premises that are —

- (a) used for indoor or outdoor leisure, [amusement](#), recreation or sport; and
- (b) not usually open to the public without charge;

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

[repurposed dwelling](#) means a building or structure not previously used as a single house, which has been repurposed for use as a dwelling;

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

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

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

resource recovery centre means premises other than a waste disposal facility used for the recovery of resources for waste;

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

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

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

rural home business means a dwelling or land used by an occupier of the dwelling to carry out a business if the carrying out of the business —

- (a) [offers for wholesale or retail sale any produce or commodity —](#)
 - (i) [which is grown on the land or in the locality; or](#)
 - (ii) [is manufactured and packaged on the site upon which the development is located; and](#)

- (b) does not involve employing more than 2 people who are not members of the occupier's household; and
- (c) will not cause injury to or adversely affect the amenity of the neighbourhood; and
- (d) does not occupy an area greater than 200m²; and
- (e) does not result in traffic difficulties as a result of the inadequacy of parking or an increase in traffic volumes in the neighbourhood; and
- (f) does not involve the presence, use or calling of more than 3 vehicles at any one time or of a vehicle more than 30 tonnes gross weight;

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

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

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

service station means premises other than premises used for a transport depot, panel beating, spray painting, major repairs or wrecking, that are used for —

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

shop - large means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services and with a net lettable area greater than 1500m²;

shop - small means premises other than a bulky goods showroom, a liquor store — large or a liquor store — small used to sell goods by retail, to hire goods, or to provide services of a personal nature, including hairdressing or beauty therapy services and with a net lettable area no greater than 1500m²;

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

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

telecommunications infrastructure means premises used to accommodate the infrastructure used by or in connection with a telecommunications network including any line,

equipment, apparatus, tower, antenna, tunnel, duct, hole, pit or other structure related to the network;

tourist and visitor accommodation —

- (a) means a building, or a group of buildings forming a complex, that —
 - (i) is wholly managed by a single person or body; and
 - (ii) is used to provide accommodation for guests, on a commercial basis, with no individual guest accommodated for a period or periods exceeding a total of 3 months in any 12-month period; and
 - (iii) may include on-site services and facilities for use by guests; and
 - (iv) in the case of a single building — contains more than 1 separate accommodation unit or is capable of accommodating more than 12 people per night;and
- (b) includes building, or complex of buildings, meeting the criteria in paragraph (a) that is used for self-contained serviced apartments that are regularly serviced or cleaned during the period of a guest's stay by the owner or manager of the apartment or an agent of the owner or manager; but
- (c) does not include any of the following —
 - (i) an aged car facility as defined in the *Land Tax Assessment Act 2002* section 38A(1);
 - (ii) a caravan park;
 - (iii) hosted short term rental accommodation;
 - (iv) a lodging house as defined in the Health (Miscellaneous Provisions) Act 1911 section 3(1);
 - (v) a park home park;
 - (vi) a retirement village as defined in the Retirement Villages Act 1992 section 3(1);
 - (vii) a road house;
 - (viii) workforce accommodation;

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

- (a) automotive repairs and servicing;
- (b) building including repair and maintenance;
- (c) industry;
- (d) landscape gardening;
- (e) provision of medical services;
- (f) primary production;

- (g) use by government departments or agencies, including local government.

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

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

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

veterinary centre means [premises used to practice veterinary medicine as defined in the Veterinary Practice Act 2021](#).

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

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

waste disposal facility means premises used —

- (a) for the disposal of waste by landfill; or
- (b) the incineration of hazardous, clinical or biomedical waste.

waste storage facility means premises used to collect, consolidate, temporarily store or sort waste before transfer to a waste disposal facility or a resource recovery facility on a commercial scale.

workforce accommodation means premises, which may include modular or relocatable buildings, used

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

Schedules

Schedule A – Supplemental Provisions to the deemed provisions

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

3. Local planning policies

(1) Transitional arrangements for local planning policies

Where a local planning policy has been prepared in accordance with the requirements of a revoked City of Busselton scheme, it shall continue to have effect, and may be amended or revoked as if it were a local planning policy adopted under this Scheme.

(2) Planning instruments in course of preparation

Any step taken under Local Planning Scheme No. 21 before commencement day in the preparation of a planning instrument is to be taken as a step taken in the preparation of a planning instrument of that type under this Scheme.

61. Development for which development approval not required

(1) Development approval is not required for works if —

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

Table

	Column 1 Works	Column 2 Conditions
6	The erection of, or alterations or additions to, a single house on a lot.	<ul style="list-style-type: none"> (a) The R-Codes apply to the works. (b) The works comply with the deemed-to-comply provisions of the R-Codes. (c) The works are not located in a heritage protected place. (d) The works comply with the additional development standards set out in Schedule E and F of the Scheme.
6A	The erection of, or alterations or additions to, a single house on a lot where the R-Codes do not apply.	<ul style="list-style-type: none"> (a) A single house is a permitted (“P”) use in the zone. (b) The works are not located in a heritage-protected place. (c) The works comply with the additional development standards set out in Schedules E and F of the Scheme.
7	<p>The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house or grouped dwelling —</p> <ul style="list-style-type: none"> (a) an ancillary dwelling; (b) an outbuilding; (c) an external fixture; (d) a fence; (e) a patio; (f) a pergola; (g) a verandah; (h) a deck; 	<ul style="list-style-type: none"> (a) The R-Codes apply to the works. (b) The works comply with the deemed-to comply provisions of the R-Codes. (c) The works are not located in a heritage protected place. (d) The works satisfy the additional development standards set out in Schedules E and F of the Scheme.

	Column 1 Works	Column 2 Conditions
	<ul style="list-style-type: none"> (i) a garage; (j) a carport. 	
7A	<p>The erection or installation of, or alterations or additions to, any of the following on the same lot as a single house where the R-Codes do not apply to the works —</p> <ul style="list-style-type: none"> (a) an ancillary dwelling; (b) an outbuilding; (c) an external fixture; (d) a fence; (e) a patio; (f) a pergola; (g) a verandah; (h) a deck; (i) a garage; (j) a carport. 	<ul style="list-style-type: none"> (a) A single house is a permitted (“P”) use in the zone in which the lot is located. (b) The works are not located in a heritage protected place. (c) The works satisfy the additional development standards set out in Schedules E and F of the Scheme.
25.	The development of a jetty on a canal.	The jetty is situated wholly within a specified mooring envelope and complies with the design standards approved by the local government.
27.	The carrying out of works in a reserve.	<ul style="list-style-type: none"> (a) The works are wholly located on a reserve managed by the local government; and (b) the works will be wholly carried out by the local government.

(2) Pursuant to Deemed Provision clause 61(2)(h), development approval of the local government is not required for the following uses —

- (a) the use is of a class specified in Column 1 of an item in the Table; and
- (b) the zone is of a class set out in Column 2 of the Table opposite that item; and
- (c) if conditions are set out in Column 3 of the Table opposite that item — all of those conditions are satisfied in relation to that use.

Table

	Column 1 Use	Column 2 Zones	Column 3 Conditions
10.	The use of a local reserve, where such land is held by the local government.	All reserves.	(a) The use will be wholly carried out by the local government.

Schedule B – Additional Uses

[cl. 19]

No.	Description of Land	Additional Use	Conditions
A1	Lots 1 - 4 (Nos. 84, 94, 96 & 106) Koorabin Drive, and Lot 5 (No. 121) Gunyulgup Valley Drive, Yallingup	Club Premises Exhibition Centre Shop – Small Tourist and Visitor Accommodation	<ol style="list-style-type: none"> The use classes specified shall be ‘D’ uses for the purpose of the Scheme. The Tourist and Visitor Accommodation shall be restricted to one chalet per survey strata lot and a maximum of one habitable building for the management of the development, per parent lot area.
A2	Lot 66 (No. 25) Atherden Court, Quedjinup	Beverage Production Facility Club Premises Exhibition Centre Tourist and Visitor Accommodation	<ol style="list-style-type: none"> The use classes specified shall be — <ol style="list-style-type: none"> ‘A’ uses for the purpose of the Scheme limited to an aggregate floor area of 2,500m².
A3	Lots 203 (No. 11) and 204 Glenallen Close; Lot 201 (No. 84), and Lots 1 and 4 (No. 76) Quedjinup Drive; and Lots 2 (No. 17), 3 (No. 19), 1 – 3 (No.	Tourist and Visitor Accommodation	<ol style="list-style-type: none"> Development of the use class specified at any freehold lot shall be — <ol style="list-style-type: none"> an ‘A’ use for the purpose of the Scheme; restricted to a maximum of one chalet per hectare; and

No.	Description of Land	Additional Use	Conditions
	51), 1 – 7 (No. 58) and 109 (No. 33) Bina Place, Quedjinup		<p>(c) restricted to a maximum of one habitable building, which includes a Single House, for the management of the development.</p> <p>2. Development of the use class specified at any survey strata lot shall be —</p> <p>(a) a ‘D’ use for the purpose of the Scheme;</p> <p>(b) restricted to a maximum of one chalet per survey strata lot; and</p> <p>(c) restricted to a maximum of one habitable building, which includes a Single House, for the management of the development, per parent lot area.</p>
A4	Lot 209 (No. 27) Bronzewing Road	Tourist and Visitor Accommodation	<p>The use class specified shall be —</p> <p>(a) an ‘A’ use for the purpose of the Scheme;</p> <p>(b) restricted to a maximum of 10 chalets; and</p> <p>(c) one habitable building for the management of the development.</p>
A5	Lots 1 - 10, 13, 15 26 (No. 7) and Lot 14 (No. 14/29) Marrinup Drive, Yallingup	<p>Club Premises</p> <p>Exhibition Centre</p> <p>Tourist and Visitor Accommodation</p>	<p>1. The use classes specified shall be ‘D’ uses for the purpose of the Scheme.</p> <p>2. The development of a Tourist and Visitor Accommodation shall be restricted to one chalet per survey strata lot and a maximum of one habitable building for the management of the development, per parent lot area.</p> <p>3. The development of an Exhibition Centre or Club Premises shall be restricted to Lot 14 only.</p>
A6	Lot 15 (No 15 / 4072) Caves Road, Wilyabrup	Reception Centre	The use class specified shall be a ‘D’ use for the purpose of the Scheme.

No.	Description of Land	Additional Use	Conditions
A7	Portion Lot 701 (No. 15) Curlew Rise, Quindalup	Tourist and Visitor Accommodation	The use class specified shall be — (a) an 'A' use for the purpose of the Scheme; (b) limited to an aggregate floor area of 800m ² ; (c) restricted to a maximum of one habitable building, which includes a Single House, for the management of the development.
A8	Lots 23 (No. 91) and 24 (No. 89) Bussell Hwy, Busselton	Veterinary Centre	1. The use class specified shall be an 'A' use for the purpose of the Scheme.
A9	Lot 201 (No. 1) Lindsay Drive, Yalyalup	Food Outlet Liquor Store – Small Shop - Small	1. The use classes specified shall be — (a) 'D' uses for the purpose of the Scheme; (b) limited to an aggregate net lettable area of 200m ² . 2. Any proposal incorporating drive-through facilities shall be prohibited.
A10	Lot 1 (No. 16) Grange Way, Quindalup	Tourist and Visitor Accommodation	The use class specified shall be — (a) an 'A' use for the purpose of the Scheme; (b) restricted to three chalets only; and (c) restricted to a maximum of one habitable building, which includes a Single House, for the management of the development.
A11	Lots 100 (No. 19) and 123 Bussell Highway, Busselton	Restaurant/Café	The use class specified shall be a 'D' use for the purpose of the Scheme.
A12	Lot 8 (No. 1/24) Freycinet Drive, Geographe	Restaurant/Café	The use class specified shall be a 'D' use for the purpose of the Scheme.

No.	Description of Land	Additional Use	Conditions
A13	Lots 1 (No. 1/5), 2 (No. 2/13), 3 (No. 3/15), 4 (No. 4/21), 5 (No. 5/25), 6 (No. 6/29), 7 (No. 7/33), 8 (No. 8/37) and 9 Wildbrook Place, Yallingup	Tourist and Visitor Accommodation	The use class specified shall be — (a) a 'D' use for the purpose of the Scheme; (b) limited to chalets only; and (c) managed in accordance with an approved strata management statement.
A14	Lot 39 (No. 98) Bussell Highway, West Busselton	Office	1. The use class specified shall be a 'D' use for the purpose of the Scheme. 2. A maximum floor area of 170m ² shall be permitted. 3. Vehicular access shall be gained from Abbey Street exclusively, with no future access to Bussell Highway.
A15	Lot 40 (No. 61) Caudalie Way, Quindalup	Tourist and Visitor Accommodation	The use class specified shall be — (a) a 'D' use for the purpose of the Scheme; (b) restricted to seven Chalets; and (c) restricted to a maximum of one habitable building, which includes a Single House, for the management of the development.
A16	Lot 181 (No. 90) and portion of Lot 182 (No. 86) West Street, West Busselton	Shop - Large	The use class specified shall be — (a) a 'D' use for the purpose of the Scheme; and (b) restricted to not more than one Discount Department Store with a gross leasable floor area of — (i) minimum 5,000m ² ; and (ii) maximum 8,000m ² ; and (c) restricted to not more than one Supermarket with a net lettable area of —

No.	Description of Land	Additional Use	Conditions
			<p>(i) minimum 1,495m²; and</p> <p>(ii) maximum 1,800m².</p> <p>Notes for the purpose of Additional Use 17:</p> <p>(1) 'Discount Department Store' means 'a premises wherein a substantial range of consumer goods are kept in a substantial number of different departments and offered for sale by a single retailer but does not include a Supermarket nor a supermarket component'.</p> <p>(2) 'Supermarket' means 'premises used to sell a range of food and household convenience goods by retail; and may also include up to a maximum 10% of floorspace used to sell a broader range of goods and/or merchandise by retail; but does not include a Discount Department Store, Bulky Goods Showroom or Takeaway Food Outlet'.</p>
A17	Lot 3 (No. 6) Peel Terrace, Busselton	Office	The use class specified shall be a 'D' use for the purpose of the Scheme.
A18	Portion Lot 3 (No. 15) Abbeys Farm Road, and portions of Lots 1 (No. 3059) and 2 (No. 3121) Caves Road, Yallingup, as depicted on the Scheme map.	<p>Agriculture — Intensive</p> <p>Animal Establishment</p> <p>Animal Husbandry — Intensive</p> <p>Aquaculture</p> <p>Beverage Production Facility</p> <p>Caravan Park</p> <p>Child Care Premises</p> <p>Club Premises</p> <p>Community Purpose</p> <p>Educational Establishment</p> <p>Exhibition Centre</p> <p>Garden Centre</p>	The land uses specified shall be 'D' uses for the purpose of the Scheme. Where it is considered that an application for development will be of significant community interest, notice will be given in accordance with Clause 64 of the Deemed Provisions.

No.	Description of Land	Additional Use	Conditions
		Home Store Hospital Industry — Rural Market Place of Worship Reception Centre Renewable Energy Facility Restaurant/Café Rural Pursuit/Hobby Farm Small Bar Tavern Telecommunications Infrastructure Tree Farm Veterinary Centre	
A19	Lot 87 (No. 60) High Street, and Lots 63 (No. 53), 64 (No. 55) and 86 (No. 51) Bussell Highway, West Busselton	Convenience Store Office Reception Centre Recreation — Private Restaurant/Café	<ol style="list-style-type: none"> 1. The use classes specified shall be 'A' uses for the purpose of the Scheme. 2. The local government may consider the development of the entire site for commercial or residential (R40) purposes; or mixed-use development to a maximum plot ratio of 0.6. 3. Commercial or mixed use development shall only be supported where the whole of the land is amalgamated to allow for integrated development. No more than one access point shall be permitted to Bussell Highway. 4. Building setbacks shall be a minimum of 2 metres from the property boundaries abutting Bussell Highway and High Street on

No.	Description of Land	Additional Use	Conditions
			<p>existing lots 63, 86 and 87, tapering back to 4 metres on existing lot 64. All other building setbacks, including commercial components, shall be in accordance with the R-Code designation for adjoining land.</p> <p>5. The interface of development with the western and northern boundaries shall be appropriately designed and landscaped to ameliorate any potential impacts of building bulk on the adjoining properties.</p> <p>6. Parking shall be prohibited on the Bussell Highway and High Street frontages.</p>
A20	Lot 37 (No. 62) West Street, West Busselton	Grouped Dwelling Multiple Dwelling	<p>1. The use classes specified shall be 'D' uses for the purpose of the Scheme.</p> <p>2. The following provisions apply to the West Street frontage —</p> <p>(a) Grouped Dwellings and/or Multiple Dwellings are not permitted at ground floor.</p> <p>3. Residential development may be developed up to an R60 density.</p>
A21	Portion Lot 61 (No. 400) Metricup Road, Metricup	Beverage Production Facility Restaurant/Café Tourist and Visitor Accommodation	<p>1. The use classes specified shall —</p> <p>(a) be 'D' uses for the purpose of the Scheme;</p> <p>(b) restricted to the Additional Use area depicted on the Scheme map;</p> <p>(c) limited to an aggregate net lettable area of 1,200m², other than —</p> <p>(i) development associated with the use (but not expansion) of existing buildings on the land (as at 1 January 2019); or</p>

No.	Description of Land	Additional Use	Conditions
			<p>(ii) development of a Single House or development ancillary to a Single House.</p> <p>2. The Tourist and Visitor Accommodation land use shall be restricted to chalets only.</p> <p>3. Application(s) submitted for development of the Additional Use area shall be referred to the Department of Biodiversity, Conservation and Attractions for comment.</p> <p>4. Prior to any further development —</p> <p>(a) in consultation with the Department of Biodiversity, Conservation and Attractions, the existing area subject to a nature conservation covenant shall be extended to include the (approx.) 3 hectare portion of remnant and riparian vegetation, identified as vegetation types OFCcEm and OWCcTI in the Vegetation Assessment and Condition Report dated 18 December 2010. The area of restriction is to be included on the diagram or plan of survey (deposited plan); and</p> <p>(b) a weed and pest management plan, with written approval by the relevant authority, shall be implemented for the additional (approx.) 3 hectare portion of conservation covenant area.</p>
A22	Lots 151 (No. 3), 150 (No. 5), 381 (No. 7), 110 (No. 9), 454 (No. 11), 453 (No. 15), 9 (No. 17), 10 (No. 19), 11 (No. 23), 120 (No. 25), 391 (No. 27), 7 (No. 37), 8 (No. 39), 10 (No. 41) and portion of Lot 26 (No. 45) Albert Street, Busselton;	Motor Vehicle Wash Service Station	The use classes specified shall be 'D' uses for the purpose of the Scheme.

No.	Description of Land	Additional Use	Conditions
	<p>Portion of Lot 170 (No. 56) Prince Street, Busselton;</p> <p>Portion of Lot 73, 74 (No. 18) and 75 (No. 20) Peel Terrace, Busselton;</p> <p>Lots bound by Albert Street, Stanley Place, Peel Terrace and West Street, Busselton (excluding Lot 229 on Plan 225893);</p> <p>Portions of Lots 1 (No. 61), and 1 (No. 64); and Lot 2 (No. 64) Dunn Bay Road, Dunsborough.</p>		
A23	Portion of Lot 178 on Deposited Plan 408348 (No. 22A) Bussell Highway, West Busselton	Convenience Store	The use class specified shall be a 'D' use for the purpose of the Scheme.
A24	Lots 1-7 (No. 18) Griffin Drive and 128 (No. 108) Commonage Road, Dunsborough	Convenience Store	The use class specified shall be a 'D' use for the purpose of the Scheme.
A25	Lot 308 (No. 70) Millbrook Road, Yallingup	<p>Exhibition Centre</p> <p>Hotel</p> <p>Restaurant/Café</p> <p>Small Bar</p> <p>Tourist and Visitor Accommodation</p>	<p>The objectives of these additional uses are —</p> <p>(a) To support the development of tourism and visitor oriented land uses on the land;</p> <p>(b) To ensure that such development is of a scope and scale, and is sensitively located so as to be consistent with the preservation of a high level of amenity for the surrounding rural-residential area;</p>

No.	Description of Land	Additional Use	Conditions
			<p>(c) Through supporting the development of tourism and visitor orientated uses on the land, to assist in the preservation, activation and adaptive re-use of the significant heritage assets and values of the land;</p> <p>(d) To achieve a mixed land-use outcome, which is consistent with, and complementary to, the scale, built form, distribution and design of the heritage buildings on the site.</p> <ol style="list-style-type: none"> 1. The use classes specified shall be 'A' uses for the purpose of the Scheme. 2. Development of the land uses specified shall be limited to an aggregate nett lettable area of 2,500m², other than — <ol style="list-style-type: none"> (a) Development associated with the use (but not expansion) of existing buildings on the land (as at 1 January 2019); or (b) Development of a Single House or development ancillary to a Single House; or (c) Use of a Single House or development ancillary to a Single House as Hosted Short-Term Rental Accommodation, Home Business, Home Occupation, Home Office or Unhosted Short-Term Rental Accommodation. 3. Any development that would involve any significant presence on site of persons not residing or being temporarily accommodated on the site should be located in a north-west portion of the additional use area, in proximity to the key heritage assets. 4. In consideration an application for development approval the City must have due regard to traffic management and noise management plans that the applicant must prepare and submit with any development application.

No.	Description of Land	Additional Use	Conditions
			<p>5. Prior to development a plan adopted pursuant to Part 6 of the Deemed Provisions is to be prepared, addressing the following matters —</p> <ul style="list-style-type: none"> (a) Existing character values at the site; (b) The need for high quality design and location of any new buildings; (c) The proximity of State Listed heritage assets; (d) Location of car parking, pedestrian access and vehicular/service access areas; (e) Amenity of the locality and surrounds; and (f) Landscape values and visual management considerations.
A26	<p>Lot 58 (No. 93) Biddle Road, Quedjinup;</p> <p>Lot 4525 (No. 624) Commonage Road, Quindalup;</p> <p>Lot 4526 (No. 575) Commonage Road, Quindalup;</p> <p>Lot 9 (No. 36) Creekview Road, Quindalup;</p> <p>Lot 701 (No. 15) Curlew Rise, Quindalup;</p> <p>Lot 243 (No. 4586) Bussell Hwy, Reinscourt;</p> <p>Lot 9006 (No. 78) Biddle Road, Yallingup;</p>	<p>Agriculture — Intensive</p> <p>Animal Husbandry — Intensive</p> <p>Beverage Production Facility</p> <p>Caravan Park</p> <p>Club Premises</p> <p>Exhibition Centre</p> <p>Garden Centre</p> <p>Hospital</p> <p>Industry — Rural</p> <p>Reception Centre</p> <p>Renewable Energy Facility</p> <p>Residential Building</p> <p>Small Bar</p>	<ul style="list-style-type: none"> 1. The land uses shall be 'A' uses for the purpose of the Scheme. 2. Development of any land use specified shall not be permitted where the total site area is less than 20 hectares. 3. Development of any land use specified shall be in accordance with any requirements set out in the Scheme. 4. Clearing of the following vegetation types to facilitate development, including clearing for bushfire protection, is prohibited — <ul style="list-style-type: none"> (a) threatened ecological community; (b) priority ecological community; (c) environmentally sensitive area and/or buffer; (d) riparian vegetation; (e) threatened flora; or

No.	Description of Land	Additional Use	Conditions
	Lot 9001 Butterly Road, Yallingup; Lot 21 Butterly Road, Yallingup; Lot 3965 (No. 796) Commonage Road, Yallingup; Lot 4069 (No. 894) Commonage Road, Yallingup Lot 82 (No. 61) Dugdale Road, Yallingup; Lot 470 (No. 106) Gunyulgup Valley Drive, Yallingup; Lot 117 (No. 590) Marrinup Drive, Yallingup; Lot 40 Woodbridge Vale, Yallingup Siding;	Tavern Tourist and Visitor Accommodation Tree Farm Veterinary Centre Workforce Accommodation	(f) threatened fauna habitat.
A27	Portion of Lot 4131 Smiths Beach Road, Yallingup	Single House Grouped Dwelling	<ol style="list-style-type: none"> Subdivision and development of the identified developable area will have a ratio of not less than seventy percent (70%) tourist development and not more than thirty percent (30%) residential development. The maximum density of habitable buildings shall be twenty five per hectare. In addition to the requirements of Clause 32 of the Scheme, further detailed planning shall include — <ol style="list-style-type: none"> Preparation of a detailed visual impact analysis and management plan for the site to be endorsed by the local government. Development must be in accordance with design guidelines to be prepared for the land in recognition of the outcomes of (a)

No.	Description of Land	Additional Use	Conditions
			above, its high landscape value and prominent location to be endorsed by the local government prior to any development being approved.
A28	As defined on the Scheme map	Food Outlet With Drive Through Facility	1. The land use shall be 'A' for the purpose of the Scheme.

Schedule C – Restricted Uses

[cl. 20]

No.	Description of Land	Restricted Use	Conditions
RU1	Lot 12 (No. 450) Bussell Highway, Broadwater	Residential Care Facility Independent Living Complex	
RU2	Lot 3 (No. 20) Ray Avenue, Broadwater	Residential Care Facility Independent Living Complex	
RU3	Lot 600 (No. 171) Naturaliste Terrace, Dunsborough	Residential Care Facility Independent Living Complex	
RU4	Lots 1 – 13 Alanta Elbow, Dunsborough	Independent Living Complex	
RU5	Lot 530 (No. 186) Yallingup Beach Road, Yallingup	Caravan Park	
RU6	Lot 5037 (No. 23) Yallingup Beach Road, Yallingup	Caravan Park	
RU7	Lot 7000 (No. 8113) Bussell Highway, Metricup	Caravan Park	
RU8	Lot 42 (No. 201) Geographe Bay Road, Quindalup	Residential Building	
RU9	Lot 3978 (No. 980) Vasse Highway, Yoongarillup	Telecommunications Infrastructure	
RU10	Lot 1131 (No. 2) Data Way, Kealy	Residential Care Facility Independent Living Complex Park Home Park	

No.	Description of Land	Restricted Use	Conditions
RU11	Lot 805 Chapman Hill Road, Bovell	Bulky Goods Showroom Convenience Store Educational Establishment Food Outlet Fuel Depot Garden Centre Industry – Light Medical Centre Motor Vehicle, Boat or Caravan Sales Motor Vehicle Repair/Wash Recreation – Private Service Station Transport Depot Veterinary Centre Warehouse/Storage	
RU12	Lot 33 (No. 585) Caves Road, Marybrook	Caravan Park	

Schedule D – Special Use Zones in the Scheme Area

[cl. 21]

No.	Description of Land	Special Use	Conditions
SU1	Lot 2 (No. 935) Layman Road, Wonnerup	Community Purpose Exhibition Centre Restaurant/Café Single House	1. The land uses specified shall be 'D' uses for the purpose of the Scheme.
SU2	Portion of Lot 1 (No. 99) Causeway Road, Busselton, as depicted on the Scheme Map	Food Outlet Garden Centre Restaurant/Cafe Service Station Shop Warehouse/Storage	2. The land uses specified shall be 'D' uses for the purpose of the Scheme. 3. The Shop land use is limited to a maximum gross floor area of 500m ² . 4. The Food Outlet is limited to a maximum gross floor area of 100m ² . 5. The overall site is limited to a maximum gross floor area of 1,700m ² . 6. Buildings shall not be located within 20m of the Causeway Road boundary. 7. New development shall respond to the prominence of the site on Causeway Road, as an entry corridor to Busselton, by addressing the following matters — (a) Buildings shall be articulated to break up perceived bulk and provide visual interest when viewed from Causeway Road and Bussell Highway; (b) Building textures and elements shall maintain and enhance the scenic character of Causeway Road; (c) Building materials shall include a mix of transparent glazing and opaque materials, with no blank facades visible from Causeway Road; (d) Building services such as bin storage, utilities, storage tanks, firefighting equipment and the like shall be adequately concealed so they are not visible from Causeway Road and Bussell Highway; and (e) Landscape planting shall provide an attractive interface between buildings and car parking areas when viewed from Causeway Road, without impeding vehicle sightlines.

No.	Description of Land	Special Use	Conditions
SU3	Lots 48 (No. 26) and 49 (No. 28) Causeway Road; and Lots 69 (No. 10) and 100 (No. 15) Southern Drive, Busselton	Residential Care Facility Club Premises Community Purpose Grouped Dwelling Multiple Dwelling Consulting Rooms Residential Building Medical Centre Reception Centre Office	<ol style="list-style-type: none"> 1. The land uses specified shall be 'D' uses for the purpose of the Scheme. Where it is considered that an application for development will be of significant community interest or strategic importance, special notice will be given in accordance with Clause 64 of the Deemed Provisions. 2. Development is limited to a total plot ratio of 2.0. 3. Notwithstanding Clause 32 of the Scheme and the 'R-AC3' density code, a maximum building height of 4 storeys (to maximum height of 15m above natural ground level) is applicable to development on the site. 4. Development within 10m of a lot boundary, which abuts land that is zoned Residential, is limited to 2 storeys (to maximum height of 9m above natural ground level). 5. All other development controls are to be as per 'R-AC3' under the R-Codes Volume 2 – Apartments.
SU4	Lot 1001 (No. 24) Oaks Drive, Vasse	Single House Restaurant/Café Convenience Store	<ol style="list-style-type: none"> 1. The land use Single House shall be a 'P' use for the purpose of the Scheme. 2. The land uses Restaurant/Café and Convenience Store shall be 'D' uses for the purpose of the Scheme.
SU5	Lot 4002 (No. 2) Dunsborough Lakes Drive, Dunsborough	Office	The land use specified shall be a 'D' use for the purpose of the Scheme.
SU6	Lot 1003 (No. 56) New River Ramble, West Busselton	Hosted Short-Term Rental Accommodation Tourist and Visitor Development Reception Centre Restaurant/Café Single House	<ol style="list-style-type: none"> 1. The land uses specified shall be 'D' uses for the purpose of the Scheme. 2. Development of the land shall generally be in accordance with a conservation plan approved by the local government.

Schedule E – Additional Site and Development Requirements

[cl. 32]

Table A – General development standards

No.	Description	Requirement
1.	Building height	<ol style="list-style-type: none"> 1. Unless specified elsewhere in the Scheme or a structure plan, a person must not erect any building that — <ol style="list-style-type: none"> (a) contains more than two storeys or exceeds a height of 9 metres above natural ground level, where land is located on the coastal side of the building height line depicted on the Scheme map; or (b) contains more than three storeys or exceeds a height of 12 metres above natural ground level, where land is located inland of the building height line depicted on the Scheme map 2. In respect to requirement 1 above, the local government, upon receipt of an application for development approval, may approve building heights which exceed the maximum height limitation as specified, subject to the local government being satisfied that the building height is consistent with the relevant assessment criteria specified under clause 67 of the Deemed Provisions and the Design Principles specified under Volume 1 of the R-Codes; or the Element Objectives specified under Volume 2 of the R-Codes as applicable. 3. A reference in this clause to a building does not include a reference to — <ol style="list-style-type: none"> a. an aerial; b. a chimney stack; c. a mast; d. a pole; e. a receiving tower; f. a silo; g. a transmission tower;

No.	Description	Requirement
		<ul style="list-style-type: none"> h. a utility installation; i. a ventilator; or j. a building within the Light Industry or General Industry zone. <p>4. Nothing in this clause prevents the local government from specifying a limitation on the height of buildings which is lower than that specified in clause 1, where considered appropriate in relation to topography, landscape values and/or environmental values.</p> <p>5. Notwithstanding requirement 1, in the Rural Residential and Environmental Conservation zones the height of any building —</p> <ul style="list-style-type: none"> a. shall not exceed 7.5 metres; or b. a greater or lesser height where otherwise specified in the Scheme or an endorsed structure plan; and c. shall be determined by measuring the distance between the highest point of the roof, and the point vertically below where the base of the wall meets the natural ground level. <p>6. Notwithstanding requirement 1, where the R-AC3, R-AC4 and R80 density have been applied, the height of any building shall be determined in accordance with the building height requirements of Volume 1 or 2, as applicable, of the R-Codes.</p> <p>7. Notwithstanding requirement 1, where the R-AC0 density has been applied, the following height limits shall apply —</p> <ul style="list-style-type: none"> (a) 4 storeys within the 4 Storey Building Height Area, as defined on the Scheme Map; and (b) 5 storeys within the 5 Storey Building Height Area, as defined on the Scheme Map. <p>8. Where a residential density coding has not been designated, the height of any building shall be determined in accordance with requirements 1 to 5.</p>
2.	Car parking	<p>1. Any new development in the Regional Centre, District Centre, Local Centre, Mixed Use or Service Commercial zone is required to provide parking in accordance with the following rates —</p>

No.	Description	Requirement
		<ul style="list-style-type: none"> (a) for ground floor development – 4 car bays per 100m² of net lettable area for all commercial land uses; (b) for first floor development and above – 2.5 car bays per 100m² of net lettable area for all commercial land uses (c) for residential development – in accordance with the R-Codes; and (d) loading bays – as deemed necessary by the local government. <ol style="list-style-type: none"> 2. Notwithstanding clause (1), the local government shall not require the provision of car parking for any new development in the Regional or District Centre of 500m² net lettable area or less, subject to satisfying any applicable R-Codes requirements for residential parking. 3. Where a new development within the Regional or District Centre is greater than 500m² net lettable area, parking shall be provided for the area in excess of 500m² only, in accordance with the car parking rates set out at clause (1). 4. Where a shortfall is proposed the local government must, on a case by case basis, consider the proposed type of land use and floor area, the proximity and availability of public car parking, and any reciprocal or shared car parking arrangements. 5. Where it is desirable to facilitate the conservation of a heritage place or to enhance or preserve heritage values of a place included on the Heritage List, payment in lieu of car parking may be provided up to a maximum of 100 per cent of the vehicle parking requirements. 6. Where a property is not on the Heritage List, any proposed payment in lieu shall be in accordance with the requirements set out in the applicable local planning policy. 7. In all other zones, car parking is to be provided on-site in accordance with the rates set out in the applicable local planning policy. 8. Where the required number of car parking bays calculated for a development is not a whole number, the minimum number required shall be rounded up to the next whole number.

No.	Description	Requirement
		<p>9. Car parking at ground level shall not exceed the requirements set out in this Scheme or applicable local planning policy.</p>
3.	Commercial and industrial development – built form	<p>1. Buildings shall be designed to address the primary and secondary street through the use of prominent door and window openings.</p> <p>2. Buildings shall be articulated to break up perceived bulk and provide visual interest through the use of architectural features and variations in materials and colours.</p> <p>3. Upper levels, where present, shall be designed to promote informal surveillance of the street through the use of balconies and/or large windows.</p> <p>4. Roller doors or security screens on building frontages will not be permitted on commercial development in the Centre zones; security measures, where required, shall be located and installed internally behind the glazing line.</p> <p>5. General plant, such as air conditioning, antennas, bin storage areas and the like are to be adequately concealed from public view.</p> <p>6. Signage and advertising shall not adversely detract from the architectural elements of the building or visually dominate the building or streetscape generally.</p>
4.	Commercial and industrial development – vehicle access and parking design	<p>1. Vehicle access and parking areas shall be designed to prioritise pedestrian access, safety and amenity through the provision of clearly delineated pedestrian travel paths.</p> <p>2. Vehicle parking shall be located to the side or rear of premises and screened from public view, or alternatively match and coordinate with the existing parking layout of adjoining properties.</p> <p>3. Vehicle crossovers, driveways, circulation areas and parking shall be rationalised and co-located wherever possible with adjoining properties with access secured in perpetuity.</p> <p>4. Multi-storey car parks shall incorporate active street frontages, such as shops or other uses that promote activity. Where car parking levels (including undercroft levels) are visible from a street or public space, high quality architectural detailing shall be incorporated into the façade of all floors.</p>

No.	Description	Requirement
		<ol style="list-style-type: none"> 5. No vehicular access to sites shall be taken from Queen Street, Prince Street or Kent Street (between Queen Street and Brown Street), unless no alternative is available, in which case a single crossover width shall be no greater than 5 metres with a cumulative maximum width of 7 metres. 6. Notwithstanding (2) above, car parking is supported between buildings and the street on lots fronting Clark Street and Naturaliste Terrace between Greenacre Road and Cyrilleau Way, subject to — <ol style="list-style-type: none"> (a) being limited to a single row of car parking bays; (b) inclusion of a two (2) metre wide landscaping area adjacent to the street. 7. For all lots abutting Reserves 42673, 35758 and 26513 (Dugalup Brook), Reserve 38693 (Lions Park) and Reserve 26512 (Seymour Park), no parking, loading bays, services or utilities are to be located on the public land interface.
5.	Dams	<ol style="list-style-type: none"> 1. The construction of a dam or any works to increase the volume of water intercepted or held by an existing dam, shall require the development approval of the local government, except where exempted in the following circumstances — <ol style="list-style-type: none"> (a) maintenance work on an existing dam that does not increase the volume of water intercepted or held. (b) a dam on a Rural zoned property, used in conjunction with an agriculture – extensive use, and that does not require the removal of any vegetation. 2. Aesthetic dams or dams where there is no demonstrated need in association with an approved agricultural use will not be supported. 3. In assessing a development application, the local government shall ensure that — <ol style="list-style-type: none"> (a) any dam shall not adversely affect or significantly or unreasonably diminish environmental flows, including overland flows, within the catchment or downstream of the dam; (b) the size of the dam corresponds to the capability and catchment of the site and the intended land use;

No.	Description	Requirement
		<ul style="list-style-type: none"> (c) the dam is appropriately sited, designed and constructed to eliminate any downstream impacts in the event of dam failure; (d) when located in the Rural Residential zone, not exceed a capacity of 1500 cubic metres or comprise a surface area greater than 500 square metres whichever is the lesser; (e) no riparian or other vegetation is required to be removed for the dam construction; (f) shall not result in any damage to vegetation or wetland areas as a result of alterations to the seasonal water regime; and (g) any spoil associated with the construction of a dam shall be removed or levelled and the site rehabilitated. <p>4. Prior to determining an application, the local government may require the submission of the following information —</p> <ul style="list-style-type: none"> (a) hydrological report; (b) engineering report; (c) geotechnical report; (d) environmental report; and/or (e) any other technical report deemed necessary to inform assessment by the local government. <p>5. The local government may impose a condition requiring the area surrounding any approved dam be vegetated with endemic species in order to perform a habitat function.</p> <p>6. In determining a development application the local government may seek and consider advice from relevant government departments or agencies.</p>
6.	Development along main or arterial roads	Commercial development which is likely to contribute to ribbon development, the spread of town centres, or otherwise detrimentally impact the efficiency of or the rural and natural ambience of main or arterial roads will not be supported by the local government.

No.	Description	Requirement
7.	Development on a public road or unzoned land	<ol style="list-style-type: none"> Where development approval is sought for development in the following locations — <ol style="list-style-type: none"> a public road; or part of a road lawfully closed; or unzoned land (shown uncoloured on the Scheme map); the local government shall only grant approval for a land use that is permissible on the land adjoining the subject land.
8.	Effluent disposal	<ol style="list-style-type: none"> Sewage is to be disposed of via a reticulated sewerage scheme, or where deemed appropriate by the relevant decision-maker, via an on-site sewage disposal system. On-site sewerage disposal systems will be designed to address the outcomes of a site and soil assessment and the recommendations of the relevant Government Sewerage Policy. A subdivision or development proposal which requires fill over areas of the lot/s that are subject to inundation and/or flooding in a 10 per cent annual exceedance rainfall event, shall not be supported if it is proposed that the area requiring fill is to be used as an on-site sewerage land application or disposal area.
9.	Prohibited advertisements	Advertisements for goods or services which are not produced, displayed or offered for sale, or which are otherwise not relevant to the land upon which the advertisement is located, are prohibited.
10.	Repurposed dwelling Second-hand dwelling	<ol style="list-style-type: none"> The local government shall not grant development approval for a repurposed dwelling or second-hand dwelling unless it is satisfied that the development will be consistent with the — <ol style="list-style-type: none"> character of the locality in which the development is proposed; maintenance of the amenity of the locality in which the development is proposed; and objectives, policies and other provisions of the Scheme which apply to the land where the development is proposed.

No.	Description	Requirement
11.	Requirement for Local Development Plan	Where it is intended to develop more than one lot within the Service Commercial, Mixed Use or Centre zones as part of an integrated plan of development, the local government may require the preparation of a Local Development Plan in accordance with Part 6 of the Deemed Provisions.
12.	Service access	<ol style="list-style-type: none"> 1. Where a land use or development involves the delivery or dispatch of goods of any kind, a loading and unloading area will be required to be provided. The following requirements will apply to loading and unloading areas — <ol style="list-style-type: none"> (a) delivery vehicles using the area must be able to enter the street in a forward direction; (b) loading and unloading areas to be located either inside of buildings or to the side and/or rear of the premises and separate from any public access areas; and (c) where a road, right of way or rear laneway is used to gain access to the loading and unloading area on the lot, delivery vehicles servicing this area shall not obstruct the road, right of way or rear laneway.
13.	Service courts	<ol style="list-style-type: none"> 1. One or more service courts, as determined by the local government, shall be provided in any commercial or industrial development for the storage and concealment of refuse disposal bins, crates and other materials of trade. A service court shall be — <ol style="list-style-type: none"> (a) accessible from any service access required by general development standard 13; (b) no less than 10m² in area; and (c) screened from public view.
14.	Vegetation protection	<ol style="list-style-type: none"> 1. The clearing of vegetation shall require the development approval of the local government where located in the following zones — <ol style="list-style-type: none"> (a) Rural; (b) Rural Residential; (c) Cultural and Natural Resource Use; (d) Environmental Conservation; and

No.	Description	Requirement
		<p>(e) Residential coded R5 and below.</p> <p>2. The clearing of vegetation to accommodate development will generally not be supported, unless it can be adequately demonstrated removal cannot be avoided.</p> <p>3. Where clearing of vegetation is proposed, the local government may require a flora and fauna study to determine locations on the site where development could occur with the least possible impact.</p> <p>4. Where clearing is approved, the local government may require offset planting be undertaken by the proponent on either the subject lot or other suitable land.</p> <p>5. The local government may refuse a development application if the clearing of vegetation would result in a negative environmental, amenity or landscape impact.</p> <p>6. Notwithstanding (1) above, development approval is not required in the following circumstances —</p> <p>(a) any clearing, including the provisions of firebreaks, that is authorised under the <i>Bush Fires Act 1954</i>;</p> <p>(b) any clearing carried out in accordance with an approved Bush Fire Management Plan;</p> <p>(c) clearing undertaken to accommodate development in accordance with a valid development approval issued by the local government;</p> <p>(d) clearing undertaken to satisfy the conditions of a subdivision approval issued in accordance with the <i>Planning and Development Act 2005</i>;</p> <p>(e) any vegetation that is dead or certified as dangerous by a qualified arborist;</p> <p>(f) clearing for farm management purposes within the Rural zone in accordance with the <i>Environmental Protection (Clearing of Native Vegetation) Regulations 2014</i>;</p> <p>(g) the clearing of any vegetation planted as part of an ongoing agriculture – intensive or agriculture – extensive land use operation;</p> <p>(h) clearing of vegetation non-native to Western Australia planted to perform a windbreak or aesthetic function;</p>

No.	Description	Requirement
		<ul style="list-style-type: none"> (i) any clearing of vegetation that has been designated as a declared pest under the <i>Biosecurity and Agriculture Management Act 2007</i>; or (j) minor pruning which does not endanger the life of that vegetation. <p>7. These exemptions do not apply where vegetation is otherwise protected by another provision of the Scheme, a Structure Plan or Local Development Plan.</p>
15.	Water supply	<p>1. Each dwelling shall be provided with a supply of potable water from a reticulated system or an underground bore or rainwater storage that satisfies the below criteria —</p> <ul style="list-style-type: none"> (a) Water tanks or other rainwater storage systems shall have a minimum capacity of 135,000 litres and shall be directly connected to a suitable means of rainfall catchment having an area of not less than 150m². (b) All water tanks shall be fitted with couplings to the specification of the Department of Fire and Emergency Services.

Table B – Additional development requirements that apply to zones in the Scheme area

Design Element	Requirement
Residential	
Peppermint Tree retention	<ol style="list-style-type: none"> 1. The clearing of a significant existing peppermint tree shall require the approval of the local government and will only be considered where associated with built development. 2. The clearing of a significant existing peppermint tree to accommodate development will generally not be supported, unless it can be adequately demonstrated removal cannot be avoided. 3. To facilitate retention of a significant existing peppermint tree(s) on a lot subject to a development application, the local government may vary any deemed to comply standard subject to satisfying the Design Principles. 4. To facilitate the retention of a significant existing peppermint tree(s) on a lot subject to a grouped dwelling application, the local government may approve the creation of a grouped dwelling with a lesser minimum site area than that specified in the R-Codes provided that the proposed variation is no more than ten percent. 5. Where clearing is approved, the local government may require offset planting be undertaken by the proponent on either the subject lot or adjoining street verge. 6. Notwithstanding (1) above, development approval is not required in the following circumstances — <ol style="list-style-type: none"> (a) clearing undertaken to accommodate development in accordance with a valid development approval issued by the local government; (b) clearing undertaken to satisfy the conditions of a subdivision approval issued in accordance with the <i>Planning and Development Act 2005</i>; (c) clearing of a significant existing peppermint tree that is dead or certified as dangerous by a qualified arborist; (d) minor pruning which does not endanger the life of the tree. 7. These exemptions do not apply where a significant existing peppermint tree is otherwise protected by another provision of the Scheme, a Structure Plan or Local Development Plan. <p>Note:</p> <p><i>Significant existing peppermint tree means any 'agonis flexuosa' that meets the following criteria —</i></p>

Design Element	Requirement
	<p>(a) Height of at least 4 metres; and/or</p> <p>(b) Trunk diameter of at least 160mm, measured 1 metre from the ground; and/or</p> <p>(c) Average canopy diameter of at least 4 metres.</p>
Fencing	On land coded R2, R2.5 and R5, solid fencing will not be permitted on or within 1.5m of a lot boundary.
Commercial vehicles, caravans and trailers	<p>1. A person must not, without having first applied for and obtained development approval —</p> <p>(a) allow any commercial vehicle to remain on-site for a period of more than 4 hours consecutively;</p> <p>(b) repair, maintain, service or clean a commercial vehicle; or</p> <p>(c) keep, park, repair or store any boat, trailer, caravan or any material not specifically for the immediate use by the occupant forward of the front setback line.</p>
Non-residential development	Non-residential development shall comply with Schedule E provisions where applicable and the R-Codes requirements in regards to building height, setbacks, visual privacy and solar access for adjoining sites.
Centre zones	
Subdivision	The consolidation of land to assemble larger land parcels suitable for integrated development or redevelopment is encouraged and supported. Subdivision of land within these zones, unless it is part of an overall plan for integrated development or redevelopment will generally not be supported.
Setbacks	<p>Development shall be in accordance with the following setback provisions, unless otherwise identified in the Scheme, an endorsed precinct structure plan or local development plan —</p> <p>Regional and District Centre</p> <p>1. Primary street - a nil front setback is to be provided unless the development is providing for an associated alfresco space within the setback area or otherwise specified in the Scheme.</p> <p>2. Secondary street – nil setback permitted for any commercial development or 2 metres where residential development is proposed, unless otherwise specified in the Scheme.</p> <p>3. Side/rear – nil setback permitted unless otherwise specified in the Scheme.</p>

Design Element	Requirement
	<ol style="list-style-type: none"> 4. Boundary walls shall be restricted to a maximum height of 3 storeys, with subsequent storeys, when located in the District Centre, to be setback a minimum of 6 metres from all boundaries. 5. Within the District Centre, buildings shall not be located within 6 metres of the Caves Road boundary. 6. To achieve a consistent building line, increased lot boundary setbacks may be required on Naturaliste Terrace between the intersections of Cyrilleen Way and Dunn Bay Road. 7. A 5 metre lot boundary setback shall be provided on the west side of Naturaliste Terrace, between the intersections of Dunn Bay Road and Caves Road. The setback area shall include — <ol style="list-style-type: none"> (a) a minimum 2.5 metre wide footpath and pedestrian shelter; and (b) a landscaped area adjacent to the boundary. <p>Local Centre:</p> <ol style="list-style-type: none"> 1. A minimum primary and secondary street setback of 2 metres. 2. A nil setback is permitted for minor encroachments for the purpose of pedestrian shelter, such as awnings, canopies or the equivalent. 3. Where a site adjoins residential development, lot boundary setbacks shall be in accordance with the R-Code of the adjoining site.
Plot Ratio	<p>Regional Centre</p> <ol style="list-style-type: none"> 1. A plot ratio of 2.0 shall apply. <p>District Centre</p> <ol style="list-style-type: none"> 1. In the 4 Storey Building Height Area, as defined on the Scheme Map, a plot ratio of 1.5 shall apply. 2. In the 5 Storey Building Height Area, as defined on the Scheme Map, a plot ratio of 2.0 shall apply.
Landscaping	<p>Regional and District Centre</p> <ol style="list-style-type: none"> 1. Excluding any vehicle or pedestrian access points, where a nil setback is not provided, landscaping shall be provided in the setback area.

Design Element	Requirement
	<p>2. Landscaping within the setback area shall consist of a mix of shrubs and ground covers. Where a deep soil area of suitable dimension is available, a tree(s) shall be provided.</p> <p>Local Centre</p> <p>1. A minimum of 15% of the site shall be set aside as deep soil area for landscaping purposes.</p> <p>2. Landscaping within deep soil areas shall be provided as a mix of trees, shrubs and ground covers.</p> <p>3. A minimum dimension of 3 metres shall be provided for any deep soil area.</p> <p>4. Site planning should seek to co-locate deep soil areas with existing trees on and adjacent to the site where possible.</p>
Pedestrian shelter	<p>Regional and District Centre</p> <p>1. Where a nil setback is provided, pedestrian shelter through the provision of a verandah, awning or the like, shall be provided for the full length of the primary and secondary street frontage to the following specifications —</p> <p>(a) Minimum height of 2.75 metres above natural ground level;</p> <p>(b) Setback at least 600 mm from the kerb; and</p> <p>(c) Minimum depth of 2.5 metres, excluding instances to comply with (b).</p>
Minimum ceiling height	<p>Regional and District Centre</p> <p>1. A minimum ceiling height of 3.3 metres shall be achieved for the ground floor level whilst all other floors shall achieve a minimum ceiling height of 2.7 metres.</p>
Residential uses	<p>1. No residential uses shall be permitted at ground floor fronting Queen Street and Prince Street Busselton and Dunn Bay Road, Naturaliste Terrace and Clark Street, Dunsborough.</p>
Mixed Use	
Setbacks	<p>Development shall be in accordance with the following setback provisions, unless otherwise identified in the Scheme, an endorsed structure plan or local development plan —</p> <p>1. A minimum primary and secondary street setback of 2 metres.</p>

Design Element	Requirement
	<ol style="list-style-type: none"> 2. A nil setback is permitted for minor encroachments for the purpose of pedestrian shelter, such as awnings, canopies or the equivalent. 3. Where a site adjoins residential development, lot boundary setbacks shall be in accordance with the R-Code of the adjoining site.
Landscaping	<ol style="list-style-type: none"> 1. Areas not used for vehicle access or parking shall be landscaped with a mix of shrubs and ground covers. Where a deep soil area of suitable dimension is available, a tree(s) shall be provided. 2. Where a mixed use development is proposed, deep soil areas shall be provided in accordance with the R-Codes Volume 2.
Floor space restrictions	<ol style="list-style-type: none"> 1. A shop may be permitted at ground floor level only and occupy up to 50% of total development floor space, up to a maximum area of 300m² per lot.
Service Commercial	
Setbacks	<p>Development shall be in accordance with the following setback provisions, unless otherwise identified in the Scheme, an endorsed structure plan or local development plan —</p> <ol style="list-style-type: none"> 1. Minimum primary street setback of 5 metres or shall otherwise match and coordinate with adjacent development. 2. Minimum secondary street setback of 3 metres. 3. Nil side and rear setbacks are permitted subject to appropriate car parking, access and loading arrangements. 4. Notwithstanding clause 3, where adjoining residential development, side and rear setbacks shall be in accordance with the R-Code of the adjoining site.
Landscaping	<ol style="list-style-type: none"> 1. A minimum 3 metre landscaping strip shall be provided for primary and secondary frontages. 2. Landscaping shall be provided as a mix of trees, shrubs and ground covers.
Fencing	<ol style="list-style-type: none"> 1. Fencing in front of the building line should be avoided. Where a lot has two street frontages, fencing will be permitted within the setback area for the secondary street. 2. Where fencing is proposed, it should be a maximum height of 1.8 metres and visually permeable.

Design Element	Requirement
Industry zones	
Subdivision	<ol style="list-style-type: none"> Subdivision should comply with the following standards, unless otherwise identified in a structure plan — <ol style="list-style-type: none"> Minimum lot size of 1000m²; Average lot size of 2000m²; and Minimum 25 metre frontage.
Setbacks	<p>Development shall be in accordance with the following setback provisions, unless otherwise identified in the Scheme, an endorsed structure plan or local development plan —</p> <ol style="list-style-type: none"> A minimum primary street setback of 15 metres. A minimum secondary street setback of 6 metres. Nil side and rear setbacks are permitted subject to appropriate car parking, access and loading arrangements. 6m setback required to any areas of public open space. Notwithstanding clause 3, where adjoining residential development, side and rear setbacks shall be in accordance with the R-Code of the adjoining site.
Landscaping	<ol style="list-style-type: none"> A minimum of 10% of the lot shall be set aside for landscaping and include — <ol style="list-style-type: none"> 3 metre landscape strip adjoining all street boundaries; 1 metre landscape strip adjacent to side boundaries forward of the building line; and All portions of the front setback not used for vehicle access or parking.
Fencing	<ol style="list-style-type: none"> Fencing in front of the building line should be avoided. Where a lot has two street frontages, fencing will be permitted within the setback area for the secondary street. Where fencing is proposed, it should be a maximum of height of 1.8 metres and visually permeable.
Rural	

Design Element	Requirement
Subdivision	<ol style="list-style-type: none"> 1. There is a general presumption against the further subdivision of Rural land. 2. Subdivision will only be considered in accordance with the Western Australian Planning Commission's <i>Development Control Policy 3.4: Subdivision of Rural Land</i> or in accordance with a conservation subdivision incentive as may be provided for in an applicable local or state government policy. 3. Where such an incentive has already been applied, further subdivision will not be supported.
Setbacks	<ol style="list-style-type: none"> 1. Unless specified elsewhere in this Scheme or an approved structure plan, development shall not be located — <ol style="list-style-type: none"> (a) within 100 metres of Bussell Highway or Caves Road; (b) within 60 metres of Vasse Highway; (c) within 30 metres of any other primary or secondary street; (d) within 30 metres of a side or rear boundary; (e) within 30 metres of waterways, measured from the outer edge of riparian or wetland vegetation, or 100 metres where an on-site waste water system is proposed as part of the development; 2. No person shall use or develop the land between the building setback line and the road alignment for any purpose other than a means of access, landscaping, dam construction (i.e. subject to development approval pursuant to clause 60 of the Deemed Provisions) or a rural activity permissible in the zone. 3. For the purpose of clause 2, the term landscaping may include an entry statement provided that — <ol style="list-style-type: none"> (a) only one entry statement may be developed per lot; (b) the entry statement shall not impact existing native vegetation and/or proposed planting as part of a landscaping plan; (c) the entry statement does not exceed an average height of 1.2 metres and maximum height of 1.8 metres from natural ground level and does not exceed a length of 9 metres; (d) the entry statement is of a design and scale that minimizes visual impact and is sympathetic to the rural and natural scenic character; (e) the entry statement is constructed of materials and coloured to be compatible with the surrounding landscape; and

Design Element	Requirement
	(f) adequate vehicle sightlines are provided in accordance with local government specifications.
Fencing	<ol style="list-style-type: none"> 1. All fencing is to be of farm standard post and wire construction. 2. Fencing shall not be located in areas of remnant vegetation.
Non-rural development	<ol style="list-style-type: none"> 1. Buildings designed for public occupation and used for a commercial purpose shall be limited to a cumulative net lettable area of 1500m², unless otherwise specified in the Scheme. 2. Non-rural land use and development shall incorporate measures to address any risk of land use conflict in order to protect the primacy of agricultural production within the zone. Such measures shall be undertaken by a proponent and not adversely affect agricultural activity on the subject or adjoining lots. 3. Non-rural development is to be located in such a way as to not prejudice the ongoing or future potential agricultural use of the lot or adjoining lots. 4. Non-rural development is to be designed and located so as to retain the rural aesthetic of the zone.
Rural Residential	
Subdivision	<ol style="list-style-type: none"> 1. There is a general presumption against the further subdivision of land. Subdivision will only be supported by the local government where consistent with an endorsed structure plan applicable to the land. 2. Where no structure plan applies, subdivision will only be supported where — <ol style="list-style-type: none"> (a) all lots created through subdivision being a minimum of 3 hectares; and (b) does not require the removal of any remnant vegetation to satisfy subdivision conditions, bushfire protection and/or the construction of dwellings and incidental development. 3. Subdivision proposing lots of less than 3ha will only be supported where there is demonstrable community benefit, having regard to landscape/visual amenity, biodiversity values and bushfire risk.
Setbacks	<ol style="list-style-type: none"> 1. Unless specified elsewhere in this Scheme or an approved structure plan, development should not be located — <ol style="list-style-type: none"> (a) within 100 metres of Caves Road, Commonage Road, Wildwood Road, Biddle Road or Hayes Road; (b) within 20 metres of any other road or a front or rear boundary;

Design Element	Requirement
	<p>(c) within 20 metres of a side boundary.</p> <p>(d) within 30 metres of waterways, measured from the outer edge of riparian or wetland vegetation, or 100 metres where an on-site waste water system is proposed as part of the development.</p>
Site coverage	<ol style="list-style-type: none"> 1. The site coverage of a single house and incidental development on any lot shall not exceed 1000m² with all development to be clustered. 2. The site coverage for non-residential development on any lot (excluding uncovered parking) shall not exceed 1000m² with all development to be clustered. 3. Where both residential and non-residential development is approved on a lot, site coverage shall not exceed 2000m² cumulatively.
Fencing	<ol style="list-style-type: none"> 1. All fencing is to be of farm standard post and wire construction. 2. Fencing shall not be located within areas of remnant vegetation. 3. Fencing shall not be located within 30 metres of waterways, measured from the outer edge of riparian or wetland vegetation.
Environmental Conservation	
Subdivision	<ol style="list-style-type: none"> 1. There is a general presumption against the further subdivision of land in the Environmental Conservation zone. 2. Where State Planning Policy 6.1 applies, subdivision shall be considered in accordance with the requirements of the policy, in particular, but not limited to, the requirements of the Principal Ridge Protection Area and the Ridge Landscape Amenity Area. 3. Prior to subdivision, subdividers shall undertake a vegetation survey to identify rare, endangered or otherwise significant vegetation and provide for its appropriate conservation to the satisfaction of the Department of Biodiversity, Conservations and Attractions and the local government. 4. Where subdivision has previously occurred in accordance with a conservation subdivision incentive provided for in an applicable local or state government policy, further subdivision will not be supported.
Setbacks	<ol style="list-style-type: none"> 1. Unless specified elsewhere in this Scheme or in an approved structure plan, development shall not be located —

Design Element	Requirement
	<ul style="list-style-type: none"> (a) within 100 metres of Caves Road; (b) within 30 metres of any road, side or rear boundary; (c) within 30 metres of waterways, measured from the outer edge of riparian or wetland vegetation, or 100 metres where an on-site waste water system is proposed as part of the development.
Fencing	<ul style="list-style-type: none"> 1. All fencing is to be of farm standard post and wire construction. 2. Fencing shall not be located in areas of remnant vegetation. 3. Fencing shall not be located within 30 metres of waterways, measured from the outer edge of riparian or wetland vegetation
Rural land uses	<ul style="list-style-type: none"> 1. No agriculture or grazing shall be undertaken within any vegetated or wetland areas. 2. Where declared rare flora is present, advice from the Department of Biodiversity, Conservation and Attractions may be sought in determining an adequate buffer distance for any agriculture or grazing activities.
Tourism	
Setbacks	<ul style="list-style-type: none"> 1. Boundary setbacks are to be in accordance with the zoning of the adjacent property. 2. Where a site adjoins another Tourism zoned site, setbacks shall be at the discretion of the local government.
Private Community Purposes	
Setbacks	<ul style="list-style-type: none"> 1. A minimum primary and secondary street setback of 4m. 2. Nil side and rear setbacks permitted subject to appropriate car parking, access and loading arrangements 3. Notwithstanding (2) above, where a site adjoins residential development, lot boundary setbacks shall be in accordance with the R-Code of the adjoining site.

Table C – Additional requirements that apply to land uses in Scheme area

No.	Land Use	Requirement
1.	Ancillary dwelling	<ol style="list-style-type: none"> 1. Where located in the Rural, Rural Residential or Environmental Conservation zone(s), an ancillary dwelling must — <ol style="list-style-type: none"> (a) be located within 10 metres of the existing single house; (b) not contain more than two bedrooms; and (c) have a maximum plot ratio area of 80m².
2.	Beverage production facility	<ol style="list-style-type: none"> 1. In the Rural zone, excepting a winery, beverage production for wholesale purposes shall not exceed 200 kL per year. 2. When assessing a beverage production facility, the local government must consider — <ol style="list-style-type: none"> (a) in relation to water supply, the — <ol style="list-style-type: none"> (i) volume required for production of the liquor, including the cleaning of equipment; and (ii) secure water sources, including any regulatory requirements for proclaimed ground and/or surface water sources; and (iii) infrastructure required for collection, storage, treatment and movement (pumping) onsite; and (b) in relation to trade waste — <ol style="list-style-type: none"> (i) a detailed trade waste management plan, including infrastructure required for collection, storage, treatment, movement and disposal and the intended water quality of the trade waste; (ii) any regulatory requirements for trade waste disposal; (iii) total design capacity of manufacturing equipment (tanks); (iv) for disposal to reticulated sewerage, evidence that the waste water treatment plant is capable of accepting the proposed volume and quality of trade waste; and

No.	Land Use	Requirement
		<p>(v) any advice on the proposal as may be provided by the Department of Health, the Department of Water and Environmental Regulation, the Department of Primary Industries and Regional Development and Water Corporation.</p> <p>3. The development of a beverage production facility within the Service Commercial or Industry zones shall be primarily for the production, storage and/or distribution of the product. The following restrictions shall apply —</p> <p>(a) consumption of the product at the site shall be limited to tastings only, being incidental to the production of the product on site, with maximum serving sizes of —</p> <p>(i) 50ml for wine;</p> <p>(ii) 100ml for beer/cider; and</p> <p>(iii) 15ml for spirits;</p> <p>(b) no dining on the premises or the consumption or service of food shall take place;</p> <p>(c) patronage at the site shall not exceed 30 people at any one time; and</p> <p>(d) customers visiting the site for the purpose of tasting and/or sales are restricted to Monday to Sunday, including public holidays, between the hours of 12.00pm and 5.00pm.</p>
3.	Caravan Park Park Home Park	<p>1. Development of a caravan park in the Rural zone shall be restricted to —</p> <p>(a) a minimum lot size of 10 hectares;</p> <p>(b) a maximum density of 10 caravan sites per hectare and 1 chalet or cabin per 3 hectares;</p> <p>(c) a minimum setback of 100 metres from any boundary; and</p> <p>(d) located within 5km of a township, major tourist node, beach or other recognised areas of tourist activity.</p> <p>2. Subject to consideration of the need to make available adequate tourist accommodation, the local government may grant development approval for the permanent occupancy of up to —</p>

No.	Land Use	Requirement
		<ul style="list-style-type: none"> (a) 50% of the total amount of caravan and park home sites within a caravan park or park home park in the Residential zone; or (b) 15% of the total amount of caravan sites and park home sites with a caravan park or park home park in the Tourist zone. <p>3. The maximum plot ratio areas shall be 100m² for a cabin and 150m² for a chalet.</p>
4.	Hosted Short-Term Rental Accommodation	<ul style="list-style-type: none"> 1. The maximum number of rooms to be occupied by guests is either — <ul style="list-style-type: none"> (a) three rooms for Residential zoned lots less than 1,500m²; or (b) four rooms for Residential zoned lots greater than 1,500m²; or (c) four rooms for any lot in any other zone where the land use is permissible. 2. Advertising signage shall have a maximum area of 0.2m².
5.	Independent Living Complex	<ul style="list-style-type: none"> 1. All dwellings must be fixed and permanent buildings. 2. Development of an independent living complex shall be in accordance with a plan adopted pursuant to Part 6 of the Deemed Provisions that considers — <ul style="list-style-type: none"> (a) delivery of a mix of dwellings designed to meet silver, gold and platinum levels as defined in the <i>Livable Housing Design Guidelines</i>, to facilitate universal access and aging in place; (b) dwellings satisfy private open space, deep soil area, visual privacy, solar access, internal storage area and street surveillance and street walls where adjacent to a street or reserve; (c) building setbacks; (d) location of staff and visitor car parking; (e) location of communal amenities and facilities; and (f) location of vehicle (caravan and boat) storage facilities if proposed.
6.	Industry — Extractive	<ul style="list-style-type: none"> 1. Notwithstanding any other setback requirement in the Rural zone, development of industry — extractive —

No.	Land Use	Requirement
		<ul style="list-style-type: none"> (a) for the purpose of sand and limestone extraction, shall not be located within 500 metres; or (b) for the purpose of gravel extraction, shall not be located within 1000 metres; of any sensitive land use, including any land use with a residential and/or tourism (or vineyard) component which is sensitive to adverse impact from noise and/or dust. <p>2. Notwithstanding any other setback requirement in the Rural zone, development of industry — extractive shall not be located within —</p> <ul style="list-style-type: none"> (a) 500 metres of the tourist routes Caves Road, Vidler Road, Western Cape Drive, Cape Naturaliste Road, Eagle Bay Road, Wildwood Road, Canal Rocks Road, Wyadup Road, Moses Rock Road and Wilyabrup Road, or a minimum of 100 metres where development is visually screened; (b) 100 metres of any boundary abutting any other road or a minimum of 30 metres where development is visually screened; and (c) 100 metres from any waterways, measured from the outer edge of riparian vegetation. <p>3. During extraction, the minimum required vertical separation distance shall be 500 millimetres between the base of extraction and the highest groundwater level.</p> <p>4. Post extraction, the minimum required vertical separation distances shall be 1000 millimetres between the final finished ground level and the highest groundwater level.</p> <p>5. Industry - extractive shall be prohibited in areas within a lot containing threatened ecological communities, threatened flora and/or threatened fauna.</p> <p>6. Proposed clearing of any of the following vegetation types —</p> <ul style="list-style-type: none"> (a) priority ecological community; (b) priority flora; (c) threatened fauna habitat; or (d) environmentally sensitive area and/or buffer;

No.	Land Use	Requirement
		to facilitate the development of industry — extractive shall be supported by a flora and vegetation assessment and a fauna survey where threatened fauna habitat is present within the development proposal area.
7.	Rural Pursuit / Hobby Farm	<ol style="list-style-type: none"> 1. On any lot less than 1 ha the keeping or rearing of livestock is prohibited. 2. On any lot on which it is permissible, the keeping or grazing of livestock may only be approved where it does not require vegetation removal and stock numbers are maintained in accordance with stocking rates as recommended by the Department of Primary Industries and Regional Development.
8.	Tourist and Visitor Accommodation	<ol style="list-style-type: none"> 1. Serviced apartments as defined at clause (b) of the tourist and visitor accommodation land use definition shall only be permitted in the Centre zones. 2. Development of tourist and visitor accommodation in the Environmental Conservation zone shall — <ol style="list-style-type: none"> (a) not be permitted on any lot less than 20 hectares; (b) not require the removal of any remnant vegetation to accommodate development (including vehicle parking and access) and/or to satisfy bushfire protection requirements; (c) notwithstanding the definition of tourist and visitor accommodation, be restricted to chalets only at a density of one chalet per three (3) hectares with a maximum of six chalets per lot; (d) be restricted to a maximum of one habitable building, which includes a single house, for the management of the development; (e) be setback 100 metres from any road; and (f) be setback 50 metres from any boundary. 3. Development of tourist and visitor accommodation in the Rural zone shall comply with the following —

No.	Land Use	Requirement
		<ul style="list-style-type: none"> (a) a maximum of one chalet per survey strata lot, and a maximum of one habitable building, which includes a single house for the management of the development, per parent lot; or (b) one short term accommodation unit per hectare with a maximum of ten permitted, or maximum of 15 where the lot is 30 ha or greater; (c) one chalet and/or cabin per three hectares with a maximum of six chalets/cabins permitted or maximum of 10 where the lot is 30 ha or greater; (d) where chalets and/or cabins and short term accommodation units are proposed, the site area required shall be calculated cumulatively; and (e) the site coverage of buildings accommodating onsite facilities shall be restricted to 500m². <p>4. The maximum plot ratio areas shall be 100m² for a cabin or accommodation unit and 150m² for a chalet.</p> <p>5. Each habitable building shall be provided with a supply of potable water from a reticulated system, an underground bore or a rainwater storage system. Water tanks or other rainwater storage systems shall have a minimum capacity of —</p> <ul style="list-style-type: none"> (a) 80,000 litres per short-term accommodation building or unit; and (b) 135,000 litres per habitable building for the management of the development. <p>6. The local government will not support subdivision arising from an approved tourist or visitor accommodation development or subdivision to facilitate a future tourist and visitor accommodation development in the Environmental Conservation, Rural or Rural Residential zones.</p>
9.	Unhosted Short-Term Rental Accommodation	<p>1. The maximum occupancy rate of an unhosted short-term rental accommodation shall be either —</p> <ul style="list-style-type: none"> (a) six occupants in the Regional Centre or District Centre; or (b) eight occupants in the Residential or Rural Residential zone; or (c) twelve occupants in the Rural or Environmental Conservation zone.

No.	Land Use	Requirement
		<p>2. Notwithstanding clause 1, the maximum occupancy rate for unhosted short-term rental accommodation may be approved at a lesser amount, having had regard to the number of rooms and the relevant local planning policy.</p> <p>3. Advertising signage shall have a maximum area of 0.2m².</p>

Table D – Additional requirements that apply to specified land areas in Scheme area

No.	Description of Land	Requirement
ASR1	<p>Lots 3 (No 180) and Lot 25 (No 167) Western Cape Drive, Naturaliste;</p> <p>Lots 2 (No 10), 13, 14 (No 77), 15 (No 45), 16 (No 15) 19 (No 94) and 20 (No 98) Duckworth Place, Naturalise; and</p> <p>Lots 10 (No 42), 21 (No 69), 22 (No 67), 23 (No 39) Drummond Glen, Naturaliste</p>	<ol style="list-style-type: none"> 1. The maximum building height shall not exceed 5 metres, as measured from natural ground level.
ASR2	<p>Lot 9003 Norwood Pass, Lot 1445 Rendezvous Road, and Lots 178 (No. 550), 501 (No. 572), 9000 (No. 578), 201 (No. 580), 176 (No. 604), 224 (No. 604) and 634 (No. 629) Rendezvous Road, Vasse</p>	<ol style="list-style-type: none"> 1. A plan is to be prepared and adopted for the entire area, pursuant to Part 4 of the Deemed Provisions. The plan is to demonstrate integration with an approved plan for Lots 176, 9000 & 201 Rendezvous Road. 2. Lots 1445, 178, 501, 9000, 176, 201, 224 and 634 Rendezvous Road and Lot 9003 Vasse-Yallingup Siding Road, Vasse contain important environmental values including remnant vegetation, potential habitat for Commonwealth and State listed threatened fauna species, ecological linkages and wetlands. The plan adopted pursuant to Part 4 of the Deemed Provisions shall require these values to be retained, managed and protected for conservation purposes. The plan is to include comprehensive environmental and water management assessments that investigate, but are not limited to, the following matters in consultation with the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation and the satisfaction of the City of Busselton — <ol style="list-style-type: none"> (a) Identification of vegetation having conservation significance, including survey(s) for Threatened Ecological Communities undertaken in the appropriate flowering season. (b) Approved measures to ensure the retention, protection and ongoing management of those remnant vegetated areas having recognised environmental values within 'public open space' and/or conservation areas (as identified on the plan). Such measures are required to also address linkages and connectivity with contiguous areas of similarly important remnant vegetation on adjoining land as well as

No.	Description of Land	Requirement
		<p>management measures to ensure the habitat functions of these areas are maintained and, where possible, enhanced.</p> <p>(c) Determination of boundaries of geomorphic wetlands and waterways foreshore areas, including identification of appropriate buffers.</p> <p>(d) A Foreshore Management Plan that includes hydrologically connected wetlands.</p> <p>(e) A Local Water Management Strategy that establishes a framework to ensure that the quality and quantity of surface and groundwater is maintained post-development and that addresses (but is not limited to) —</p> <ul style="list-style-type: none"> (i) flood management (major events); (ii) measures to ensure that existing hydrological and ecological functions of the geomorphic wetlands are not impacted by future development; (iii) mitigation of nutrient loads in surface and groundwater flows into connected waterways and wetlands such as the Broadwater Wetlands (Conservation Category Wetland); (iv) groundwater conditions, based on monitoring, and management requirements; (v) development and implementation of a drainage system that addresses upstream stormwater conveyance and flood management; (vi) measures to capture and treat the minor events; and (vii) monitoring and management requirements. <p>3. Areas identified as having conservation significance (such as wetlands and buffers) are to be identified on the plan adopted pursuant to Part 4 of the Deemed Provisions as reserves for Environmental Conservation and ceded free of cost to the Crown at the time of subdivision in addition to any public open space land required as a condition of subdivision for residential purposes.</p> <p>4. Consideration of transitional lot sizes adjacent to areas of existing developed rural residential lots.</p> <p>5. Prospective conditions of subdivision shall require the preparation of vegetation, fauna, wetland and ASS management plans, the primary objective of which will be to ensure the</p>

No.	Description of Land	Requirement
		<p>protection and ongoing management of significant environmental, biodiversity, habitat and cultural values.</p> <p>6. Prior to subdivision or development, the proponent is to prepare a Development Contribution Plan to ensure appropriate and timely contributions towards community facilities, public open space and civil infrastructure on a progressive and staged basis.</p>
ASR3	<p>Lots 1, 202 – 206, 211 – 226, 228 – 248 and 336 – 339 Lindsay Drive; Lots 207 – 210 Woolgar Retreat; Lots 227, 253 – 264, 274 – 284 and 5380 – 5382 Blum Boulevard; Lots 249 – 252, 265 – 269, 273, 318 – 320, 326 – 327 and 333 – 335 Klaehn Crescent; Lots 270 – 272 and 314 – 317 Comfort Glen; Lots 321 – 325 Kurnalpi Cove and Lots 328 – 332 Kybra Close, Yalyalup</p>	<p>1. Grouped dwellings are not permitted.</p> <p>2. No building shall be constructed less than 60 metres from Bussell Hwy or 40 metres from Vasse Hwy.</p>
ASR4	<p>Lots 2 – 10, 52 – 57 and 63 - 64 Everlasting Crescent; Lot 11, 16 – 24, 26 – 30, 42 – 51 and 58 - 62 Morava Drive; Lot 25 Apex Rise; Lots 12 – 15 Serenity Grove; Lots 31 – 41, 66, 110 – 111 and 118 – 130 Pinnacle Avenue; Lots 100 – 109 and 112 – 117 Peaceful Way; Lots 67 – 77 and 90 – 99 Everwood Glade; Lots 78 – 79 and 87 – 88 Harmony Drive; and Lots 80 – 86 Summit Court, Ambergate</p>	<p>1. No further subdivision shall be permitted.</p> <p>2. All development shall be setback —</p> <p>(a) 20 metres from the front and rear boundaries, except:</p> <p>(i) buildings shall be setback 90 metres from Chapman Hill Road and Queen Elizabeth Avenue; and</p> <p>(ii) buildings at Lots 37 – 41 and 124 - 129 Pinnacle Avenue and Lots 46 – 47 and 50 Morava Drive shall be setback 35 metres from the lot boundary, adjacent to the Rural zone.</p>

No.	Description of Land	Requirement
ASR5	Lots 174 (No. 38E), 176 (No. 38A), 177 (No. 22E), 178 (No. 22A) and 179 (No. 22C) Bussell Highway, and Lots 180 – 182 (Nos. 82 – 90) West Street, and Lot 175 (No. 53) Prince Regent Drive, West Busselton	<ol style="list-style-type: none"> 1. Lots 176 and 177 shall be limited to an aggregate gross floor area of 7,000m². 2. Development adjacent to the Residential zone shall — <ol style="list-style-type: none"> (a) be restricted to single storey; (b) incorporate measures to avoid light spill into the adjacent residential area; (c) provide service areas that are enclosed and located to minimise noise and disturbance to the adjacent residential area. 3. All built form shall incorporate the following design elements — <ol style="list-style-type: none"> (a) simple architectural form; (b) use of glazing at ground floor level where adjacent to a car park; (c) clearly identifiable building entries; (d) contiguous verandahs. 4. Built form on Lot 182 shall incorporate the following design elements on the southern side — <ol style="list-style-type: none"> (a) articulation to reduce the impact of solid walls; and (b) features of interest through use of light and shadow, colours and textures.
ASR6	Lot 6 Commonage Road, Quindalup	<ol style="list-style-type: none"> 1. The following shall be completed to inform structure plan design — <ol style="list-style-type: none"> (a) Complete flora and vegetation and terrestrial fauna surveys consistent with EPA technical guidance to identify conservation significant environmental values, including: <ol style="list-style-type: none"> (i) Black cockatoo roosting or nesting trees and hollows that may be suitable for future breeding; (ii) Western ringtail possum foraging and breeding habitat; and (iii) Habitat suitable for the Dunsborough burrowing crayfish.

No.	Description of Land	Requirement
		<p>2. In addition to the information to be included in a structure plan outlined in Clause 16 of the Deemed Provisions, the structure plan is to set out the following —</p> <ul style="list-style-type: none"> (a) The outcomes of item 1a to inform planning design in respect to avoidance and mitigation of potential impact to significant environmental values. This shall include: <ul style="list-style-type: none"> (i) Retention of significant environmental at the site within conservation areas/reserves, or public open space; and (ii) Providing for buffers/setbacks from development to these areas of significant environmental value. Buffers/setbacks to be retained within conservation areas/reserves or public open space and prioritised for revegetation. (b) An Environmental Management Plan (EMP) shall be prepared to the satisfaction of the City of Busselton on advice of DBCA. The EMP shall address as a minimum, outcomes of items 1a and 2a and actions to prevent and manage impacts of development on vegetation and fauna habitat identified for retention. The management measures to ensure the habitat functions of these areas are maintained and, where possible, enhanced. (c) Definition of boundaries of the Priority Ecological Community palusplain wetland including identification of appropriate buffers to development to the satisfaction of the Department of Biodiversity, Conservation and Attractions. (d) A tree survey to consider retention outside of public open space areas and measures to identify and protect paddock trees within public spaces or road reserves. (e) Ethnographic/cultural heritage assessment and satisfactory measures to protect identified sites and/or trees having cultural significance. (f) Open space requirements for active open space that does not require modification or removal of existing vegetation and fauna habitat. (g) The separation of, and treatment of the interface between, developable areas from Commonage Road, including the identification of a minimum 20 metre wide landscape buffer (or wider to accommodate revegetation and stormwater

No.	Description of Land	Requirement
		<p>drainage management) and an adjacent internal road, consistent with maintaining visual landscape amenity from Commonage Road.</p> <p>(h) Measures to provide for the safe and efficient movement of pedestrians and cyclists to, from and within the Special Provision Area, including the crossing of Commonage Road, which connects to existing or planned dual use path networks.</p> <p>(i) A suitable buffer along the southern boundary of the site that addresses maintaining the visual amenity of adjoining rural land.</p> <p>(j) A Local Water Management Strategy that is to include, but is not limited to —</p> <p>(i) Determination of a foreshore to surface water creek lines in accordance with the Department of Water (2012) Operational Policy 4.3: Identifying and establishing waterways foreshore areas;</p> <p>(ii) Measures to retain, protect and enhance surface water creek lines and their foreshores, including potential burrowing crayfish habitat; and</p> <p>(iii) Locate stormwater detention basins to avoid clearing/impacts on remnant vegetation and potential burrowing crayfish habitat.</p> <p>(k) The number of proposed access/egress points to Commonage Road and Genoli Road.</p> <p>(l) Measures that address the retention of vegetation within the Genoli Road reserve.</p> <p>(m) Identification of a 'Local Centre' site of approximately 4,000m² and a 'Service Commercial' site of approximately 3 hectares.</p> <p>(n) A Local Development Plan is to be prepared for the identified 'Local Centre' site and is to address:</p> <p>(i) Land use controls;</p> <p>(ii) Location of car parking, pedestrian and vehicular/service access; and</p> <p>(iii) Landscape values and visual management considerations.</p>

No.	Description of Land	Requirement
		<ul style="list-style-type: none"> (o) A Local Development Plan is to be prepared for the identified 'Service Commercial' site and is to address: <ul style="list-style-type: none"> (i) Land use controls; (ii) Development frontage to Commonage Road; (iii) Location of car parking, pedestrian and vehicular service/access; and i. Landscape values and visual management considerations. (p) Public open space and landscape buffers to be integrated with the Local Centre and Service Commercial sites to screen development from Commonage Road. (q) Access road separating identified LDP Areas and residential areas are to provide a high level of amenity through boulevard-style treatment and street tree planting and landscaping of verge and median strip areas. (r) Design guidelines to ensure that the land uses within each LDP Area are developed in a manner that has minimal impact on the amenity of the adjoining residential area whilst maintaining a high quality appearance.
ASR7	Land bound by Busselton Bypass to the north; Queen Elizabeth Avenue to the west; Vasse Diversion Drain to the east; and portions of Lots 2191, 2192 and 2193 Queen Elizabeth Avenue and Lots 22 and 57 Chapman Hill Road to the south.	<ol style="list-style-type: none"> 1. A District Water Management Report is required to demonstrate how water will be managed and integrated between the land zoned Rural and the land zoned Urban Development, both of which are identified in the Local Planning Strategy for 'current urban growth'. 2. Retail floor space in the Ambergate town centre shall be limited to 14,000m² net lettable area. 3. Retail floor space in the Ambergate town centre shall not exceed 9,000m² net lettable area prior to the development of a minimum 50,000m² of shop retail net lettable area in the Regional Centre. 4. Retail floor space in the Ambergate local centre shall not exceed 500m² prior to the development of a minimum 5,000m² in the Ambergate town centre.

No.	Description of Land	Requirement
ASR8	Lots 15, 16, 24 & 38 (Nos 20, 20, 16 and 12) Duchess Street, West Busselton	<ol style="list-style-type: none"> 1. Subdivision or development at a density less than R40 shall not be permitted. 2. Development at a density of R60 will only be supported where the land is amalgamated to enable an integrated development of the whole site.
ASR9	Lot 5006 Dunsborough Lakes Drive; Lot 2000 Clubhouse Drive; and Lot 2001 Cabot Close	Salinity and nutrient monitoring of groundwater and surface water shall be carried out by the developer and reported to the City of Busselton, the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation every 12 months. A plan pursuant to Part 6 of the Deemed Provisions will not be adopted unless a salinity and nutrient monitoring report has been submitted to the local government at every 12 month interval.
ASR10	Lot 3 (No. 500) Bussell Highway, Broadwater	<ol style="list-style-type: none"> 1. The development area of the land is defined as per the Department of Environment's 'Approval to Clear' dated 8th April 2014. 2. Development or subdivision across the 'development area' portion of the land can be up to a maximum residential density of R40. 3. Land use permissibility for the 'development area' portion of the site shall be as per the Residential zone. 4. Vehicular and future road access to and from the site is limited to Bell Drive only. 5. Prior to subdivision or development the portion of land contained within the development area is to be appropriately zoned to reflect the zoning/use proposed by a plan adopted pursuant to Part 4 of the Deemed Provisions. The portion of land outside the development area is to be reserved for Environmental Conservation. 6. At the time of subdivision or prior to development, the required Environmental Conservation reserve is to be vested in the Crown and ceded free of cost and without any payment of compensation by the Crown.
ASR11	Lots 6 to 15 (Nos 6/700 to 15/700) Caves Road, Marybrook	Notwithstanding any other provision of the Scheme: Lots 6 – 15, as shown on Strata Plan 46392 (approved on 8 September 2005), can be developed with a maximum of two accommodation units per lot with unrestricted length of stay permitted for each accommodation unit.

No.	Description of Land	Requirement
ASR12	Lot 2761 (No. 29) Commonage Road, Dunsborough	The local government may grant development approval for the permanent occupancy of up to 15% of caravan sites.
ASR13	As identified on the Scheme map	<ol style="list-style-type: none"> 1. Prior to any further subdivision, a plan is to be prepared and adopted pursuant to Part 4 of the Deemed Provisions. The plan is to determine as a minimum: indicative layout, residential density, strategic road integration and public open space provision. 2. Any plan that is prepared shall identify precincts for which further planning is required prior to any consideration for subdivision approval. 3. Notwithstanding requirement 1, a separate plan may be prepared pursuant to Part 4 of the Deemed Provisions specifically for Lots 1245 - 1247 Kookaburra Way. The specific plan for these lots must integrate with the approved structure plan for neighbouring Lot 2 Kookaburra Way.
ASR14	Lots 221, 9052 (No. 210), 9563, 9564 and 9559 Northerly Street; Lot 250 (No. 53) Kaloorup Road; Lot 461 Florence Road; and Lot 9521 Bussell Hwy, Vasse	<ol style="list-style-type: none"> 1. Prior to ground disturbing activities the developer shall prepare a Wetland Management Plan for the wetlands and buffers to meet the following objectives; "to maintain and, where possible enhance the integrity, functions and environmental values of the wetland". The Wetland Management Plans shall be prepared to the requirements of the responsible authority on the advice of the Department of Biodiversity, Conservation and Attractions and the Department of Water and Environmental Regulation. Each plan shall include —

		<ul style="list-style-type: none"> (a) A description of the wetland including its ecosystem, attributes and values; (b) Management objectives, including the protection of the water regime that supports the wetland; (c) Management actions to ensure that the management objectives are achieved including control of access through fencing and paths; (d) Measures to ensure that where there are impacts to a wetland or its buffer caused by development then there will be a net gain in environmental value for the remaining wetland to offset these impacts; (e) A monitoring programme, including definition of performance criteria and analysis procedures, to demonstrate whether the management objectives are being met; (f) Contingency plans to be implemented in the event that performance criteria are not met; and (g) Identification of responsibilities for implementation of the plan. <p>2. Prior to ground disturbing activities, a Drainage and Nutrient Management Plan over the whole of the subject land to ensure that the rate, quantity and quality of water leaving the subject land will not adversely impact on Geographe Bay or wetlands on or in the vicinity of the subject land to the requirements of the responsible authority on the advice of the Department of Water and Environmental Regulation.</p> <p>This plan shall incorporate —</p> <ul style="list-style-type: none"> (a) Water Sensitive Urban Design best management practices to achieve the best removal of pollutants and nutrients from surface water and groundwater discharges from the subject land; (b) Water Sensitive Urban Design best management practices to maximise stormwater detention on site; (c) Mechanisms to minimise erosion during and after the development phase; (d) Mechanisms to protect the water regimes of the lakes protected under the Environmental Protection (Swan Coastal Plain Lakes) Policy 1992 situated on and nearby the subject land, including water quality and water level; and to ensure that
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No.	Description of Land	Requirement
		<p>there shall be no direct drainage to the Franklin wetland from the proposed adjacent industrial area.</p> <p>(e) A monitoring and reporting programme for nutrient concentration in surface water and groundwater discharges from the subject land;</p> <p>(f) Contingency measures to be implemented in the event that pollution and nutrient removal and stormwater detention are not achieving Water Sensitive Urban Design best practice; and</p> <p>(g) Identification of responsibilities for implementation of the Drainage and Nutrient Management Plan.</p> <p>3. Lot 221 Northerly Street, Vasse contains important environmental values including, but not limited to, poorly represented vegetation and habitat for Western Ringtail Possum (<i>Pseudocheirus occidentalis</i>) and Black Cockatoo species (<i>Calyptohynchus latirostris</i>, <i>Calyptohynchus baudinii</i> and <i>Calyptohynchus bandsi naso</i>). A plan adopted pursuant to Part 4 of the Deemed Provisions should require these environmental values to be retained, managed and protected for conservation purposes.</p> <p>4. Areas identified for residential development: a minimum front setback of 4 metres applies to dwellings and structures (excluding driveways) to facilitate provision of drainage.</p>
ASR15	Lots 9001 and 585 Port Lane, Geographe	<p>1. All habitable buildings are to achieve a minimum finished floor level of 3.4m AHD.</p> <p>2. Prior to subdivision or development, the proponent is to demonstrate to the satisfaction of local government, Department of Planning, Lands and Heritage, and Department of Transport that any proposed engineering, planning and/or building design measures used to achieve the minimum 3.4m AHD finished floor level will adequately mitigate against envisaged coastal process (e.g. inundation) pursuant to the requirements of State Planning Policy 2.6 - State Coastal Planning Policy; and will achieve the envisaged</p>

No.	Description of Land	Requirement
		<p>planning and development outcomes in accordance with the endorsed Structure Plan applicable to the land.</p> <p>3. As a condition(s) of subdivision or development, the proponent will be required to:</p> <ul style="list-style-type: none"> (a) prepare an Emergency Evacuation Plan that includes, but is not limited to, the procedure for timely and safe evacuation during a major storm event; (b) provide prospective purchasers with a copy of the Emergency Evacuation Plan; and (c) impose a notification on titles advising of the Emergency Evacuation Plan and that a copy can be obtained from the local government's office.
ASR16	Lot 7 (No. 86) Forrest Beach Road, Wonnerup	<p>1. All dwellings are required to meet the following standards —</p> <ul style="list-style-type: none"> (a) a minimum finished floor level of 3.8 metres AHD for coastal inundation protection; (b) effluent disposal is to be via an alternative treatment unit (ATU) effluent disposal system with secondary treatment unless otherwise determined by the local government or Department of Health; (c) at least 1.5 metre vertical separation between the highest winter groundwater level and the discharge point of the on-site effluent disposal system; and (d) appropriate landscaping and screening of the new development.
ASR17	Lot 200 (No. 1676) Caves Road, Quindalup	Notwithstanding any other provisions of the Scheme, an unrestricted length of stay is permissible for strata lots 6-13 and 48-51 as shown on Strata Plan 50936 (WAPC ref 165-21).
ASR18	Lot 2883 Puzey Road, Wilyabrup	For Lots 20, 21, 31, 37, 46 and 47 as shown on Strata Plan 54626 (approved on December 2021), one Chalet per lot is permitted as unrestricted length of stay.
ASR19	Lot 4 (No. 63) and Lot 12 Caves Road, Abbey and Lot 14 (No 5840) Bussell Highway Abbey	<ul style="list-style-type: none"> 1. All development on land or lots affected by coastal inundation require the prior development approval of the local government. 2. All habitable development on land or lots affected by coastal inundation are to have a minimum finished floor level of 3.0 metres AHD.

No.	Description of Land	Requirement
		<p>3. A notification on title advising of coastal risk hazard is to be applied as a condition of subdivision or development, for all land or lots affected by coastal inundation.</p>
ASR20	As identified on the Scheme map (Port Geographe)	<ol style="list-style-type: none"> 1. The height of buildings on lots adjacent to Layman Road and Vasse Estuary shall be limited to 7.5 metres above the finished surface level of the land as specified on approved subdivisional engineering plans. 2. The maintenance of all water frontage walling, including rip rap, reinforced reeded slopes, beaches and other structures shall be the responsibility of the respective water frontage lot owner 3. The stabilised canal edge, as specified in engineering and landscape drawings approved by the local government, shall be maintained by the owner of the subject water frontage lot in a structurally sound condition and shall not be altered, extended or removed. 4. The minimum site area for the purpose of residential development shall exclude the water portion of the lot. 5. For the purpose of applying and enforcing the relevant setback and development standards, the front of any lot is that boundary which abuts the road reserve. The boundary abutting a waterway is the rear of the lot. 6. No development (excluding fences and retaining walls) shall be erected closer than 4.5 metres to the stabilised canal edge, subject to an average setback of 6.0 metres and the general appearance of the canal being maintained. Engineering certification shall be provided with a building licence application ensuring that no additional structural loads are placed on the canal walls. 7. No retaining wall or fencing shall be erected within 1.0 metres of the landward side of the stabilised canal edge. 8. Any side or rear fence located within 6.0 metres of the landward side of the stabilised canal edge shall be of open grill construction and not exceed 1.0 metre in height, with no solid fencing permitted. 9. All fencing on canal lots shall be of masonry construction only, except for those sections required to be of open grill construction.

No.	Description of Land	Requirement
		<p>10. All outbuildings and other structures shall be integrated in terms of design, colours and materials with the single house.</p> <p>11. The local government may permit a dwelling or structure, including retaining wall or fencing, that does not comply with a standard prescribed in provisions 6 to 10 above, provided that —</p> <ul style="list-style-type: none"> (a) the local government is satisfied that there will be an improved architectural amenity resulting from reduced setbacks between buildings and the canal frontage; (b) the local government is satisfied that the overall amenity and appearance of the canal frontage will be maintained or improved; (c) a professional structural engineer provides certification as to the structural soundness of the proposed works; and (d) where the variation is considered likely to affect adjoining and adjacent owners, the local government has consulted the affected parties by following one or more of the provisions for advertising under clause 64 (4) of the Deemed Provisions.
ASR21	Lot 4131 Smiths Beach Road Yallingup	<p>1. A structure plan prepared for the land by the landowner must include, but is not limited to the following associated plans or report —</p> <ul style="list-style-type: none"> (a) Design and Settlement Guidelines; (b) A Fire Hazard and Fire Risk Assessment Plan and Preliminary Fire Management Plan for the land that is in accordance with Western Australian Planning Commission (WAPC) policy and Department of Fire and Emergency Services (DFES) guidelines on bush fire protection and is consistent with the intent of — <ul style="list-style-type: none"> (i) Retaining remnant vegetation wherever possible and the need to protect the visual amenity, natural landscape and environmental values of the land; and (ii) Preserving the natural environmental values of the Leeuwin Naturaliste National Park while also complementing the fire management regimes of the national park; (c) A comprehensive Landscaping and Rehabilitation Plan;

No.	Description of Land	Requirement
		<ul style="list-style-type: none"> (d) An Archaeological and Aboriginal Heritage Survey undertaken by an appropriately qualified consultant; (e) A Community Facilities and Infrastructure Contribution Principles Plan that specifies the basis for determination of contributions to be made to fund community facilities and infrastructure within the locality as a direct result of development of the land; (f) Where applicable, a Coastal Planning Strategy or Foreshore Management Plan prepared in accordance with State Planning Policy No. 2.6 – State Coastal Planning Policy; (g) A Visual Landscape Assessment for the whole of the land; (h) Drainage; (i) Movement and car parking; (j) Solar orientation; and (k) Landscape and environmental values. <p>The above plans / reports shall be integrated into the overall structure plan documentation.</p> <p>2. In addition to the requirements described in Part 4 of the Deemed Provisions, a structure plan must also address and have due regard to —</p> <ul style="list-style-type: none"> (a) Relevant provisions of State Planning Policy No. 6.1 – Leeuwin-Naturaliste Ridge Policy (LNRSP), State Planning Policy 2.6 – State Coastal Planning Policy, State Planning Policy No. 1 – State Planning Framework Policy and any other relevant State Planning Policies approved pursuant to Part 3 of the <i>Planning and Development Act 2005</i>; (b) Relevant provisions of the Scheme and any relevant local planning policies adopted pursuant to the Scheme; (c) The City of Busselton Rural Strategy; and (d) In relation to Lot 4131 Smiths Beach Road, Yallingup, the combined methodologies adopted by the City for the preparation of a Structure Plan.

No.	Description of Land	Requirement
		<p>3. In relation to the lot, the Identified Developable Land Area(s) shown on a structure plan will identify where development may be undertaken on the land and must be determined having regard to the —</p> <ul style="list-style-type: none"> (a) Overriding need to protect the visual amenity, natural landscape and environmental values of the area; and (b) Provisions and policies described in 2 above. <p>4. In relation to the lot, a structure plan must —</p> <ul style="list-style-type: none"> (a) Designate areas to be excluded from the Identified Developable Land Areas(s) such as Principal Ridge Protection Area pursuant to the LNRSP, National Park, public open space requirements or similar purposes; (b) Establish the primary tourism function of the site; (c) Ensure that land identified for subdivision and development of the Identified Developable Land Area(s) is designated so that a ratio of not less than seventy percent (70%) of the overall Identified Developable Land Area(s) be used for tourist uses, as may be granted development approval in the 'Tourist' zone and not more than thirty percent (30%) residential development be achieved from the overall Identified Developable Land Area(s); (d) Ensure that density, scale and nature of all development has due regard to the landscape and environmental value of that area; (e) Provide for a range of tourist development accessible by the broader community which may include, but not limited to, campsites, hostels/backpacker accommodation, chalets, lodges, guesthouses and other low impact development; (f) In relation to the Identified Developable Land Area(s) designated for residential use, a range of residential densities to be shown in clearly delineated residential cells with the maximum residential density code (R-Code) being R25 as per the Residential Design Codes; (g) Provide integrated recreation facilities that promote visitor and resident interaction and also consider areas for local convenience shopping and services;

No.	Description of Land	Requirement
		<p>(h) Ensure that where reasonably possible all utilities and services on the land are contained within the Identified Developable Land Area(s);</p> <p>(i) Ensure that all development is connected to reticulated water, sewerage and power unless the local government and other relevant responsible authorities are satisfied that suitable alternative technologies can be implemented; and</p> <p>(j) Ensure all development is assessed for their direct and indirect impact on the natural environmental values and management of the adjacent National Park.</p> <p>5. On receipt of a structure plan, the City shall process the structure plan in accordance with Part 4 of the Deemed Provisions.</p>

Schedule F – Additional Site and Development Requirements for Areas Covered by a Structure Plan or Local Development Plan

[cl. 33]

No.	Description of Land	Requirement
AD1	Lots 1 – 22 (No. 26), 1-38 (No. 18) & 5037 (No. 23) Yallingup Beach Road, Yallingup	<ol style="list-style-type: none"> Development of Lot 1 (1/18) Yallingup Beach Road, but excluding Caves House — <ol style="list-style-type: none"> shall not exceed a total net lettable area of 500m² shall not be located within 30 metres of the adjacent Leeuwin-Naturaliste National Park. Development on Lot 5037 (No. 23) Yallingup Beach Road shall comply with the following setbacks — <ol style="list-style-type: none"> 15 metres to the boundary adjoining Yallingup Beach Road; and 30 metres to the boundary adjoining the reserve.
AD2	Lot(s) 101 – 114 Kookaburra Way and Lot(s) 115 – 157 Sierra Crescent, Vasse	<ol style="list-style-type: none"> Front setbacks shall be as follows — <ol style="list-style-type: none"> 15m for Lots 101 – 112 and 114 with no averaging permitted. 12m for all other lots with no averaging permitted. Minimum secondary street setback of 5m for all applicable lots. Minimum side setbacks of 3m. Rear setbacks shall be as follows – <ol style="list-style-type: none"> 40m for a habitable building and 6m for outbuildings for Lots 120 – 133 Sierra Crescent as measured from the northern edge of the bund; 5m for all other lots.
AD3	Lots 1 (No. 11), 919 (No. 15), 1-3 & 7-9 (No. 17) and 1-2 (No. 19) Inverness Avenue, Dunsborough;	<ol style="list-style-type: none"> Setbacks shall be as follows — <ol style="list-style-type: none"> 27m from Commonage Road;

	<p>Lots 915 (No. 2), 916 (No. 4), 3 (No. 6), 4-6 (No. 8), 920 (No. 12), 1-4 (No. 13), 2 (No. 14), 1-8 (No. 16), 923 (No. 18), 1-8 (No. 20), 1 & 3 (No. 22), 2-3 (No. 24), 1-2 (No. 26), 1, 3 & 4 (No. 28), 1-2 (No. 30), 1 & 3 (No. 32), 3 (No. 1/34), 3-5 (No. 35), 1-2 (No. 36), 3-4 (No. 38), 1-2 (No. 40), 887 (No. 42), 1-2 (No. 44), 885 (No. 46) and 884 (No. 48) Faure Lane, Dunsborough;</p> <p>Lots 901 (No. 5), 5 (No. 6), 1-4 (No. 8), 1-4 (No. 9), 1-4 (No. 10), 1-4 (No. 12), 1-3 (No. 14), 1-4 (No. 16) and 1-7 (No. 18) Griffin Drive, Dunsborough;</p> <p>Lots 1-7 (No. 1), 1155 (No. 2), 1-2 (No. 3), 1155 (No. 4), 896 (No. 5), 1-2 (No. 6), 1157 (No. 6), 1-2 (No. 7), 1158 (No. 8), 1-4 (No. 9), 1159 (No. 10), 893 (No. 11), 1160 (No. 12), 1161 (No. 14) Congressional Drive, Dunsborough;</p> <p>Lots 2 (No. 64), 1 (No. 66), 4 (No. 82), 2 & 4 (No. 84), 1-2 (No. 880) Commonage Road Dunsborough; and</p> <p>Lots 1151 (No. 283), 1152 (No. 285), 1153 (No. 287) and 1154 (No. 289) Dunsborough Lakes Drive, Dunsborough;</p>	<p>(b) 4m from Congressional Drive and Dunsborough Lakes Drive;</p> <p>(c) 8m from Inverness Avenue and Griffin Drive</p> <p>(d) 1.5m from Faure Lane and Turnberry Lane</p> <ol style="list-style-type: none"> Nil side setbacks are permitted. All lots shall provide one loading bay per development unless it can be demonstrated to the City that such provision is not required for the proposed use. Laneway access is for secondary purposes only and is not to be used as the primary customer entry to any business.
AD4	<p>Lots 123 (No. 100), 125 (No. 102), 126 (No. 104), 127 (No. 106) and 128 (No. 108) Commonage Road, Dunsborough;</p> <p>Lots 120 (No. 15), 119 (No. 17) and 118 (No. 19) Congressional Drive, Dunsborough;</p> <p>Lot 121 (No. 50) Faure Lane, Dunsborough; and</p>	<ol style="list-style-type: none"> Setbacks to Commonage Road shall be 18.5m. Setbacks to Newquay Terrace shall be as follows — <ol style="list-style-type: none"> 8.5m for Lots 122 and 124 Newquay Terrace; 7m for Lot 126 Commonage Road to accommodate reciprocal vehicle parking and access with Lots 122 and 124 Newquay Terrace 1.5m for Lot 127 Commonage Road

	Lots 124 (No. 8) and 122 (No. 10) Newquay Terrace, Dunsborough;	<p>(d) nil for Lots 118 – 121 Congressional Drive</p> <ol style="list-style-type: none"> Setbacks to Congressional Drive shall be 8.5m Setbacks to any laneway shall be 1.5m for all lots. Nil side setbacks are permitted. All lots shall provide one loading per development unless it can be demonstrated to the City that such provision is not required for the proposed use. The applicable development standards for Lot 128 shall be determined at the development application stage in consultation with the City. Laneway access is for secondary purposes only and is not to be used as the primary customer entry to any business. Access for service vehicles, as well as the location of delivery and loading areas to Lots 118 – 126 shall be provided from the laneway. At the development application stage, sufficient vehicle circulation within the development area of Lots 122 – 126 shall be required to ensure all vehicle access/egress movements to the laneway can be achieved in forward gear. A 1.5m wide footpath shall be provided by the owners of Lot 118 – 127 along the main street frontage, as shown on the LDP, between the ‘development area’ and the adjoining car parking bays at the development approval stage. (Note: footpath to be included in the access easement area).
AD5	Land bound by Reserve 50351 (Buayanyup Drain), Reserve 48251 (Wadandi Track), Northerly Street and Bussell Highway Vasse	<ol style="list-style-type: none"> Retail floor space in the Vasse Village Local Centre zone and Service Commercial zone shall be limited to 6,500m² net lettable area. The following setbacks shall apply to the Local Centre — <ol style="list-style-type: none"> Mandatory nil for 90% of frontage or as per the R-Codes where residential development is proposed. Nil side and rear setbacks permitted or as per the R-Codes where residential development is proposed. The following setbacks shall apply to the Service Commercial zone —

		<ul style="list-style-type: none"> (a) 15m front setback where fronting Warrior Court with minor variations for architectural detail; (b) minimum nil front setback for all other lots; (c) 1.5m rear setback to Ganges Lane and nil permitted for all other lots; and (d) nil side setbacks permitted. <p>4. The following height limits apply —</p> <ul style="list-style-type: none"> (a) maximum two storeys for Service Commercial; and (b) maximum 3 storeys for Local Centre with a minimum height of 2 storeys where fronting Napoleon Promenade or Coomidup Boulevard. <p>5. Residential uses are not permitted at ground floor in the Local Centre where fronting Coomidup Boulevard or Napoleon Promenade.</p> <p>6. Minimum glazing of 50% of front façade for all development.</p> <p>7. Awnings with a minimum depth of 2.4m shall be provided for the full building frontage for all development.</p> <p>8. Noise sensitive premises shall be designed to attenuate ambient noise so that sound received does not exceed the assigned levels set out in the Environmental Protection (Noise) Regulations 1997. Where road noise is above LAeqdB 55 at the time of construction, treatment packages recommended by the Vasse Newtown Dawson Village Centre Traffic Noise Assessment (Lloyd George, 2008) shall be implemented for residential uses.</p> <p>9. For single storey development in the Service Commercial zone, an automatic concession of 25% is applicable to the on-site parking requirements set out in the applicable local planning policy for car parking.</p> <p>10. In regards to (9) above, the required number of bays is to be rounded up to the nearest whole number where the application of concession results in a fraction of a bay.</p> <p>11. For single storey development in the Local Centre, an automatic concession of 10% is applicable to the on-site requirements set out in the applicable local planning policy for car parking.</p>
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		<p>12. Where first floor development is proposed in the Local Centre, an automatic concession of 100% is applicable to on-site parking requirements for the first floor component, subject to satisfaction of the following criteria —</p> <ul style="list-style-type: none"> (a) Where residential dwellings are provided, residential parking is provided in accordance with the R-Codes and resident parking (excluding visitor parking) is excluded from any reciprocal use arrangement; (b) Where residential dwellings are provided, the applicable discretion for the first floor component is transferred to ground floor parking requirements to enable a commensurate reduction in the number of bays required for ground floor uses; (c) A parking plan is prepared for the land denoting — <ul style="list-style-type: none"> (i) Dedicated bays for resident parking; (ii) Bays available for reciprocal parking arrangements (including visitor bays for residential uses); (iii) Disabled parking and loading bay(s); and (iv) Access easements. (d) The landowner is to prepare a restrictive covenant or legal agreement or other such mechanism to the satisfaction of the City ensuring that reciprocal rights of access are applied to all existing and proposed tenancies, excluding bays dedicated for the exclusive use of residents. <p>13. The required number of bays for residential uses is as per the R-Codes.</p>
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AD6	Lot 811 – 814 Moses Rock Road, Wilyabrup	<ol style="list-style-type: none"> 1. The height of any development shall not exceed 4 metres for Lot 812 and 6 metres for all other lots, as measured from natural ground level. 2. Dwellings and incidental development on Lot 812 shall comply with the following requirements — <ol style="list-style-type: none"> (a) roofing colour shall be mid-grey or grey-green; (b) windows shall be setback under deep roof overhangs or be of low reflectivity glass; (c) water tanks are to be grey-green colour and designed so that a maximum of 3m is above ground; and (d) satellite dishes, aerals and the like shall not extend above the roof line.
AD7	Lot 32 – 36 Forrest Beach Road and Lot 37 Buttercup Road Wonnerup	The maximum height of any development shall be six (6) metres above natural ground level.

Schedule G – Special Control Areas

[cl. 36]

No.	Name of area	Provisions
SCA1	Landscape Value Area	<p>Purpose:</p> <p>To conserve and enhance the natural and cultural characteristics which contribute to the rural landscape.</p> <p>Objective:</p> <p>Development is responsive to, and compatible with, the natural and cultural characteristics of the rural landscape.</p> <p>Additional Provisions:</p> <ol style="list-style-type: none"> 1. Development within the Landscape Value Area requires the prior development approval of the local government. 2. The local government shall not grant development approval for the clearing or development of any land identified within a Landscape Value area on the Scheme map, unless it has considered — <ol style="list-style-type: none"> (a) whether the development will be compatible with the maintenance and enhancement, as far as is practicable, of the existing rural and scenic character of the locality; (b) whether the development will materially affect any wildlife refuge, significant wetland, coastal environment or any identified site containing Aboriginal archaeological relics; and (c) disturbance to the natural environment, including — <ol style="list-style-type: none"> (i) visual effects of clearing for development; (ii) maintenance of rural character; (iii) habitat disturbance; and (iv) disturbance of threatened environmental communities. 3. The local government shall not grant development approval for the carrying out of development on land within the Landscape Value area or on land on or near any ridgelines where, in the opinion of the local government, that development is likely to substantially detract from the visual amenity of the area, having regard to, among other things, the cumulative visual effect of the development related to other development that may be anticipated in the locality and in the area generally.

No.	Name of area	Provisions
		<p>4. Before granting development approval for the erection of a building on land within the Landscape Value area, the local government shall make an assessment as to whether it should impose conditions relating to —</p> <ul style="list-style-type: none"> (a) the siting of the proposed building; (b) the use of prescribed materials on the external surfaces of the building; and (c) the number, type and location of existing trees and shrubs which are to be retained and the extent of landscaping to be carried out on the site. <p>5. In additional provision (4) —</p> <p>"external surfaces" means the external walls and cladding (if any), external doors, external door and window frames, columns, roofs, fences and any surface of a building or work visible from the exterior of a building or work; and</p> <p>"prescribed materials" means materials with dark tones or dark colouring and of low reflective quality or materials which are painted or similarly treated with dark toned or dark coloured paint or pigment of low reflective quality.</p> <p>6. Notwithstanding additional provision (1) development approval is not required for the following works —</p> <ul style="list-style-type: none"> (a) the erection of, or alterations or additions to, a single house, if the works — <ul style="list-style-type: none"> (i) satisfy the deemed to comply provisions of the R-Codes, where applicable; (ii) where located in a bushfire prone area, the bushfire attack level (BAL) assessment calculates the bushfire attack level of the development site as BAL – 29 or less; (iii) are not located in a heritage protected place; (iv) comply with additional provisions (2) to (5) of the Landscape Value Area; and (v) comply with any other relevant development standards set out in the Scheme. (b) the erection or installation of, or alterations or additions to, an outbuilding, external fixture, patio, pergola, verandah, deck, garage, car port, swimming pool, water tank or shade sails on the same lot as a single house, if the works — <ul style="list-style-type: none"> (i) satisfy the deemed to comply provisions of the R-Codes, where applicable;

No.	Name of area	Provisions
		<ul style="list-style-type: none"> (ii) where located in a bushfire prone area, do not increase the bushfire attack level calculated for the existing single house; (iii) are not located in a heritage protected place; (iv) comply with additional provisions (2) to (5) of the Landscape Value Area; and (v) comply with any other relevant development standards set out in the Scheme. <p>(c) the installation of, or alterations or additions to a fence, if the fence —</p> <ul style="list-style-type: none"> (i) is constructed from posts and wire; and (ii) the works comply with additional provision (2) of the Landscape Value Area. <p>7. Notwithstanding additional provision (1) development approval is not required for the use and carrying out of works in a reserve if —</p> <ul style="list-style-type: none"> (a) the use and works are wholly located on a reserve managed by the local government; and (b) the use and works will be wholly carried out by the local government.
SCA2	Wetland Area	<p>Purpose:</p> <p>To minimise or avoid undesirable impacts on wetland ecosystems arising from implementing subdivision and/or development.</p> <p>Objective:</p> <p>Development is responsive to, and compatible with, the preservation of wetland ecosystems.</p> <p>Additional Provisions:</p> <ul style="list-style-type: none"> 1. Development within the Wetland Area requires the prior development approval of the local government. 2. In the case of an application for subdivision or survey strata subdivision, the local government shall not support the application unless each lot to be created and intended to be used for the purpose of the erection of buildings includes land, on which the buildings are intended to be erected, which is not within a Wetland Area.

No.	Name of area	Provisions
		<p>3. Without limiting the local government's ability to grant development approval, the local government may grant development approval for the carrying out of development on land to which this clause applies where it is satisfied that —</p> <ul style="list-style-type: none"> (a) the characteristics of the land are different from the general characteristics on which the delineation of the land was based; and (b) there are no other reasonable or practical alternatives in the circumstances. <p>4. The local government shall not grant development approval for the carrying out of development on land to which this clause applies unless the applicant has satisfied the local government that —</p> <ul style="list-style-type: none"> (a) the development is proposed to be carried out in a manner which minimises — <ul style="list-style-type: none"> (i) visual and scenic impact; (ii) the risk of soil erosion, including erosion by wind; (iii) the risk of water pollution, through increased siltation or otherwise; (iv) the destruction of rare or locally important vegetation systems; and (b) appropriate measures are proposed to retain wetland and riparian vegetation. <p>5. In deciding whether to grant development approval the local government must consider —</p> <ul style="list-style-type: none"> (a) advice on the proposal as may be provided by the Department of Biodiversity, Conservation and Attractions, the Department of Water and Environmental Regulation and the Water Corporation; (b) the environmental effects of the proposed development, including the effect of the proposed development on — <ul style="list-style-type: none"> (i) the growth of native plant communities; (ii) the survival of native wildlife populations; (iii) the provision and quality of habitats for both indigenous and migratory species; and (iv) the surface and groundwater characteristics of the site on which the development is proposed to be carried out and of the surrounding area, including acidity, salinity and water quality; (c) whether feasible alternatives to the proposed development, either on other land or by other means, exist and, if so, the reasons given for choosing the proposed development;

No.	Name of area	Provisions
		<ul style="list-style-type: none"> (d) whether adequate safeguards and rehabilitation measures have been, or will be, taken in respect of the effect of the proposal on the wetland; and (e) details of any wetlands adjoining the land and measures to preserve or enhance the value of those wetlands. <p>6. Notwithstanding additional provision (1) development approval is not required for the following works —</p> <ul style="list-style-type: none"> (a) The erection or installation of, or alterations or additions to, an external fixture, patio, pergola, verandah, deck, garage, car port or shade sails on the same lot as a single house, if the works — <ul style="list-style-type: none"> (i) are attached to the single house; (ii) satisfy the deemed to comply provisions of the R-Codes, where applicable; (iii) are not located in a heritage protected place; (iv) are consistent with the purpose and objectives of the Wetland Area; and (v) comply with any other relevant development standards set out in the Scheme.
SCA3	Coastal Management Area	<p>Purpose:</p> <p>To provide guidance for decision-making in the coastal zone, which includes the areas of water and land that may be influenced by coastal processes.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Ensure that development is responsive to coastal processes, landforms and landscapes. 2. Protect, conserve and enhance coastal zone values. <p>Additional Provisions:</p> <ol style="list-style-type: none"> 1. Development within the Coastal Management Area requires the prior development approval of the local government. 2. In deciding whether to grant development approval the local government must consider — <ul style="list-style-type: none"> (a) the provisions of State Planning Policy No. 2.6 — State Coastal Planning; (b) the likelihood of the proposed development adversely affecting, or being adversely affected by, coastal processes;

No.	Name of area	Provisions
		<ul style="list-style-type: none"> (c) the likelihood of the proposed development adversely affecting any dune or beach of the shoreline or foreshore; (d) the likelihood of the proposed development adversely affecting the landscape or the scenic or environmental quality of the land in the locality; (e) whether adequate safeguards and rehabilitation measures have been, or will be, taken to protect the environment; and (f) where state agency referral has been considered necessary by the local government, any comments made by the Department of Planning, Lands and Heritage and/or the Department of Parks and Wildlife. <p>3. Notwithstanding additional provision (1) development approval is not required for the following works —</p> <ul style="list-style-type: none"> (a) the erection or installation of, or alterations or additions to, an external fixture, patio, pergola, verandah, deck, garage, car port or shade sails on the same lot as a single house, if the works — <ul style="list-style-type: none"> (i) are attached to the single house (ii) satisfy the deemed to comply provisions of the R-Codes, where applicable; (iii) are not located in a heritage-protected place; (iv) are consistent with the purpose and objectives of the Coastal Management Area; and (v) comply with any other relevant development standards set out in the Scheme.
SCA4	Airport Protection Area	<p>Purpose:</p> <p>To designate land surrounding the Busselton-Margaret River Airport where noise sensitive land uses are not adversely impacted by aircraft noise.</p> <p>Objectives:</p> <ul style="list-style-type: none"> 1. Promote the long term viability of the Busselton-Margaret River Airport so as to enable its ongoing development and operation. 2. Prevent unreasonable encroachment of incompatible (noise sensitive) land uses and those activities affected or potentially impacted upon by aircraft noise.

No.	Name of area	Provisions
		<p>3. Minimise the impact of aircraft noise on existing and future noise sensitive land uses within the Airport Protection Area.</p> <p>Additional Provisions:</p> <ol style="list-style-type: none"> 1. The Airport Protection Area is defined on the Scheme map in accordance with the Australian Noise Exposure Forecast (ANEF) contours for Busselton-Margaret River Airport, dated 5 July 2024. 2. Development of an Ancillary Dwelling, Camping Ground, Caravan Park, Child Care Premises, Civic Use, Community Purpose, Educational Establishment, Exhibition Centre, Hospital, Place of Worship, Residential Building, Single House or Tourist or Visitor Accommodation requires the prior development approval of the local government where the ANEF contour is between 20 and 25. 3. Notwithstanding any other provision of this Scheme, where the ANEF contour is greater than 25 the development of the land uses listed in clause (2) is prohibited. 4. In deciding whether to grant development approval where the ANEF contour is between 20 and 25, the local government must consider — <ol style="list-style-type: none"> (a) levels of aircraft noise likely to be experienced at the site; (b) occupational characteristics of the proposed development; (c) Table 3.3 Indoor Design Sound Levels for Determination of Aircraft Noise Reduction of <i>Australian Standard AS 2021 Acoustics — Aircraft noise intrusion — Building siting and construction</i> (AS 2021); (d) the incorporation of noise attenuation measures into the design of the building; and (e) advice on the proposal as may be provided by the Civil Aviation Safety Authority. 5. The local government may impose a condition of development approval requiring the registration of a notification on title advising of the potential for increased noise as a result of Busselton-Margaret River Airport operations. <p>Note:</p> <p>The actual location of the 20 ANEF contour is difficult to define accurately, mainly because of variation in aircraft flight paths. Therefore, the procedure of clause 2.3.2 of AS 2021:2015 may be followed for building sites outside but near to the 20 ANEF contour.</p>

No.	Name of area	Provisions
SCA5	Waste Water Exclusion and Waste Water Buffer Area	<p>Purpose:</p> <p>To designate land surrounding the Waste Water Treatment Plant where sensitive land uses will not be permitted.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. To avoid land use conflict between the Waste Water Treatment Plant and sensitive land uses. 2. To protect the Waste Water Treatment Plan from encroachment by incompatible land uses that would adversely affect the operation of the Waste Water Treatment Plant. 3. To consider the development of compatible land uses in areas affected by off-site impacts of the Waste Water Treatment Plan. <p>Additional Provisions:</p> <ol style="list-style-type: none"> 1. Development within the Waste Water Exclusion and Waste Water Buffer Area requires the prior development approval of the local government. 2. Notwithstanding any other provision of this Scheme, land included within a Waste Water Exclusion Area must not be used or developed for purposes other than open space, public roads and/or agriculture. 3. Notwithstanding any other provision of this Scheme, land included within a Waste Water Buffer Area must not be used or developed for purposes other than open space, specifically permitted commercial uses, public roads, light industry and agriculture. 4. Notwithstanding additional provision (1) development approval is not required for the use and carrying out of works in a reserve if — <ol style="list-style-type: none"> (a) the use and works are wholly located on a reserve managed by the local government; and (b) the use and works will be wholly carried out by the local government.
SCA6	Floodway Area	<p>Purpose:</p> <p>To minimise the risk that may arise as a result of allowing development to occur within a known floodway.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Ensure that development does not adversely impact the efficiency and capacity of the floodway to carry and discharge floodwaters.

No.	Name of area	Provisions
		<p>2. Development is able to withstand flood events and does not increase the risk to life or human safety.</p> <p>Additional Provisions:</p> <p>1. Development within the Floodway Area requires the prior development approval of the local government.</p> <p>2. In deciding whether to grant development approval the local government must consider —</p> <ul style="list-style-type: none"> (a) the effect of the proposed development on the efficiency and capacity of the floodway to carry and discharge floodwaters; (b) the safety of the proposed development during flood events; (c) whether the proposed development involves any possible risk to life, human safety, or private property in time of flood; and (d) the advice of the responsible Government agency(s) in relation to flood hazard, the effect of the development on a floodway, and any other measures to offset the effects of flooding. <p>3. Notwithstanding additional provision (1) development approval is not required for the following works —</p> <ul style="list-style-type: none"> (a) the erection or installation of, or alterations or additions to, an external fixture, patio, pergola, verandah, deck, garage, car port or shade sails on the same lot as a single house, if the works — <ul style="list-style-type: none"> (i) are attached to the single house; (ii) satisfy the deemed to comply requirements of the R-Codes, where applicable; (iii) are not located in a heritage protected place; (iv) are consistent with the purpose and objectives of the Floodway Area; and (v) comply with any other relevant development standards set out in the Scheme
SCA7	Building Height Area	<p>Purpose:</p> <p>To establish and delineate a range of height limits in the Dunsborough District Centre on land coded R-AC0.</p> <p>Objectives:</p> <p>1. Establish building heights which provide for the sustainable future growth of the District Centre.</p>

No.	Name of area	Provisions
		<p>2. Delineate a range of building height limits within the District Centre that reflects the existing and desired future character of the area.</p> <p>Additional Provisions:</p> <p>The height of buildings within the Special Control Area shall comply with the height limits contained in Schedule E, Table A of the Scheme.</p>
SCA8	Extractive Industry Prohibition Area	<p>Purpose:</p> <p>To prohibit industry – extractive in Rural zoned areas identified as being constrained by existing land attributes.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Prohibit industry – extractive in areas constrained by neighbouring wetland ecosystems and flood risk. 2. Prohibit industry – extractive in areas constrained by existing viticulture and tourism land uses. 3. Ensure the retention of remnant vegetation and the protection of threatened flora and fauna from clearing impacts associated with the industry – extractive land use. 4. Protect visual landscape amenity along key rural transport corridors. 5. Ensure State significant deposits of basic raw materials are located outside of the prohibition area and are capable of extraction. <p>Additional Provisions:</p> <p>Notwithstanding the zoning table at clause 17 of the Scheme, ‘industry – extractive’ shall be considered an X use in the Extractive Industry Prohibition Area, as identified on the Scheme map.</p>
SCA9	Cape to Cape Track Visual Protection Area	<p>Purpose:</p> <p>To conserve and enhance the aesthetic significance and natural and rural characteristics which contribute to the visual landscape of the Cape to Cape Track.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Development is responsive to, and compatible with, the natural and rural characteristics of the Cape to Cape Track.

No.	Name of area	Provisions
		<ol style="list-style-type: none"> 2. Building heights and setbacks respond to the natural topography and landscape to maintain the significant scenic landscape values as viewed from the Cape to Cape Track, travel route corridors and key view locations. 3. Development is consistent with State Planning Policy 6.1 – Leeuwin-Naturaliste Ridge. 4. Development is consistent with any applicable local planning policy. <p>Additional Provisions:</p> <ol style="list-style-type: none"> 1. Development within the Cape to Cape Track Visual Protection Area requires the prior development approval of the local government. 2. Excepting development within Precinct B (Yallingup Beach) as identified within the relevant local planning policy, development within the Cape to Cape Track Visual Protection Area shall have a maximum height from natural ground level of 6.5 metres. 3. Nothing in clause 2 prevents the local government from specifying a lower maximum height where considered appropriate in relation to topography, landscape values and/or environmental values. 4. Development shall be consistent with State Planning Policy 6.1, in particular consideration of the key policy provisions for the Principal Ridge Protection Area, Ridge Landscape Amenity Area, National Park Influence Area and Strategic Trails. 5. In determining any application, the local government shall have due regard to the provisions of any relevant local planning policy and the objectives of the Special Control Area. 6. The local government shall not grant development approval for the clearing or development of any land identified within the Cape to Cape Track Visual Protection Area, unless it has considered — <ol style="list-style-type: none"> (a) visual intrusion along the Cape to Cape Track, Travel Route Corridors and key view locations; and (b) suitable mitigation measures to ensure any development is not visually evident from the Cape to Cape Track, Travel Route Corridors and key view locations; 7. To ensure development is not visually evident from the Cape to Cape Track, Travel Route Corridors and key view locations, the local government shall make an assessment as to whether it should impose conditions relating to — <ol style="list-style-type: none"> (a) the siting of the proposed building; (b) appropriate building heights; and

No.	Name of area	Provisions
		<p>(c) appropriate building setbacks.</p> <p>8. Excepting Precinct B (Yallingup Beach) as identified in the relevant local planning policy, any proposed development shall require a Landscape Character and Visual Impact Assessment undertaken by suitably qualified person in accordance with relevant State and local government requirements.</p> <p>9. The local government may approve an application that does not comply with provision 2 subject to assessment against provisions 3 – 8 and the objectives of the Cape to Cape Track Visual Protection Area.</p>
SCA10	Old Dunsborough Special Character Area	<p>Purpose:</p> <p>To identify the boundary of the Special Character Area and establish development controls to maintain and enhance the existing character.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Provide flexibility in design, whilst requiring that new development new development respects the existing character of the area through the provision of sympathetic building setbacks and building heights. 2. Encourage the retention of existing trees, to assist to preserve the natural environment and minimise the impact of new development on native flora and fauna. 3. Enhance the tree canopy and bush feel of the area through requiring additional landscaping to be planted at any new residential development site within the Old Dunsborough Special Character Area <p>Additional Provisions:</p> <ol style="list-style-type: none"> 1. Development within the Old Dunsborough Special Character Area requires the prior development approval of the local government. 2. Buildings within Precinct 1 (as defined within Local Planning Policy 3.4 Old Dunsborough Special Character Area) have a maximum height of 7.5m above Natural Ground Level. 3. Buildings within Precinct 2 (as defined within Local Planning Policy 3.4 Old Dunsborough Special Character Area) have a maximum height of 9m above Natural Ground Level. 4. Buildings, including garages and carports, shall be setback from the street a minimum of 6 metres from the primary street boundary and a minimum of 3 metres from the secondary street boundary.

No.	Name of area	Provisions
		<p>5. The local government may approve an application for development approval that does not comply with additional provision 4.</p> <p>6. In determining any application, the local government shall have due regard to the provisions of the relevant local planning policy and the objectives of the Special Character Area.</p> <p>7. Notwithstanding additional provision (1) development approval is not required for the following works —</p> <ul style="list-style-type: none"> (a) the erection or installation of, or alterations or additions to, an outbuilding, external fixture, lot boundary fence, patio, pergola, verandah, deck, garage, car port, swimming pool or shade sails on the same lot as a single house, if the works — <ul style="list-style-type: none"> (i) satisfy the deemed to comply provisions of the R-Codes; (ii) are not located in a heritage protected place; (iii) comply with any relevant development standards set out in the Scheme; (iv) comply with additional provisions (2) to (4) of the Special Character Area; and (v) comply with the provisions of the relevant local planning policy.
SCA11	Quindalup Special Character Area	<p>Purpose:</p> <p>To identify the boundary of the Special Character Area and establish development controls to maintain and enhance the existing character.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. To retain the low rise, coastal and suburban feel of the Quindalup Character Area by ensuring new development respects the existing character of the area through the provision of sympathetic building setbacks and building heights. 2. Encourage the retention of existing vegetation to preserve the natural environment and minimise the impact of new development on key habitat and biodiversity values. 3. Positively contribute to the character of the area through the provision of additional landscaping of endemic species. <p>Additional Provisions:</p>

No.	Name of area	Provisions
		<ol style="list-style-type: none"> 1. Development within the Quindalup Special Character Area requires the prior development approval of the local government. 2. Buildings to have a maximum building height of 9m above Natural Ground Level. 3. All lots abutting Geographe Bay Road shall take Geographe Bay Road as the primary street and have a minimum primary street setback of 10 metres. 4. The local government may approve an application for a development approval that does not comply with additional provision 3. 5. In determining any application, the local government shall have due regard to the provisions of the relevant local planning policy and the objectives of the Special Character Area. 6. Notwithstanding additional provision (1), development approval is not required for the following works — <ol style="list-style-type: none"> (a) the erection of, or alterations or additions to, a single house, if the works — <ol style="list-style-type: none"> (i) satisfy the deemed to comply provisions of the R-Codes; (ii) are not located in a heritage protected place; (iii) comply with any relevant development standards set out in the Scheme; (iv) comply with additional provisions (2) and (3) of the Special Character Area; and (v) comply with the provisions of the relevant local planning policy. 7. Notwithstanding additional provision (1), development approval is not required for the following works — <ol style="list-style-type: none"> (a) the erection or installation of, or alterations or additions to, an outbuilding, external fixture, lot boundary fence, patio, pergola, verandah, deck, garage, car port, swimming pool or shade sails on the same lot as a single house, if the works — <ol style="list-style-type: none"> (i) satisfy the deemed to comply provisions of the R-Codes; (ii) are not located in a heritage protected place; (iii) comply with any relevant development standards set out in the Scheme; (iv) comply with additional provisions (2) and (3) of the Special Character Area; and (v) comply with the provisions of the relevant local planning policy.

No.	Name of area	Provisions
SCA12	Yallingup Special Character Area	<p>Purpose:</p> <p>To identify the boundary of the Special Character Area and establish development controls to maintain and enhance the existing character.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Ensure new development respects the existing character of the area through the maintenance of generous setback between buildings and to the public realm and through the enforcement of building height limits. 2. Encourage the retention of existing trees, to assist to preserve the natural environment and minimise the impact of new development on native flora and fauna. 3. Encourage creative design solutions that embrace the Area's unique topography and enhance the built form quality. 4. Enhance the tree canopy and bush feel of the area through requiring additional landscaping to be planted at any new residential development site within the Area. <p>Additional Provisions:</p> <ol style="list-style-type: none"> 1. Development within the Yallingup Special Character Area requires the prior development approval of the local government. 2. Buildings have a maximum height of 10m above Natural Ground Level. 3. Buildings, including garages and carports, set back a minimum of 7.5m from the primary street boundary. 4. The local government may approve an application for a development approval that does not comply with additional provision 3. 5. In determining any application, the local government shall have due regard to the provisions of the relevant local planning policy and the objectives of the Special Character Area. 6. Notwithstanding additional provision (1), development approval is not required for the following works — <ol style="list-style-type: none"> (a) the erection or installation of, or alterations or additions to, an outbuilding, external fixture, lot boundary fence, patio, pergola, verandah, deck, garage, car port, swimming pool or shade sails on the same lot as a single house, if the works — <ol style="list-style-type: none"> (i) satisfy the deemed to comply provisions of the R-Codes;

No.	Name of area	Provisions
		<ul style="list-style-type: none"> (ii) are not located in a heritage protected place; (iii) comply with any relevant development standards set out in the Scheme; (iv) comply with additional provisions (2) and (3) of the Special Character Area; and (v) comply with the provisions of the relevant local planning policy.
SCA13	Eagle Bay Special Character Area	<p>Purpose:</p> <p>To identify the boundary of the Special Character Area and establish development controls to maintain and enhance the existing character.</p> <p>Objectives:</p> <ol style="list-style-type: none"> 1. Ensure new development is consistent with the Area's existing low density residential character and respects the scale and proportions of surrounding buildings. 2. Encourage development that responds to the unique natural topography of the Area. 3. Encourage the retention of existing vegetation to preserve the natural environment and minimise the impact of new development on key habitat and biodiversity values. 4. Positively contribute to the character of the Area through the provision of additional landscaping of endemic species. <p>Additional Provisions:</p> <ol style="list-style-type: none"> 1. Development within the Eagle Bay Special Character Area requires the prior development approval of the local government. 2. Buildings on lots fronting Eagle Bay Beach reserve to have a maximum height of 7.5m above Natural Ground Level. 3. Buildings on all other lots to have a maximum height of 9m above Natural Ground Level. 4. In determining any application, the local government shall have due regard to the provisions of the relevant local planning policy and the objectives of the Special Character Area. 5. Notwithstanding additional provision (1), development approval is not required for the following works —

No.	Name of area	Provisions
		<p>(a) the erection or installation of, or alterations or additions to, an outbuilding, external fixture, lot boundary fence, patio, pergola, verandah, deck, garage, car port, swimming pool or shade sails on the same lot as a single house, if the works —</p> <ul style="list-style-type: none"> (i) satisfy the deemed to comply provisions of the R-Codes; (ii) are not located in a heritage protected place; (iii) comply with any relevant development standards set out in the Scheme; (iv) comply with additional provisions (2) and (3) of the Special Character Area; and (v) comply with the provisions of the relevant local planning policy.
	Development Contribution Areas	<p>Purpose:</p> <p>To designate areas requiring infrastructure servicing for the purposes of implementing arrangements for the fair and equitable apportionment of the costs of providing identified infrastructure.</p> <p>Objectives:</p> <ol style="list-style-type: none"> To provide for the equitable sharing of the costs of infrastructure and administrative costs between landowners; To ensure that cost contributions are reasonably required as a result of the subdivision and development of land in the development contribution area; and To coordinate the timely provision of infrastructure. <p>Additional Provisions:</p> <ol style="list-style-type: none"> The area of each development contribution area is as depicted on the Scheme map. Refer to DCA1 – 5 for additional provisions applying to each development contribution area.
DCA1	Development Contribution Area 1 – Community Infrastructure	<p>Additional Provisions:</p> <ol style="list-style-type: none"> Relationship to other planning instruments — <p>The Development Contribution Plan generally conforms to the City of Busselton Strategic Plan 2010 – 2020, City of Busselton Leisure Services Plan and the City of Busselton Cultural Plan.</p>

No.	Name of area	Provisions
		<p>2. Infrastructure and administrative items to be funded —</p> <p>(a) District facilities —</p> <ul style="list-style-type: none"> (i) Busselton to Dunsborough Recreation Trail – dual use path; (ii) Dunsborough to Yallingup Recreation Trail – dual use path; (iii) Rails to Trails recreation trail; (iv) Lower South West learning and information facility; (v) Regional gallery facility upgrade to former Agriculture Bank Building; (vi) Cultural/performing arts centre; (vii) Foreshore facilities (toilet block and car park) and playgrounds; (viii) Geographe Leisure Centre (group fitness centre); (ix) Environmental protection, management and implementation; (x) Dunsborough sport and recreation zone including a 6.5 hectare playing field for district facilities; (xi) Public art; (xii) Youth centre; (xiii) District community centre (incorporated in new City Administration Centre); (xiv) Boat ramps; and (xv) New active playing fields and development of regional sporting headquarters for soccer and cricket. <p>(b) Local facilities (Busselton) —</p> <ul style="list-style-type: none"> (i) Beachfront amenities – BBQs etc; (ii) Foreshore facilities (toilet block and car park); (iii) Playgrounds; (iv) Lou Weston Oval (lighting, resurfacing etc); and

No.	Name of area	Provisions
		<ul style="list-style-type: none"> (v) Sir Stewart Bovell Park (resurfacing, road improvements, additional playing fields) – local use. (c) Local facilities (Dunsborough including Quindalup, Eagle Bay, Commonage and Yallingup) — <ul style="list-style-type: none"> (i) Dunsborough Hall kitchen upgrade; (ii) Beachfront amenities – BBQs etc; (iii) Playgrounds; (iv) Foreshore facilities (toilet block and car park); (v) Naturaliste Community and Cultural Centre (new gym facility); (vi) Redevelopment of playing fields; and (vii) Eagle Bay to Rocky Point Path. (d) Local facilities (Broadwater) — <ul style="list-style-type: none"> (i) Foreshore facilities (toilet block and car park); (ii) Playgrounds; (iii) Beachfront amenities – BBQs etc; (iv) Boat ramp; and (v) Local community centre (in partnership with DCD). (e) Local facilities (Geographe) — <ul style="list-style-type: none"> (i) Playgrounds; (ii) Beachfront amenities – BBQs etc; (iii) Foreshore facilities (toilet block and car park); and (iv) Sports playing field (NB: covered by Port Geographe DCP). (f) Administrative costs including — <ul style="list-style-type: none"> (i) Costs to prepare and administer the Contribution Plan during the period of operation (including legal expenses, valuation fees, cost of design and cost estimates, proportion of staff salaries, computer software or hardware required for the purpose of administering the plan);

No.	Name of area	Provisions
		<ul style="list-style-type: none"> (ii) Cost to prepare and review estimates including the costs for appropriately qualified independent persons; and (iii) Costs to prepare and update the Community Infrastructure Cost Contribution Schedule and 'Cost Apportionment' Schedule. <p>3. Method for calculating contributions —</p> <ul style="list-style-type: none"> (a) The City's Plan for the District identifies the needs that impact on the Development Contribution Plan. The cost contributions outlined in this plan have been derived based on the need for the facilities generated by the additional development in the Development Contribution Plan. This calculation excludes the — <ul style="list-style-type: none"> (i) demand for a facility that is generated by the current population in existing dwellings; (ii) land required for public roads, public open space, drainage and other uses not including residential development; (iii) existing dwelling(s) on an existing lot. (b) A cost contribution is to be applied only once and at the first available stage of development or subdivision since the coming into effect of the Development Contribution Plan. However, where a contribution is not applied at the earliest stage, a contribution may still be applied at the next available stage where appropriate. (c) Cost contributions shall be calculated on the number of new lots and/or accommodation units/dwelling units proposed, as follows — <ul style="list-style-type: none"> (i) Where a subdivision is proposed, cost contributions will be sought on a per lot basis at the subdivision approval stage; or (ii) Where residential dwellings/units and/or accommodation units are proposed without concurrent subdivision, cost contributions will be sought on a per dwelling/unit basis at the development approval stage; and (iii) Where a lot may have further subdivision potential (for example, as a grouped dwelling site or conventional freehold subdivision), cost contributions will also be required at the next development stage where additional dwellings or lots are proposed; and

No.	Name of area	Provisions
		<p>(iv) Cost contributions applying to development of "Aged or dependent persons' dwellings" or "Single bedroom dwellings" pursuant to the R-Codes shall be calculated on the number of dwelling units permitted prior to the application of the variations permissible under the R-Codes.</p> <p>(v) A cost contribution rate of 50% of the full dwelling/lot rate will apply to lots/units used for the purpose of Tourist or Visitor Accommodation, Independent Living Complex and Residential Care Facility in any zone other than the Residential zone.</p> <p>(d) Notwithstanding the definition of 'lot' as contained in the R-Codes, for the purposes of calculating cost contribution liability within DCA1, the term lot will be inclusive of green title, survey strata and built strata subdivisions.</p> <p>4. Period of operation — Until 30 June 2026.</p> <p>5. Priority and timing — In accordance with the City of Busselton Strategic Plan 2010-2020 and subsequent revisions of this document.</p> <p>6. Review process —</p> <p>(a) The plan will be reviewed when considered appropriate, though not exceeding a period of five years duration, having regard to the rate of subsequent development in the catchment areas since the last review and the degree of development potential still existing.</p> <p>(b) The estimated community infrastructure costs contained in the Community Infrastructure Cost Apportionment Schedule will be reviewed at least annually to reflect changes in funding and revenue sources and indexed based on the Building Cost Index or other appropriate index as approved by an appropriately qualified independent person.</p> <p>7. Participants and contributions — In accordance with the Scheme Map and the Community Infrastructure Cost Apportionment Schedule adopted by the local government for DCA 1.</p>
DCA2	Development Contribution Area 2 – Yalyalup	<p>Additional Provisions:</p> <p>1. Relationship to other planning instruments —</p>

No.	Name of area	Provisions
		<p>The Development Contribution Plan operates in association with the endorsed Yalyalup Structure Plan and endorsed Lot 18 Vasse Highway (“Via Vasse”) Structure Plan and generally conforms with the Long Term Financial Plan.</p> <p>2. Infrastructure and administrative items to be funded —</p> <p>(a) Multi-purpose community centre</p> <p>(b) Active Open Space (land costs for playing fields and development, reticulation and lighting of playing fields as a senior oval facility, capital cost of pavilion and parking and ancillary facilities)</p> <p>(c) District facilities —</p> <p>(i) Busselton to Dunsborough Recreation Trail;</p> <p>(ii) Dunsborough to Yallingup Recreation Trail;</p> <p>(iii) Rails to Trails;</p> <p>(iv) Cultural Performing Arts Centre;</p> <p>(v) Lower South West learning and information facility;</p> <p>(vi) Regional gallery facility upgrade;</p> <p>(vii) Youth centre;</p> <p>(viii) Foreshore facilities and playgrounds;</p> <p>(ix) Boat ramps;</p> <p>(x) Environmental protection, management and implementation; and</p> <p>(xi) Active playing fields and regional sporting headquarters for soccer and cricket.</p> <p>(d) Administrative costs including preparation of the Development Contribution Plan.</p> <p>3. Method for calculating contributions —</p> <p>Contributions are apportioned to individual developers based on the proportion of the dwelling yield of their development to the total dwelling yield in the Development Contribution Area.</p> <p>4. The period of operation —</p>

No.	Name of area	Provisions
		<p>Ten years from the commencement of the operation of the Development Contribution Plan or until completion of the subdivision and development, if sooner.</p> <p>5. Priority and timing — As set out in the Development Contribution Plan.</p> <p>6. Review process — Ten years from the commencement of the operation of the Development Contribution Plan or within that period, when appropriate, having regard to the rate of development.</p>
DCA3	Development Contribution Area 3 – Old Broadwater Farm	<p>Additional Provisions:</p> <p>1. Relationship to other planning instruments — The Development Contribution Plan operates in association with the endorsed Old Broadwater Farm Structure Plan and generally conforms with the City Of Busselton Strategic Plan 2010 – 2020, City of Busselton Leisure Services Plan, the City of Busselton Cultural Plan and the Long Term Financial Plan.</p> <p>2. Infrastructure and administrative items to be funded — District – Community infrastructure —</p> <ul style="list-style-type: none"> (i) Busselton to Dunsborough Recreation Trail; (ii) Dunsborough to Yallingup Recreation Trail; (iii) Rails to Trails; (iv) Cultural Performing Arts Centre; (v) Lower South West learning and information facility; (vi) Regional gallery facility upgrade; (vii) Youth centre; (viii) Foreshore facilities and playgrounds; (ix) Geographe Leisure Centre (group fitness centre); (x) Boat ramps;

No.	Name of area	Provisions
		<ul style="list-style-type: none"> (xi) Environmental protection, management and implementation; (xii) Public art; (xiii) District community centre; (xiv) Dunsborough Sport and Recreation Zone (6.5 hectare playing field for district facility); (xv) Active playing fields and regional sporting headquarters for soccer and cricket; and (xvi) Administration of the Development Contribution Plan. <p>3. Method for calculating contributions —</p> <p>Contributions are apportioned to individual developers based on the proportion of the dwelling yield of their development to the total dwelling yield in the Development Contribution Area.</p> <p>4. The period of operation —</p> <p>Ten years from the commencement of the operation of the Development Contribution Plan or until completion of the subdivision and development, if sooner.</p> <p>5. Priority and timing —</p> <p>As set out in the Development Contribution Plan.</p> <p>6. Review process —</p> <p>Ten years from the commencement of the operation of the Development Contribution Plan or within that period, when appropriate, having regard to the rate of development.</p>
DCA4	Development Contribution Area 4 – Vasse	<p>Additional Provisions:</p> <p>1. Relationship to other planning instruments —</p> <p>The Developer Contribution Plan operates in association with the endorsed Vasse Structure Plan, the endorsed Vasse Townsite Structure Plan, the endorsed Heron Lake Structure Plan, the endorsed Vasse Village Centre Structure Plan and generally conforms to the Long Term Financial Plan.</p> <p>2. Infrastructure and administrative items to be funded —</p> <p>(a) Upgrading of Newtown Oval;</p>

No.	Name of area	Provisions
		<p>(b) Development of a consolidated and integrated active open space facility adjacent to the Cape Naturaliste College to be known as the 'Vasse Sporting Complex'; and</p> <p>(c) Community purposes site adjacent to the Village Centre.</p> <p>3. Method for calculating contributions —</p> <p>Developers within the Development Contribution Area will provide contributions based on a per lot basis at subdivision clearance stage and requirements for ceding land or development of infrastructure in association with specified stages of subdivision.</p> <p>4. The period of operation —</p> <p>Ten years from the commencement of the operation of the Development Contribution Plan or until completion of the subdivision and development, if sooner.</p> <p>5. Priority and timing —</p> <p>As set out in the Development Contribution Plan.</p> <p>6. Review process —</p> <p>Ten years from the commencement of the operation of the Development Contribution Plan or within that period, when appropriate, having regard to the rate of development.</p>
DCA5	Development Contribution Area 5 – Dunsborough Lakes	<p>Additional Provisions:</p> <p>1. Relationship to other planning instruments —</p> <p>The Development Contribution Plan operates in association with the endorsed Dunsborough Lakes Structure Plan and generally conforms with the Long Term Financial Plan.</p> <p>2. Infrastructure and administrative items to be funded —</p> <p>(a) Ceding of land for public purposes (primary school site) and district open space;</p> <p>(b) Development of district level active open space, including playing fields, change rooms, pavilion and related infrastructure such as parking and lighting.</p> <p>3. Method for calculating contributions —</p>

No.	Name of area	Provisions
		<p>Cost contributions are apportioned to the developer and are based on the estimated dwelling yield of the development in the Development Contribution Area.</p> <p>4. The period of operation —</p> <p>Ten years from the commencement of the operation of the Development Contribution Plan or until completion of the subdivision and development, if sooner.</p> <p>5. Priority and timing —</p> <p>As set out in the Development Contribution Plan.</p> <p>6. Review process —</p> <p>Ten years from the commencement of the operation of the Development Contribution Plan or within that period, when appropriate, having regard to the rate of development.</p>